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# *Senate*

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

## PRAYER

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

Let us pray.

Eternal Spirit, we believe, but we need You to remove our doubts. As our lawmakers face daunting challenges, give them an unwavering faith that will not shrink when facing obstacles. Imbue them with greater patience, and make them constant in their commitment to do Your will. Lord, help them to cast their cares on You and leave to You the consequences of their faithful service. Prosper all they do today in accordance with Your will and with Your almighty power. Annul and overrule any poor decisions they make.

Lord, thank You for the faithful service of Senator MO COWAN. Bless him as he prepares to leave the Senate.

We pray in Your strong Name. Amen.

## PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 26, 2013.*

*To the Senate:*

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

PATRICK J. LEAHY,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will resume consideration of the immigration bill. The time until 11:30 will be equally divided between the two managers. The filing deadline for all second-degree amendments to both the substitute and the bill is 10:30 today. At 11:30 there will be three rollcall votes on the motion to waive the applicable budget points of order, the adoption of the Leahy amendment, as modified, and the cloture vote on the committee-reported substitute amendment.

## IMMIGRATION REFORM

Mr. REID. Mr. President, I think it is appropriate that I say just a word or two about the eight Senators who have worked to get us to the point where we are now. I was thinking this morning that this is really America at its best. Each one of those eight Senators does not know, as I do not know, whether this work they have done is going to help them or hurt them in their political careers. But this is one of those opportunities where I am confident that they believe they are doing it for the right reasons no matter what the political consequences are.

We have a broken immigration system. They have led us to a path to be able to fix it—but for them we would continue with this broken immigration system—which, as we know now from the reports we got from the Congressional Budget Office, is going to help tremendously reduce our deficit for the next two decades by $1 trillion—$1 trillion.

When people came before this legislation and said: We have to do this legislation because it is good for the security of this Nation and good for the economy, people really did not know if they were speaking the truth. Well, we know now. That is absolutely true. It improves the security. We see what is going to happen with the border. We are going to have 40,000 Border Patrol agents. We are going to have all methods to make sure that border is secure and the northern border is secure. In addition to that, it is going to improve our economy significantly.

I applaud and congratulate those eight Senators for the remarkably good work they have done.

It was 6 a.m. when immigration officials came to take Maria Espinoza's husband away in handcuffs. She walked out the front door to hand her husband his lunch money and watched as he was loaded in a truck and carted to an immigration detention center. That is a fancy word for a jail. He was not a criminal. He works hard, pays his taxes, and he is a good father and a good husband. But Jorge is in the country without the proper immigration paperwork, so he spent a month in this jail. Maria, who is also an undocumented immigrant, was also set to be deported but was able to remain at home with her teenage daughter, who is, by the way, a U.S. citizen. Maria and Jorge were basically able to secure a stay of deportation, but they live with the fear that they will be torn away from their family and deported to a country they have not set foot in in 25 years.

They came from Mexico. They have made their home in Las Vegas. They have been there for 25 years—almost as

long as they have been married. In Nevada, Maria and Jorge have a large and vibrant family. They have two daughters and a son, and now they have an 8-month-old grandson as well. They have loving friends and a tight-knit community. In Mexico, the country where they were born, they do not know a single soul except a really old relative.

Because Maria and Jorge are undocumented immigrants, they live with the fear every minute of every day—and sometimes as they awaken at night—that they will have to leave the country they love, the United States. Maria lives with the fear that she will have to say goodbye to their children and her grandson. Here is what she said yesterday:

When you lose your mother or your father, you are an orphan. When you lose your husband, you are a widow. What do they call it when you lose a child, when you are separated from a child? There is no name for that.

Maria and Jorge's family members are all legally present in the United States. Maria and Jorge's youngest daughter, a freshman in college, was born in the United States. So was their grandson.

A directive issued last year by President Obama allowed their two oldest children, both of whom are married to U.S. citizens, to obtain their legal residency. The President's directive suspended deportation for 800,000 DREAMers—young people brought to America illegally when they were children and in many instances just babies. But millions of family members of those young DREAMers do not qualify for legal status or an earned pathway to citizenship. Millions of mixed-status families worry every day that a loved one—a parent, a spouse, a sibling—will be torn away from them at any time. That is why it is crucial that Congress pass this bipartisan legislation.

This is reform legislation that protects and preserves families. We need to do it right now. I am happy the Senate will pass such a bill this week. A permanent, commonsense solution to our dysfunctional system is really in sight. It is my hope our colleagues in the House will follow the Senate's lead and work to pass bipartisan reform and do it now because whether we serve in the House or Senate, whether we hail from red States or blue States, we should all be able to agree that the current system is broken. We should all be able to agree that congressional action is necessary.

I have seen firsthand the devastation caused by our broken system. But each time I have an opportunity to speak with Nevadans about the urgent need for action on immigration, I am reminded that this issue is personal to them also. It is personal, as I have indicated, to me, but it is just as personal to Maria and Jorge. It is personal to 11 million other undocumented immigrants and tens of millions of their U.S. citizen relatives, whose eyes are turned toward Washington and whose hearts are filled with hope.

## RECOGNITION OF THE MINORITY LEADER

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

## WAR ON COAL

Mr. MCCONNELL. Mr. President, yesterday morning I made a prediction about a speech the President was expected to give later in the day. I said we could expect him to announce a plan to impose the will of some of his most radical backers on the American middle class. I said he would be undeterred by Congress's rejection of his national energy tax even when Democrats held commanding majorities in both Houses. I said he would announce his intention to push through job-crushing regulations anyway but this time largely through the back door over the objections of many working-class Americans rather than through the regular democratic process. Lo and behold, that is essentially what he did.

I was surprised by one thing, though, and that was his continued effort to play politics with the Keystone Pipeline jobs. Remember, we all know that the oil this pipeline would carry is going to come out of the ground either way. It is going to come out of the ground whether or not he approves it. In other words, whether he gives approval to the pipeline or not, the oil is coming out of the ground. The only question is whether that energy and those jobs will go to America or whether they will be allowed to travel across the Pacific to governments that harbor terrible environmental records to begin with.

That is just one reason why the Keystone Pipeline has enjoyed such broad bipartisan support here in the Senate. Even Big Labor—a sector that is usually supportive of the President—is all behind the Keystone Pipeline. Yet, yesterday, when the President had the opportunity to side with the working-class families across the country by approving the pipeline, he took another pass—just took a pass.

Sometimes you have to wonder about this administration. In making decisions such as these, you have to wonder if they truly understand the worries most Americans have to contend with in the Obama economy. I have long warned, for example, that the White House was determined—determined—to wage a war on coal. They denied it, of course, but only just long enough to get through the last election. So it is not a coincidence that the President did not give his speech before the election or that he gave it at a university that symbolizes the DC elite rather than somewhere in coal country. He should have made this speech down at Morehead State University in my State or the University of Pikeville in my State. That would have been the place to make the speech, not here in town.

Now the President's supporters seem all too happy to admit there is a war on coal. Just yesterday an adviser to the White House said, ''A war on coal is exactly what's needed.'' You have to give him points for candor.

Look, Republicans are all for developing the fuels and the energies of the future. We are all for that. We just think it should come about as part of an all-of-the-above strategy, which is exactly what the White House said it supported too back before the election. But now with the election year over, the truth comes out.

In truth, the administration seems to adhere to a dogma that could best be described as ''none of the above''—not ''all of the above'' but ''none of the above, except a couple of things that make our base happy.'' I would note that such an approach is basically nonsense since it ignores what is necessary to keep our country's growing energy needs met in order to move toward a future where renewables look set to play a greater role because it simply tries to pretend that it will not take years, if not decades, for these other types of energy to come online in a way that will truly meet our energy needs.

In a phrase, it is a strategy that subordinates almost everything to politics. That is why Republicans believe a true all-of-the-above strategy means developing wind, solar, natural gas, oil, and coal, and embracing American jobs that come along with producing American energy.

Here is what we believe it absolutely does not mean: It does not mean picking out a class of vulnerable people and declaring war on them. There is a depression in central Appalachia, which includes eastern Kentucky, because of the government itself, this administration. Sometimes people in Washington forget the decisions here actually affect the lives of others. I am often left to wonder, do they not care?

Of course, coal is an important industry to my State, and I am going to defend Kentucky workers from out-of-touch Washington attacks, but it is pretty naive to think it is just about Kentucky, West Virginia, or Pennsylvania. As I said yesterday, a war on coal is actually a war on jobs. Coal is important to our entire country. It is critical to the growth of manufacturing, and it is important to our national economy.

One can say a coal miner in Kentucky relies on coal for their well-being, just as a line worker in a manufacturing plant that uses coal relies on it too. Pretty much everyone who lives or works in a building with electricity relies on coal in some way. That is why even some in the President's party are trying to distance themselves from his approach.

As one of my Senate Democratic colleagues put it yesterday:

The fact is clear: our own Energy Department reports that our country will get 37 percent of our energy from coal until 2040.

Removing coal from our energy mix will have disastrous consequences for our recovering economy.

I couldn't agree more with our Democratic colleague.

It is time for the White House to stop pivoting from job-destroying policies to campaign-stop PR pitches for jobs right back to job-destroying policies. It is time for the administration to get serious about pursuing a truly workable strategy for this country, for energy, for the economy, and for jobs.

SENATE RULES

Briefly, on another matter, another day has gone by. We are still not clear that the majority leader is going to keep his word given back at the beginning of this Congress that the issue of the rules for the Senate of this Congress have been settled. They have been settled as a result of bipartisan discussions that occurred back in January leading to the passing of two rules changes and two standing orders, after which the majority leader had said it had been settled, that we had the rules for this Congress.

Later we learned that maybe we didn't, and there were these implied threats issued to groups around the country that he would exercise a so-called nuclear option. The definition of the nuclear option is to break the rules of the Senate in order to change the rules of the Senate.

The minority, and I suspect a reasonable number of the majority, are waiting to find out whether the majority leader intends to keep his word. Your word is the currency of the realm in the Senate. His word has been given. We expect it to be kept.

I yield the floor.

## RESERVATION OF LEADER TIME

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

## BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

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

The assistant legislative clerk read as follows:

A bill (S. 744) to provide 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 ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two managers or their designees.

The Senator from Iowa.

Mr. GRASSLEY. I have expressed my frustration many times, and more often in the last week, about the lack of progress on getting votes. We have been on this bill for 3 weeks. Yet we have only dealt with nine amendments. It is unclear if any more amendments will be debated and voted on. We have provided a list to the majority on amendments that we believe will make the bill better. It seems as though the only amendments that will be made in order before we vote on final passage will be the Schumer-Hoeven-Corker so-called grand compromise. This is the one that was concocted behind closed doors for days, stalling progress we wanted to make in the public. In other words, we lost a lot of time while this grand compromise was being concocted behind closed doors. Even while that was going on, we could have been debating amendments and voting on amendments.

Not only is the amendment before us, meaning the Schumer-Hoeven-Corker amendment, loaded with provisions that some would call earmarks, but it continues to promote false promises that the border will be truly secured. We get the impression from hearing the authors debate their amendment that tomorrow we are going to have a secure border. This is not going to happen, and I will explain that in a moment.

Let's get back to basics. We are a Nation based upon the rule of law. In that concept, every Nation has a right to protect its sovereignty. In fact, it has a duty to protect the homeland. Any border security measures we pass then must be real and, more importantly, immediate. We can't wait 10 years down the road to put more agents on the border or to implement a tracking system to track foreign nationals. We have to prove to the American people today that illegal entries are under complete control and the visa overstays are being punished. Being punished means leave our country when your visa says you are supposed to leave the country.

Unfortunately, too many people have been led to believe the bill before us, and this grand compromise amendment, will force the Secretary of Homeland Security to secure the border. The fact is, it doesn't do that, but we are led to believe that tomorrow the border will be secure. The amendment basically is a continuation of the basic premise of the underlying bill—legalization first, enforcement later, if ever.

It is very simple and it is wrong. People will be legalized merely on the submission of a plan by the Secretary of Homeland Security.

Will that plan secure the border? Who is going to know until a long way down the road. In the meantime, you have legalization and possibly enforcement, but you aren't going to know. Then you end up making the same mistake I made by voting for the bill in 1986. I don't intend to make that mistake again.

We are saying the Secretary puts forth a plan. This very same Secretary is the one who thinks the border is already strong enough, the same Secretary who has refused to even answer questions we submitted to her 2 months ago about how she might interpret some of this legislation. She obviously hasn't been forthright in answering what those department policies would be.

The amendment puts additional agents on the border, yes. It does it, quite frankly, in opposition to people on the other side of the aisle. Some of the sponsors of the bill have argued already that more agents aren't necessary. Maybe I should be satisfied we are going to have more agents. The point is, it is so far down the road—don't sell this amendment to me as border security.

Let's be honest with the American people. This amendment, this grand compromise concocted behind closed doors, may call for more Border Patrol agents, but it surely doesn't require it until the undocumented population, who are now RPIs, apply for adjustment status or a green card, and that is down the road several years.

I am all for putting more agents along the border, but why should we wait? It ought to be enforcement now, legalization later. Why allow legalization now and simply promise more agents in the future?

Even then, who believes the Secretary, like the one we have today, will actually enforce the law? When I say like the Secretary we have today, I mean the policy. She says the border is secure.

In this amendment there is the issue of fencing. One of the conditions that must be met before the Secretary can process green cards for people here illegally is the southern border fencing strategy has been submitted to Congress and implemented. This fencing strategy will identify where 700 miles of pedestrian fencing is in place. Note that this is not double layered, as in current law, so current law is weakened.

The amendment states the second layer is to be built only if the Secretary deems it necessary and appropriate. This is another delegation of authority to a Secretary who says the border is already secure.

Additionally, the underlying bill still specifically states that nothing in this provision shall be interpreted to require her to install fencing. Yes, they talk about this being a strong border-secure grand compromise, but it leaves so much discretion to a Secretary who already says the border is secure.

Another part of the amendment requires an electronic entry-exit system is in use at all international air and sea ports. This sounds like all international air and sea ports—and look at this caveat—but only ''where U.S. Customs and Border Protection are currently deployed.''

This is actually weaker than the underlying bill which required the electronic entry-exit system be used at air and sea ports, not just international. Here again we have a grand compromise, supposed to get more votes for this bill, but it is weaker than the underlying legislation, because the underlying legislation requires biometric entry-exit at all ports of entry, including air, sea, and land.

The amendment dictates to the Secretary which equipment to purchase and deploy at the border. The Members who wrote the bill were apparently given some secret list of technology that agents need, but I am not sure if this came from the Department or some defense contractor.

Have no fear, the border will be secure because the amendment calls for fixed towers and cameras, unattended ground sensors, night-vision goggles, fiberoptic tank inspection scopes, a license plate reader, and backscatters. Obviously, I am facetious when I say the border will be secured by this concocted, behind-closed-doors grand compromise.

What is not so funny is the spending of taxpayer dollars in this amendment. Originally the legislation allocated $6.5 million for the Secretary to carry out the law, and $6.5 billion is a lot of money. When we got to committee, the Gang of 8 increased the trust fund allocation by $6.5 billion to $8.3 billion, and $8.3 billion is still a lot of money. We have this grand compromise concocted behind closed doors before us, and now we are looking at not $8.3 billion but $46.3 billion upon date of enactment for the Secretary to spend as she wishes.

As is often the case here in Washington, the solution always seems to be throw money at a problem. This grand compromise measures the success of their amendment by the amount of money that is going to be spent, not by outcomes. The American people, in the polls of this country, want the outcomes to be a secure border, not the amount of money that is going to be spent on the success of a piece of legislation. Of course, the money has to come from somewhere, so the amendment requires the government to raid the Social Security trust fund. It is ObamaCare all over again, where the Medicare trust fund was raided to help finance that. It is irresponsible and unacceptable.

Moreover, the amendment's sponsors will claim that people here illegally will pay for our border security needs. But money has to come into the trust fund, and after it gets into the trust fund it has to be repaid to the Treasury. Where will the American people be reimbursed? The sponsors of the bill say the taxpayers will not bear the burden. Yet there is no requirement the funds be paid back. There is no time limit or accountability to ensure the taxpayers or the Treasury gets its money back.

The Schumer-Corker-Hoeven amendment increases fees on visas for legal immigrants in order to replenish the trust fund and the Treasury. Employers, students, and tourists will pay the price. Talking about employers, students, and tourists, these are people who abide by the law who are paying the price. Meanwhile, the amendment says for those being legalized—in other words, people who came here undocumented, those people having not subjected themselves to American law by crossing the border illegally—they cannot be charged more than what is allowed already. The Secretary cannot adjust the fees or penalties on those who apply for or renew their RPI or blue card status, and those are the people who came to this country without papers, in violation of our law.

The amendment in the underlying bill will not end illegal immigration because the border is not going to be secure. The Congressional Budget Office says illegal immigration would only be reduced by 25 percent due to the increased numbers of guest workers coming into the country. The amendment does nothing to radically reduce illegal immigration in the future and does not provide any resources to interior enforcement agents whose mission it is to apprehend, detain, and deport illegal immigrants.

Just as with the 1986 amnesty—and I voted for that, which was a mistake I regret—we are going to be back in the same position in 10 years, facing the same problem.

The authors have talked a lot about the border surge in their amendment, but they seem to be hiding from the fact the border changes only account for about half of the total amendment. There are changes to every title. There are changes to exchange visitor programs, the future guest worker program, and visas, even for the performing arts. This isn't just a border amendment. There are provisions in the bill that were put in there specifically to get Senators to support passage of this bill, because they think if they can get 70 votes, the House of Representatives is going to buy into this thing. I expect to vote against the bill, and I expect the House of Representatives to fix this miserable failure, both the underlying legislation as well as the grand compromise amendment before us, so we can vote for a bill going to the President that has border security before we have legalization.

That is going to happen. I trust the other body isn't going to buy into the argument the Senators in this body want to use; that somehow, if this gets 70 votes, it is so bipartisan how could the other body not do it? This body is not the deliberative body on this amendment that history tells the American people the Senate is. This is a body that for 3 weeks, with 451 amendments, didn't deliberate. We stalled and voted on 9 or 10 amendments. The House of Representatives is going to be the deliberative body on immigration reform, and it is going to put the Senate to shame.

I encourage my colleagues to oppose the amendment. It does nothing to change the legalization first philosophy and offers little more than false promises the American people can no longer tolerate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise to speak about an agreement I have reached with Senator GRAHAM on the Hirono-Murray-Murkowski amendment No. 1718, which has been cosponsored by Senators BOXER, GILLIBRAND, CANTWELL, STABENOW, KLOBUCHAR, WARREN, BALDWIN, MIKULSKI, SHAHEEN, LEAHY, FRANKEN, MENENDEZ, and SCHUMER.

I ask unanimous consent that Senator LANDRIEU be added as a cosponsor.

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

Ms. HIRONO. Mr. President, I have been speaking on the Senate floor and talking with my colleagues about my concern that the immigration bill we are considering inadvertently disadvantages women who are trying to immigrate to the United States. I believe the new merit-based point system for employment green cards will significantly disadvantage women who want to come to this country, particularly unmarried women.

Many women overseas do not have the same educational or career advancement opportunities available to men in those countries. This new merit-based system will prioritize green cards for immigrants with high levels of education or experience. By favoring these immigrants, the bill essentially cements unfairness against women into U.S. immigration law. That is not the way to go.

After I brought these concerns to Senators SCHUMER and GRAHAM, Senator GRAHAM graciously agreed to sit down with me. We were able to work out a way to address the concerns about women in the merit-based system that I believe will significantly improve this bill. The new Hirono-Murray-Murkowski amendment reflects a few changes which we agreed to after working with Senator GRAHAM.

The changes we made include: limits on the ability for certain types of health care workers to obtain points multiple times based solely on their

employment, clarification that there must be a personal relationship to obtain points under the humanitarian concerns section of the amendment, elimination of the provision that awarded points for being a last surviving relative of a U.S. citizen, harmonization of tier 3 with tiers 1 and 2 by adding points for English language skills, and ensuring the tier 3 visas do not—do not—reduce the overall numbers of tier 1 and tier 2 visas available.

We should continue to increase the opportunities for women in our immigration system, but I believe this agreement will help level the playing field for women. Our amendment would establish a new tier 3 merit-based point system that will provide a fair opportunity for women to compete for merit-based green cards.

Complementary to the high-skilled, tier 1 and lower skilled tier 2, the new tier 3 would include professions commonly held by women so as not to limit women's opportunities for economic-focused immigration to our country. This system would provide 30,000 tier 3 visas and would not reduce the visas available in the other two merit-based tiers.

I wish to thank Senator GRAHAM for working with me to modify this proposal in such a way he could agree to lend his support while still addressing the real concerns that women will be at a disadvantage under the new merit-based system. I believe our amendment is a step in the right direction toward addressing the disparities for women in the new merit-based system, and over 100 organizations, including faith-based organizations, support the Hirono-Murray-Murkowski amendment.

I urge my colleagues to support this amendment to improve the new merit-based immigration system and make this bill better for women. I hope we can reach an agreement to bring this amendment to the floor for a vote.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we will have a vote before much longer on the question of whether the legislation before us violates the budget. I think that is going to be established quite clearly. The chairman of the Budget Committee, Senator MURRAY—and I am the ranking Republican on that committee—is going to acknowledge that and the Parliamentarian will so rule that the legislation violates the budget and violates it in a number of ways, contrary to the promises made by the sponsors of the bill.

The sponsors of the bill proposed a large piece of legislation and told everyone a great deal about their bill, one fact after another, and those promises and representations have been shown to be inaccurate. They are not accurate and that is unfortunate. That is why the bill is having the difficulties it is.

If it simply was a bill that provided a legal status for people who had been here a long time without difficulties and it was a bill that actually fixed the border, fixed the workplace enforcement, fixed the entry-exit visa, and created an effective internal enforcement mechanism for the future, the legislation would have a good chance of having popular support. But as people find out more about it, they find all those factors are not going to be achieved effectively—in some instances even weakened from current law—and as a result the legislation is in trouble.

When we get a piece of legislation that is 1,200 pages and people are unable to digest it, it boils down to talking points. So the sponsors produced a series of talking points that they said reflects what is in the legislation. One of their talking points was that the bill is not going to cost the taxpayers money; that we would fine the people who are here illegally and they will pay the cost of this bill so it would not impact the budget. We were promised that in the Senate Judiciary Committee when this legislation came up. Senator SCHUMER made that explicitly clear. This is a quote from him in committee, and this is what their talking point said and what their Members have been saying repeatedly:

> And here, what we're simply doing is making sure that all the expenses in the bill are fully funded by the income that the bill brings in. This is to make sure that this bill does not incur any cost on the taxpayers. It's to make it revenue neutral.

That was the promise we had heard. People like to hear that. They were pleased to hear that. It was a positive spin for the bill. He goes on to say:

> Section 6 provides start-up costs to implement the bill, repaid by fees that come in later.

Then he goes on to say money will be paid from companies and workers and by the immigrants who get the legal status in terms of ''their fines as they go through the process.''

That was the promise that was there. Yet now we have legislation and a score that demonstrates that is plainly not correct. First, the Congressional Budget Office analyzed the cost, and this was before we added the extra money last week or what we will vote on today. This was before they added the substitute Corker-Hoeven-Schumer amendment, and that substitute adds a lot more money.

What our experts in the budget office tell us is that it would add $14 billion to the on-budget debt of the United States, but it is really more than that.

Most of the individuals who will be legalized will be able to have Social Security cards and will pay FICA, Medicare, and Social Security withholdings on their paychecks every week, which will incur extra revenue for the U.S. Government. Our colleagues claim credit for the FICA money to try to justify their claims that they are within the budget and that we should not just count the on-budget score that debt increases from the CBO. But we have to know that the FICA money is money that goes to the Social Security and Medicare trust funds, and every one of the individuals whose average age now is in their thirties will eventually claim the benefit of Medicare and Social Security. They will draw out of the Medicare and Social Security trust funds the money they paid in.

Statistically speaking, they will draw out a lot more than they pay in because those funds are not on a sound basis. Medicare and Social Security are on an unsound basis today. They are counting that money to pay for their bill when that money is dedicated to the Social Security and Medicare trust funds.

By spending that money today, they are simply adding to the debt of the United States. They cannot claim that twice. They cannot claim that the individuals who are going to be given Social Security cards and will be on a path to receive Social Security and Medicare when they retire—that they are paying into Social Security and Medicare if their money is being spent on funding this program. That is double counting, and Mr. Elmendorf of CBO showed that.

This chart shows it is really more than just the $14 billion, which is significant. This chart shows how much the deficit of the United States is impacted by this legislation. The unified budget surplus counts all the Social Security money and all the tax money in one pot. It is one way to do the accounting of the United States. It is not accurate in this case. It should not be used. It claims a $197 billion surplus. That is the Social Security and Medicare money. But if we take away the Social Security surplus this bill creates, $211 billion, and the money they pay into the Medicare trust fund, $56 billion—the net deficit is $70 billion. We have to get our minds correct.

The reason this country is going broke, the reason this country is so far off a sound fiscal path, is that we continue, we persist, in using a unified budget number when that money for Social Security and Medicare is dedicated money. It is set aside to pay for something in the future.

If someone sets aside money in their savings account for their retirement, they cannot spend it today and pretend they still have it for their retirement account. It is just that simple.

This is a bad trend we have been in. It was not so obvious when Social Security and Medicare were bringing in a lot more money than was going out. But now that is not so, and we will soon be in deficit, and very serious deficit. So we should not in any way suggest, believe, or tell the American people that this bill is paid for. It is not

paid for, and as a result it violates the Budget Act. That is the point of order that Senator VITTER has made, and we will vote on it.

In addition to that, it is worse. There are 10 more budget violations in the bill: One is for new direct spending to exceed the Judiciary Committee's authorization levels over a 5-year period. Another one is a 10-year violation of spending over authorized levels in violation of the committee allocations.

Another is an emergency designation to increase spending pursuant to emergency spending from the comprehensive immigration trust fund; emergency spending designation for the comprehensive reform trust fund in violation of the PAYGO Act; emergency designation in violation of a 2010 budget resolution; emergency designation for Social Security cards, in violation of the statutory PAYGO Act. This bill calls it an emergency to have funds for Social Security implementation. That is not an emergency.

Another is an emergency designation for the E-Verify system. That is a system we have established and should be able to expand rapidly. That is not an emergency to expand that. That is in violation of the 2010 budget resolution.

Another is an emergency designation for E-Verify in violation of the PAYGO act; emergency designation for passenger manifest information expenditures, in violation of the 2010 budget resolution; emergency designation in violation of the Statutory PAYGO Act for passenger manifest information.

All of those represent violations of the Budget Act. Senator VITTER raised the one that plainly violates the flat spending limit we agreed to and are now operating under. When the response came from Senator LEAHY, he moved to waive that. He moved to waive not only that, but all the other 10 violations of the Budget Act. You only raise one at a time. Senator VITTER raised one, and they moved to waive them all and eliminate this pesky complaint that their bill spends more money than the budget allows.

We will be voting on that, colleagues, and this Senate has been in recent months doing well with regard to adhering to the budget limits we agreed to. We have had seven consecutive votes in which the Senate has voted not to violate the budget when a bill hit the floor that violated the budget. We sent the bill back for reform so if it comes back it has to be in harmony with the bill—seven consecutive votes.

My colleagues who have been there and who believe they have a responsibility to honor the budget limitations we agreed to should not vote to waive the budget. Let's stay within the budget. Let's require the bill's sponsors to do what they promised to do, and by right they should be able to do, which is produce a bill that comes within cost without raiding the Social Security and Medicare trust funds, as they now intend to do. That is just the way it is. I wish it were not so, but it is.

I will take a minute to point out that recently—last night or late yesterday—Senator BENNET, one of our most able Members of the Senate and a Member of the Gang of 8, took the floor to promote the bill and claimed that before jobs are offered, the bill ''requires an American is offered the job first.''

He went on to say: ''We are not bringing in a whole bunch of new people when there are Americans looking for work.''

We are not bringing in a whole bunch of new people when there are Americans looking for work—well, we are. The guest worker program that is in this bill, in addition to the legalization process of normal immigration, doubles the number of guest workers who will be coming to America over current law. These are not people who come to be permanent residents and immigrate to America. These are people who come to take a job and work for a certain period of time—really up to 3 years, and they can extend for 3 years. They have become permanent job takers, in many instances.

He says: First of all, you have to certify an American has been offered the job first. He and other supporters claim this bill is not going to impact wages, is not going to impact jobs. They say don't worry about it—I am worried about it. First and foremost, we are going to have 1.1 million people, and many of those are not able to work in the economy fully today because they are illegally here. They will be given a legal status, a Social Security card, driver's license, and the ability to apply for any job in America. So all of a sudden we are going to have a half million people, perhaps, out there competing for jobs that Americans cannot find today because unemployment is very high. That is going to happen promptly.

Then we are going to accelerate another 4.5 million people into the country, without regard to their skills, and they will be looking for jobs mostly in the lower skilled workforce area. Then, in addition to that, we add the normal flow of immigration into America. We currently welcome 1 million immigrants every year, but this is going to welcome 1.5 million a year. So, there will be an additional 500,000 workers a year in America under the normal immigration system. In addition to that, the guest worker program will double—all at a time when we are not doing well economically.

Today's announcement that the government revised downward substantially the growth in the first quarter is a real problem. We are not seeing job growth. Let me just show this chart about the impact on wages and workers in America that will occur as a result of this legislation. I think probably these numbers are modest. I think it will be more dramatic than this.

This is our Congressional Budget Office. They looked at the numbers, and they said: the average wage would lower over the first dozen years if this bill passes.

For 12 years, if we pass this bill, the average wages of Americans will be lower than would have been the case if the bill had not passed, according to our own CBO.

Somebody came and said on the floor: We won't worry about that because in 20 or 30 years they say it might be better.

First of all, our problem is today. People are unemployed today, and they cannot find work today. Wages have been declining every year since 1999. Working wages of Americans have been declining relative to inflation steadily for over a decade. This bill will accelerate that. It takes us in exactly the wrong direction. Why would we do that?

Then it says CBO—this is their own report and this chart is in their own report:

> CBO estimates that S. 744 would cause the unemployment rate to increase slightly between 2014 and 2020.

So for the next 7 or 8 years we are talking about increased unemployment.

This chart shows the wage situation. This is the current rate. The bill passes, wages drop, and they start going up out here, according to CBO, in year 2025. If the bill had not passed, the growth would have been higher still, but now it knocked it down dramatically. Even though it is growing, it doesn't mean it is getting back to where it would have been had the bill not been passed.

People who say this bill will not impact adversely—working Americans are facing an economic reality that is unfortunate for them.

Finally, they say it will make the economy stronger. You have heard that. Under this bill we will give legal status, in the next 10 years, to 30 million people; permanent legal status to 30 million people instead of 10 million people who would be given legal status in America if we followed current law.

Virtually all of those will be able to work, and we would see some increase in GDP/GNP if that were to occur. However, how much increase do you get and how does it compare out per person in America?

CBO said S. 744 would reduce per capita GNP by 0.7 percent in 2023. That is page 14. In fact, per capita GDP, according to their own chart that I have reproduced from their report, drops from 2017, 2021, 2025, 2029, 2030. It takes until 2030 before it starts getting back. If the bill hadn't passed, GDP per capita would hopefully be going up.

This is way below what would happen, and this hurts Americans when per capita GNP is reduced. Everybody will feel that—maybe not the masters of the universe in their suites out here that are nipping off extra profits because they have lower wages. It may not impact them. They may make more money.

In fact, Professor Borjas at Harvard says the people who gain the most from this immigration bill will be the people

who hire the most low-wage workers because wages will go down. They will make bigger profits, but the people who will be hurt are the vastly more numerous workers whose wages will go down.

This needs to be talked about. People seem to be in denial, but we have to talk about that. I ask my colleagues to consider this as they decide how to vote on this important piece of legislation.

I thank the Chair, and I yield the floor.

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

Ms. LANDRIEU. Madam President, I come to the floor this morning to talk to an issue I have been speaking about for a couple of days. I most certainly can appreciate the frustration of the Senator from Alabama and the Senator from Iowa.

The Senator from Alabama has been opposed to this bill from the beginning. He may have a different view. I am not sure any amendments would satisfy him, but of course he has been debating in good faith, and that is part of this process that needs to go on.

The Senator from Iowa has been working very hard. He has spent so much time both in the committee and on the floor trying to work out a bill he is comfortable with, but sometimes that happens and sometimes it doesn't.

I think what should happen, no matter what, is that after all the controversial issues are debated, there should be a coming together on both sides at a certain time, recognizing that all time has expired, all probability of any serious negotiation on any bills or any amendments that have to be voted on is over, and as friends and partners and as the leaders trying to move—appropriately and maturely—forward, we could come together at least with a short list of amendments that are completely uncontested and cleared on both sides. I am going to continue to ask for this because I think it will send a very positive signal to people that even though things have broken down some in the Senate, it is not completely broken.

To frame this issue so people can understand why I might be concerned is that there have been 800 amendments filed on this bill—300 in committee, about 150 of which were debated and voted on or dispensed with, 500 filed on this floor. So in order for those amendments to get any consideration at all—which they haven't in any large measure—good will has to prevail, and the good will flew out of this Chamber a long time ago. I would like to get a little piece of it back. I wish I could get all of it back. I wish we would act as we did 4 or 5 or even 6 years ago. It is not happening. Maybe it will.

I would like to begin to move in that direction by asking my colleagues for consideration of a small group of amendments that, to our knowledge, have no opposition. I am going to read a few of those. Senator GRASSLEY and his staff have been working on this. Senator LEAHY and his staff have been working on this. I provided a list to Senator MCCAIN and to every Member of the Gang of 8. I am hoping we can salvage some effort.

What people might not realize: When a major bill such as this is being debated, there is a lot more going on besides what they see in committee or what they hear on the floor. The evidence of that would be that 800 amendments have been filed. Someone had to write all of those 800 amendments. Staff worked very hard to think about ideas—not to derail the bill but to help the bill. No draft is perfect. Very smart staffers and Members actually do read the text and come up with ideas to improve.

One in particular: I had a hearing in my Small Business Committee. I notified the immigration subcommittee, Judiciary. We conducted our hearing with the blessing of the chair. We didn't talk about any of the major pieces of the legislation except for the one or two that talked about small business. In all the discussion of major businesses needing skilled workers and major businesses and hotel chains, I thought maybe someone could gather some information about what small businesses might need and maybe improve the bill.

I am supporting immigration reform. I think all Democratic Members—I don't know of anyone who is not. There are some Republican Members who are not supporting the bill, but there are some who are. So one amendment is requiring a mobile ap to be developed so a farmer, for instance, or a person in a rural area who has either high-speed connection or particularly wireless connection could pull up E-Verify on their mobile ap. They wouldn't have to drive 200 miles, as in the Presiding Officer's State in North Dakota or South Dakota or Louisiana or Mississippi. We have areas that people are working hard, and they are not right next door to an Internet cafe. So one idea we had was for mobile aps. That is what one of these amendments is. Wouldn't that be a big help? There is no one I know who is opposed to that. There are billions of dollars in this bill. Some of it most certainly could be spent helping small businesses access better E-Verify.

There is another provision in this bill from Klobuchar, Landrieu, Coats, Blunt, Barrasso, and Enzi. This is as broad a coalition as could reflect broad-based support. Klobuchar is from Minnesota, Landrieu is from Louisiana, Coats is from Indiana, Blunt is from Missouri, Barrasso is from Wyoming, and we are Republicans and Democrats. I appreciate that this amendment has been cleared by both sides, and it requires certificates of citizenship and other Federal documents to reflect the name and date of birth determination made by State courts to help ensure that name and date of birth changes for adopted children are reflected in Federal records.

We adopt about 100,000 children in America every year. I think these parents should be given our best efforts. These are parents who are adopting children domestically, keeping them off the streets, out of mental institutions, pouring their hearts and souls into helping raise children who others have either thrown away or given up. Yet we make it difficult.

A few of us who work on this issue a lot know how things need to be fixed. This is a bill that comes to the floor. We think, gosh, this bill is not big enough to command its own attention on the Senate floor, so we are going to prepare an amendment for when the immigration bill comes up and we hope the Members will allow it to go through.

I am not going to give up on my Members yet. I am going to remain very optimistic and very hopeful that even Senators who are opposed to this bill and have done everything they can to stop it or people opposed to the original draft who have done everything they can to amend it—some of that has been successful, some of it has not been. But I am hoping at the end of the day, even those who have been making these great efforts will step back and understand and be respectful that other work should go on as well. This amendment is an example.

There is another amendment that Senator COCHRAN and I have, amendment No. 1383. It simply requires reports on the EB–5 visa program. The requirement for reports is not in this bill. It is a program everyone here is familiar with. It has many problems. The underlying bill fixes it, and I think to those of us supporting the bill, fixes it adequately. I am not sure what the opponents think. But there is no requirement to report back to the committee so we can continue to monitor this program. Because it has been so off-track in the past, let's make sure we get it on-track in the future. This is just standard Senate operations. Unfortunately, we are now at a place in time in the history of the Senate, there are no standard operating procedures anymore, and it is a sad day.

There is another amendment that I understand has been completely cleared. Murray-Crapo amendment No. 1368 prohibits the use of restraint on pregnant women in DHS detention facilities during labor and childbirth except in extraordinary circumstances. Now, please, the amendment simply would say you cannot shackle women during childbirth and labor. Is anyone on the Senate floor opposed to this? If so, please make yourself known.

Nelson-Wicker is a very important amendment to Senator WICKER, who is a Republican, and Senator NELSON, who is a Democrat. I am a cosponsor of this amendment, but it is Senator NELSON's amendment. I can't believe there would be anyone in this Chamber who would disagree. All it is saying is since we are spending now—and I might need to ask the Senator from Iowa to give

me the final update on the number because the number keeps going up—if Senator GRASSLEY would mind giving me the number—$46.3 billion on the southern border, California, Texas, New Mexico.

Mr. GRASSLEY. Let me correct that. That is money total to be spent, not necessarily all on the border. But about $30 billion was added in this amendment for the border.

Ms. LANDRIEU. So $30 billion on the land border, and it could be something between 30 and 46 and those numbers keep changing. But it is a lot of money. Senator NELSON's amendment says that at least $1 billion of that money be spent on maritime border security, not land border. As he said so eloquently, if we continue to put up fences and borders on the land and make it secure—which we all want to do—there are maritime assets that need to be stepped up. I think most everybody understands that and would say that is a very good amendment.

These are amendments that don't need to be voted on. I am not asking for votes on these amendments. They don't need to be voted on. They would normally go by voice vote en bloc—no votes required. Out of the 800 amendments, this list has less than 45 amendments that probably don't need any vote, no time, just a simple—it is a consent. Staff has been given these and looked at these amendments.

I am going to continue to come to the floor today in hopes that after the leaders negotiate on the contested amendments—and I have a list of the contested amendments. It looks quite different than the list I am talking about. The list that is being contested has names such as: Vitter, Vitter, Vitter, Vitter, Vitter, Vitter, Vitter, Lee, Lee, Lee, Lee, Cruz, Cruz, Cruz, Cruz, Cruz, Cornyn, Cornyn, Cornyn, Cornyn. That is a list. There is another list: Chambliss, Portman, Vitter, Inhofe, Toomey, and Fischer. These lists are lists from Members who really believe they need to get a vote on their amendments. I would like them to get a vote. I am not opposed to them getting a vote.

What I am opposed to is this list which is not one Senator, it is numbers of Senators who have worked very hard to get bipartisan support for amendments that improve the underlying bill, which is going to pass.

The bill is going to pass. It is either going to pass with 69 votes, 72 votes, or 74 votes. There is no way this bill is not going to pass the Senate. It is clear it is going to pass. People don't like that it is going to pass, but it is going to pass.

So before it passes, I am asking with all of my heart for the consideration of amendments that have been brought by Democrats and Republicans who have been working in good faith to make the bill better and to solve problems for our constituents. Our constituents are not trying to negotiate on the number of Border Patrol agents. The Gang of 8 did that. They are not trying to negotiate whether we are going to have 40,000 or 80,000 Border Patrol agents. My constituents want help for the kids they adopted. Some of these amendments are to get help for Holocaust survivors. There are only a few of them left in the world. We would like to give some attention to them. Some of them spent 6 years, 7 years, or 4 years in a prison camp, and this might help them to die in peace.

Madam President, I ask that there be order on the floor.

The PRESIDING OFFICER. Order, please. The Senate will be in order.

Ms. LANDRIEU. I—as well as many colleagues—have gotten to the point where we would like to try to get back to a place where after all the fighting is over, all the yelling is done, all the posturing is done, all the message amendments are done, we could at least trust each other enough to have a consent package of items that would be helpful to the people we represent. That is a simple request.

I will yield the floor. Others want to speak, but I will come back once we have a clear list and again ask unanimous consent for these amendments. But I will not do that now.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I yield 10 minutes to the Senator from Texas.

I want to give an update, not only to Senator LANDRIEU, but for all the Senators. First of all, 10 days ago we started out with 27 amendments that were noncontroversial—or supposedly noncontroversial. Obviously, they were not all noncontroversial. That grew to 44 or 45, and I think we are back at 35 now on that list.

Remember, about 14 of those were included in the Hoeven-Corker amendment. They were included in that for sweetener—to buy people off to get their votes on final passage. So there are 14 that will probably be passed when we vote on final passage.

Last night my staff cleared 12 amendments, and that does not count several Republican amendments that were added to the list. We are making progress. Some are noncontroversial, but others are not. The one that the Senator from Louisiana mentioned that appeared to her to be noncontroversial, we suggested some technical changes to make it more definitive. If that is done, we can probably accept that.

Also, everyone has to remember that there are amendments on this list which are under the jurisdiction of other committees and not under the jurisdiction of the Judiciary Committee. Some of the amendments were rejected for that reason. Some of the amendments are technical, but some are more complicated.

I give my assurance to all of my colleagues that we will continue to work on this list.

I yield the floor and reserve the remainder of whatever time is left when Senator CORNYN is done.

Ms. LANDRIEU. Will the Senator from Texas yield for 30 seconds?

Mr. CORNYN. Madam President, I would be glad to yield as long as it doesn't come out of my 10 minutes.

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

Ms. LANDRIEU. Madam President, I thank Senator GRASSLEY for those comments. I will continue to work with him in good faith on this list. I realize not all of these amendments are under the jurisdiction of the Judiciary Committee, so that is why we have been working with leaders of other committees that have jurisdiction over these amendments to help get them passed.

I appreciate my friend's work and will continue to move forward.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, we have been on this bill for about 2½ weeks. We find ourselves in a very strange position where we have had votes on 10 amendments, and now Senators are talking about clearing another 45 amendments 2 days before the majority leader has basically set a deadline and said we are going to be through with this bill one way or the other. This strikes me as a strange way to do business, but here we are.

I have always believed that even though you want something—and in this case I believe virtually every Senator in this Chamber wants an immigration bill—that you can want something so bad and be so desperate that you will get a bad deal. I think we are beginning to see some elements in this bill, which I want to talk about briefly, that I think ought to give all of us pause and cause us to wonder whether this is the way we should be doing business.

One of the things my constituents in Texas found so infuriating about the process of passing the Affordable Care Act—all 2,700 pages—was the way there were backroom deals and various special interest boondoggles that helped garner the 60 votes necessary to pass ObamaCare back in 2010. Some of them became somewhat famous. There was the ''Cornhusker kickback,'' ''Gator aid,'' and the ''Louisiana purchase.'' They became symbols of Congress's irresponsibility when it came to discharging our duties as Members of the Senate.

It is suggested that if, in fact, individual Members got sweeteners that were sufficient to get their vote, that was the way we ought to be doing business. Unfortunately, we are starting to see similar tactics break out here on this immigration issue, suggesting that some Members are so desperate to get a deal, any deal, they are willing to take a bad deal, one in which none of these standing alone would pass muster or scrutiny.

Immigration reform is a nationwide challenge, and immigration reform should promote the national interests, not the special interests of individual

Senators or any region or State or lobbying group. Yet when we look at the underlying bill, I see a litany of de facto earmarks, carve-outs, and pet spending initiatives. Because we have been in such a rush since last Friday to move to the designated deadline the majority leader has set for this bill, there may be many Members who are unfamiliar with these special carve-outs, de facto earmarks, and pet spending initiatives. I want to talk about a few of them.

The bill directs $250 million from the comprehensive immigration reform trust fund to boost immigration-related prosecutions in a single sector. There are nine Border Patrol sectors, but the Tucson sector is the surprise beneficiary of $250 million in a special earmark in this bill.

I have a simple question: Don't all of the border sectors need increased funding for prosecutions? Well, I believe the answer is yes. So I believe carving out the Tucson sector for special treatment is entirely inappropriate. So we see that even longtime opponents of earmarks are now cosponsoring legislation that is filled with de facto earmarks, including one that benefits their State alone. We wouldn't see this sort of thing, I believe, if we had a stand-alone bill. But they have jammed that in here in order to get the maximum number of votes. We have seen strange things happen.

This bill also creates a bureaucracy to determine which occupational category should be prioritized under the new guest worker program. However, it requires a new bureaucracy to automatically designate Alaska seafood processing as a shortage occupation that receives special treatment. We might as well call this the Alaska Seafood Special.

I will mention one more boondoggle, and that is the jobs for youth pet program, which authorizes $1.5 billion to expand an Obama stimulus program that could conceivably be used to give free cars, motorcycles, scooters, and other vehicles to young people who participate. I am referring to page 1,182 of the jobs for youth amendment. It is title V under the bill, which says: The funds made available under this section may be used to provide supportive services, such as transportation or childcare, that is necessary to enable the participation of such youth in the opportunities.

So I believe this is an open-ended invitation to take this $1.5 billion and use it for purposes that many of us would cringe at if we really understood it.

I want to make two final points about the spending in the bill. First, we are going to be asked to waive all 11 budget points of order under the bill at a time when there is bipartisan concern about our fiscal standing, at a time when our debt is $17 trillion. I think we have been pretty good recently in not waiving budget points of order. I believe we are recognizing on a bipartisan basis that it is important we hold the line against increased deficit spending and increased debt. But we are going to be asked to vote to essentially violate our own pay-go rules in waiving the budget points of order, busting the Judiciary Committee's spending limit, and to designate certain spending as emergency spending even though it is obviously not emergency spending. So much for fiscal responsibility.

Supporters of the underlying bill continue to argue that this legislation will actually reduce the Federal deficit. It is a bizarre situation where we can spend almost $50 billion and claim that it actually reduces the deficit, but that is the argument. Yet, as I explained on Monday, the only way we can transform this bill into a deficit reduction bill is by double counting more than $211 billion worth of Social Security revenue. In other words, the money paid in in terms of Social Security taxes is eventually going to have to be paid out in benefits, and they can't say we will pay it out in benefits and then also use that surplus to fund the underlying bill because that is double counting.

Indeed, the bill assumes the very same pot of money can be used to fund new spending initiatives and fund these future Social Security benefits, but only in Washington can we get away with such magical accounting techniques. In the real world this bill actually increases the Federal Government's on-budget deficit over the next 10 years.

I am just suggesting that in our rush to get a bill we are making concessions we ordinarily would not make on stand-alone legislation, whether it is in these sweetener provisions, the de facto earmarks, special carve-outs, or by double counting revenue. But to add it all up, we are left with a bill that is chock-full of de facto earmarks, porkbarrel spending, and special interest sweeteners. This is a bill that increases the on-budget deficit but fails to guarantee a border that is secure and offers only promises, which historically Congress has been very bad about keeping.

Does that sound like real immigration reform? I know we can do better, and I know we must do better if we are ever going to solve our biggest immigration problems.

Again, I would love to support an immigration reform bill. Unfortunately, the way this bill is shaping up, I cannot and will not. My hope is that the House of Representatives will take up this issue on a step-by-step basis and in smaller increments so people can actually read and understand it. By working through this issue in the House, eventually they will be able to come up with a conference committee that will produce a responsible immigration reform bill, one that doesn't offer de facto earmarks and various sweeteners to people who support it, but one which will stand on its own merits and will not bust the budget by double counting Social Security funds paid into the bill in the future.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CORKER. Madam President, it is my understanding that Senator LEAHY is yielding time—or maybe it is Senator LANDRIEU who is yielding time. Somebody is yielding time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I want to speak today on the amendment. I know the Senator from Texas, my friend and someone I respect, made numerous comments about the bill. But actually the vote we have today is about the border security amendment that has been negotiated and a lot of people have worked on. I know some of his comments refer to some portions of the amendment. Mostly, he was talking about the bill itself.

The issue before us today is the border security amendment the Senator from North Dakota and myself and many others worked on. I want to put this in context, if I can. Fifteen days ago in the Republican caucus at what we call our conference lunch, there was a discussion about the ways of trying to make this immigration bill better. The Senator from North Dakota had a base bill dealing with border security, and many of us at the time said what we could do is take a base border security amendment, expand it, and try to accommodate many of the desires of people in our caucus with other provisions in it that many Senators here in this body wanted to see happen. Two Fridays ago, we actually had about 12 offices come together for a meeting to talk about many of those attributes they felt would make this bill better. So over time we developed a 115-page amendment—some people say 119-page amendment—dealing with not just border security but many issues people in this body thought would make this bill better.

There has been some dispute about the size of this amendment; I know we have had some discussion from people on the floor. It is unfortunate that sometimes people will come to the Senate floor and say things that are a little over the top in order to make a point. But I will note that today some of my friends on my side of the aisle received multiple Pinocchios, if you will, from a very well-respected publication, because the fact is the amendment is as we have said.

Because of the rules of construction in the Senate, when we add a 119- or 115-page amendment to a 1,100-page bill and we intersperse the amendment throughout it, no doubt we come up with a 1,200-page bill, if you will. The fact is, 1,100 of those pages we have had since April. They have been through committee. People offered amendments. So let me say I think the amendment size issue has been totally rebutted. I would say the Senator from

North Dakota and myself have certainly carried the day on that issue. I think it is a fact now. We understand the size.

We know this amendment has some things in it other than border security. That was part of the process in getting to a place where we enhanced the bill.

Some people are talking about the cost, and my friend from Texas was just speaking. If my colleagues noticed—and it is very important around here to listen—he talked about on-budget costs. First of all, everybody in this body knows the problem we have in America today is the off-budget items and that our entitlement programs are what are driving the huge deficits we have in this Nation. So it is the entitlement issues most people who speak about deficit reduction are focused on because we have done so much already on what we call the discretionary side, which is the on-budget piece.

CBO has scored this bill and basically they have said—not basically, they have said if this bill were to pass, when we take into account the entitlements and we take into account the discretionary spending, which is what is called on-budget, we will reduce the deficit by $197 billion. One of the main reasons that is the case is when immigrants move into what is called the temporary status, they pay in for 10 years, and one of the toughest provisions in this bill is they cannot receive any benefits for 10 years. Think about that. We have this huge amount of money that is going to be coming into the Social Security Program and coming into the Medicare Program which, candidly, helps people in this Nation because it makes those programs more solvent.

We have to listen to the words here. Let's think about it when people talk about the cost of this border security amendment. Yes, it costs $46 billion to implement these items—which, by the way, almost every Republican has championed for years, all of the items in this border surge, if you will—but it costs $46 billion. I will tell my colleagues I have been here 6½ years and I would put my credentials on focusing on deficit issues with anyone in this body. I have never had an opportunity to vote for a bill that cost $46 billion over a 10-year period but generated $197 billion into the Treasury without raising anybody's taxes and, I might add, also generating economic growth for our country. So I want to debunk that. This is a tremendous opportunity for us to actually reduce our deficit while, at the same time, securing our border.

People are talking about process—and I am coming to the end here. It is interesting to me that the very people, I hate to say it, on my side of the aisle who have been raising cain, if you will, about the fact there aren't enough amendments are the very people who are objecting to amendments being offered.

Look, this is the old game that is played around here: Well, we think we ought to have 35 amendments. We think we ought to have—but somebody on my side is objecting. Most people in the country don't understand that in the Senate we have something called unanimous consent, and if one Senator disagrees, it cannot happen—one Senator. So we have had this situation going back and forth where we have tried to have amendments. I agree, let's have amendments. There is one amendment in particular I wish we could vote on and pass. I would love to see it. But guess what. I want everybody to know the very people who are saying they want to have more amendments are objecting to more amendments. So understand what is happening here on the Senate floor.

There will be some people who say, Well, I am going to vote against this because of the process. I want America to understand what is happening in this body right now. As a matter of fact, I don't know if it is true, but my understanding was the other side was actually going to agree to 35 amendments, and people heard that and they said: Well, my gosh, they might accept 35 amendments. Go down there and file more amendments because we are afraid they are actually going to agree to what it is we are asking for. So we will see.

Let me close with this: Nobody in this body can say the amendment we are voting on today does not do anything someone can imagine relative to border security. My good friend from Texas spent a lot of time drafting a border security bill that had 5,000 Border Patrol agents. This one has 20,000—20,000 Border Patrol agents. This amendment calls for 20,000 Border Patrol agents. It doubles the number of Border Patrol agents on our southern border.

We are adding $4.5 billion worth of technology that the chief of border control has been trying to get for years, bought and paid for in this bill.

We are adding an entry-exit visa program that has to be fully in place.

We are adding E-Verify for every employer in the country.

We are also adding 350 miles of fencing.

People are saying: Well, we don't know if this will ever happen. My colleagues should read the triggers. If it doesn't happen, nobody gets a green card, and every American can see whether this happened.

Then people are saying, Well, on the fencing piece—nobody, by the way, debates the 20,000 Border Patrol; nobody debates E-Verify; nobody debates entry-exit; nobody debates the $4.5 billion in technology. But then people are saying, Well, wait a minute. On the fencing piece, though, the Homeland Security Secretary can decide where it goes. Well, my friends in good government—and I happen to be with one of those—yes, it does say she can decide in section 5 of the bill which places work best.

We know the people from Texas don't even want a fence. People in Arizona wish to have a fence. But it still says under the triggers—and people are trying to malign and trying to fool people all out across America because they know what is getting ready to happen. The fact is, without the 350 miles ironclad, in place, there is no green card. So all five provisions have to be in place.

I know people try to spin things when they get on television and they try to say things to confuse America. What I would say to America is read the bill. I think Americans would be proud of border security, which brings me to a close here today.

Here is what I want to say: On the procedural vote that took place 2 days ago, every single Democrat voted to end debate on this border security measure. We had 15 Republicans who voted for it. The process issue is behind us and today we are voting on the amendment itself. I don't know how any Republican can look a TV camera or a constituent in the eye and not say this amendment strengthens—surges—on the border and makes our border more secure. So if, for some reason, Republicans come to the floor today—a majority of Republicans—and they vote against this border security amendment, what is going to happen is the Democrats are going to own the border security issue, and basically Republicans—whose constituents I think in some cases care more about this issue than many people on the other side—will be giving up this issue.

I don't know how any Republican can go back home and say to their constituents: I voted against adding Border Patrol agents and I voted against adding a fence on the southern border and I voted against an E-Verify system and I voted against an exit-entry program and I voted against the technology our Border Patrol chief wants. I voted against it because I didn't like the process. I voted against it because this bill has been before us now for over 2 months and I had a chance to make amendments in the Judiciary Committee and I had a chance to make amendments on the floor but, candidly, I didn't want that to happen, so I kept that from occurring.

I would ask my friends: Please, today is about an amendment to a bill that makes it stronger. My colleagues may not like every provision, but we cannot look folks in the eye back home and say this isn't something that those who care about border security would know surges the border, makes this country safer, and I would say makes this bill a much stronger bill.

With that, I yield the floor. I hope my good friend and great partner from the State of North Dakota will make some comments.

I wish to thank Senator LEAHY from Vermont for his generosity with time this morning.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I yield 10 minutes to the distinguished

Senator from North Dakota, and I ask unanimous consent that the last 5 minutes be reserved for the Senator from Vermont.

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

Mr. HOEVEN. Madam President, I thank the distinguished Senator from Vermont, and I wish to particularly thank my distinguished colleague from the State of Tennessee for all of his work on this border surge amendment. That is what we are talking about: a border surge amendment. The amendment we have offered, Hoeven-Corker, is about securing the border first. As the good Senator from Tennessee described, that is absolutely the focus of what we are doing here.

We are willing to work with everybody on both sides of the aisle in this body and in the House to come up with legislation that secures the border. We believe that is what Americans want. That is what we are working so hard to do.

What I would like to start with, though, this morning in terms of my comments is this budget point of order we are going to be voting on in a few minutes. I would like to cite right from the Congressional Budget Office report. So I am going to just take facts, statistics right out of the CBO report because, as the good Senator from Tennessee explained a minute ago, so much of this is getting either misunderstood or misinterpreted. So let's get right to the CBO report, and let's look at exactly what it says.

According to CBO, it is clear that this legislation will reduce our deficit. The CBO report shows that in the first decade there is $197 billion provided from this legislation that we can use for deficit reduction—less, obviously, as Senator CORKER just explained so well a minute ago, as we are putting significant resources into securing the border. So if you take out that additional $40 billion that our amendment costs to make sure we secure the border, to make sure we have the E-Verify system, to make sure we have electronic entry and exit at all of our international airports and seaports—deduct that $40 billion, that is $157 billion that we have available in the first decade and, according to CBO, in the second decade, $700 billion. So that is about $850 billion over the next two decades that is available to help us reduce the deficit, and that is after putting the five triggers in place that we provide in this legislation to secure the border first.

That means a comprehensive southern border strategy: 20,000 additional Border Patrol agents; 700 miles of fence in total—350 in addition to the 350 we have; a national mandatory E-Verify system; and electronic entry and exit identification must be in place, as I said, at all international airports and seaports. These things must be done upfront. These triggers must be met and illegal immigrants must be in provisional status for 10 years before anyone can get green cards, other than DREAMers or some blue card ag workers. So the cost of border enforcement is paid for, and we still have $850 billion available for deficit reduction.

So you might ask, well, why the budget point of order, then? Why the budget point of order when we are trying to get the debt and the deficit under control? Well, the budget point of order goes to the amount of dollars coming in on-budget and off-budget. What do we mean by off-budget? That means entitlement programs. So the amount of dollars coming in do not match up with what is exactly in the budget, now both on-budget and off-budget. But that is understandable, isn't it?

This is new significant legislation, so of course we have to adjust the on-budget and the off-budget to account for this $850 billion we did not have before. OK—almost $1 trillion now that we have. OK. So of course we have to make some adjustments.

So the real question here, the real question on this budget point of order is, Would you rather have $850 billion available to reduce the deficit or would you rather not have it? Because if you do not pass the legislation, you do not get the $850 billion in funds to help with deficit reduction. That is, if you will, kind of the bottom line here, isn't it?

Now, it is true, as I say, we have to adjust our budget categories, but overall, CBO scoring—after paying for an incredible amount of additional resources to secure the border first—$850 billion over the next two decades.

Also, this funding strengthens entitlement programs. Right. Why? Because the funding we are talking about is paid into Social Security and Medicare. CBO shows that in both the first decade and the second decade more is paid into those programs to make them solvent. But opponents say: Well, yes, sure. More is paid in, but those payers someday are going to get benefits, so they are going to take it out. But CBO shows that the amount being paid in is more than the benefits being paid out and that the amount is on a growth trajectory, not the reverse, meaning more is paid in in the second decade than the first decade, so we make those programs even more solvent, and it gets us on the right trajectory. That is why we should defeat the budget point of order—because, quite simply, we want the $850 billion to help reduce the deficit. That is the real issue we are dealing with.

Also, I want to take a minute again to address the GDP, GNP, wages, and unemployment. Again, I want to quote from the CBO because I really believe these things are getting misinterpreted.

GDP—gross domestic product—in the first decade grows 3.3 percent more with the legislation. In the second decade, it grows 5.4 percent more. OK. GNP—gross national product—per capita in the first 10 years, 0.7 of 1 percent less, it is true, in the first decade, but after that we get more GNP. So long term, more GDP, more GNP.

Unemployment. This talk about increasing unemployment—0.1 of 1 percent in the first 6 years, as you adjust. After that, there is no difference in unemployment.

The same thing with wages—initially 0.1 of 1 percent lower because you have immigrants coming in who earn a lower wage, but over time, in the second 10 years, wages go up. OK.

What is my point? The point is that for all of these categories, in all four of these categories, we do as well or better—as well or better—over the long run. Isn't that what we want?

I will summarize.

The first order of business for immigration reform is to secure the border. Americans want immigration reform—of that there is no doubt. But they want us to get it right, and that means securing the border first.

Our amendment, as the Senator from Tennessee said, is 119 new pages—not 1,200. Madam President, 1,100 is in the base bill. That has been out here since May.

Our amendment secures the border with five tough provisions or triggers that must be met before green cards are allowed. We have talked about that. A comprehensive, high-tech plan on the southern border must be in place: 20,000 Border Patrol agents, a total of 700 miles of fence—things our colleagues on our side of the aisle have been asking for are here—a national, mandatory E-Verify system, electronic entry and exit at international airports and seaports. That is about securing the border first. That is what this amendment is about. It is objective, and it is verifiable. That is what the technology on the border—$4.5 billion in technology for sensors, radars drones, helicopters, planes—that is what it is all about, so we know we have the border secured.

So we ask our colleagues on both sides of the aisle to join with us. Let's rise up. Let's meet this challenge for the American people, and let's address border security. That is what this legislation does.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the Hoeven-Corker amendment is subject to a budget point of order because it increases the net on-budget deficit over both the 5- and 10-year periods and exceeds the Judiciary Committee's allocation for direct spending. But on-budget effects do not take into account the significant off-budget savings.

Last week the nonpartisan Congressional Budget Office concluded that our bill is going to help us achieve nearly $1 trillion in deficit reduction. We have also learned that the Hoeven-Corker amendment would significantly increase our border security, and, as the CBO said and as my friends from Tennessee and North Dakota have said, the

amendment would reduce both illegal entry into the country and the number of people who stay in the country beyond the end of their authorized period.

So when we vote on waiving the point of order, I will vote to waive it because the Hoeven-Corker amendment and the overall amendment will spur job growth and will dramatically reduce our deficit.

Then we are going to vote on the substitute. The substitute is the product of many months of hard work and bipartisan collaboration in a very transparent process. No one should oppose the cloture motion on the committee-reported substitute, as amended.

The Senate Judiciary Committee held lengthy and extensive public markup sessions to consider the Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744. This was after a couple dozen hearings over the last few Congresses. We did it in as transparent a way as possible.

Madam President, over 300 first-degree amendments were filed. We had them online for a week and a half before the Senate Judiciary Committee even took up the bill.

Over the course of 3 weeks, we debated the bill for nearly 40 hours. We often worked late into the evening. That was online. That was streamed. That was open to everybody. And certainly the thousands and thousands and thousands of e-mails that came in from all over the country showed people were watching.

The committee considered a total of 212 amendments—we had 212 amendments during that time—136 of which were adopted. Every member of the committee—Democratic or Republican—who filed amendments to the legislation was afforded the opportunity to offer multiple amendments. Nearly every member of the committee, in both parties, who offered an amendment had an amendment adopted. All but three of the amendments adopted passed on a bipartisan vote, and the committee reported the legislation by a bipartisan vote of 13 to 5.

So, as I said, the public witnessed what we did. They saw us streamed live on the committee's Web site. They saw broadcasts on C–SPAN. All our amendments were posted, and as we had developments, they were reported in real time. Members from both sides of the aisle praised the transparent process and the significant improvements to the bill made by the Judiciary Committee.

Let me also compliment the ranking Republican on the committee, the senior Senator from Iowa, Mr. GRASSLEY. We were on different sides of the legislation, but we worked very well together. We talked numerous times throughout the whole markup to make sure it would go. He would come to me at times when some of their members had to be out for one reason or another—other committees—and we worked around that. We made sure everything went—we made sure neither side was surprised. I appreciate the cooperation I received from Senator GRASSLEY. I think it is one of the reasons we could actually show the Senate the way the Senate is supposed to work.

I hope colleagues will vote for the committee-reported substitute, as amended.

This is one of our Nation's toughest problems, but we were not elected to do easy things. In fact, if all we had were easy things, I do not know why anybody would want to be in the Senate. We were elected, the men and women of this body, from all over the country—from both parties, with philosophical differences—and we are supposed to fix our Nation's toughest problems.

We are on the eve of coming one step closer to fixing our Nation's broken immigration system. I hope the vast majority of Senators will vote yes. There has been a great deal of work on this. Is this bill perfect? No. Is any bill perfect? No. Is this much better than what we have today? Yes. Is it exactly the bill I would have written? No. It is not the bill Senator GRASSLEY would have written. It is not the bill any one of us individually would have written. But we are not a monarchy. We are not a dictatorship of one. We have 100 people here representing over 300 million Americans, and we are supposed to mold, as best as possible, the sentiments and needs of those 300 million Americans but also the aspirations of those who would be Americans, like my grandparents and my wife's parents and even Members of this body.

So, Madam President, I hope that, one, we will waive the budget point of order and then, secondly, we will vote for the amendment, as with the substitute.

I believe we are ready to vote.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I will use leader time so I can talk. We are going to be in a vote in a few minutes to waive the Budget Act, and then we are going to have two more. One is on the adoption of the Leahy amendment, as modified, and then a cloture vote on the committee-reported substitute amendment.

I mentioned on the floor this morning the work done by the Gang of 8—extremely important. As I indicated at that time, as I look at the Republicans and Democrats who did this, I do not know of anything in it for them politically. It was done because they believed the immigration system is broken and broken badly and needed some repair work. They did a remarkably good job.

But I would like to add to that the junior Senator from Tennessee, Mr. CORKER, and Senator HOEVEN. What they have done to help us with this bill is remarkably important and good. Could we have passed this without them? Maybe. But the point is that they have strengthened this legislation. When I worked on it 7 years ago, the issue was always, is there going to be a secure border? What they have done is made that without any question a fact. So I admire what they have done—again, not for any political benefit because, as I look, I doubt they will get any from this, but they will get the benefit of doing what they believe is right for our country. I appreciate that. History will indicate that I am right. Maybe in the short term it may not be, but history will indicate, when the books are written, that these two good men allowed us to do something that is important for our country.

What if we did not fix this broken immigration system today, in 2013, this week? What would the future be for this country? No. 1, as we have said, the security of this Nation would be not as good as it would have been had we passed this bill. Secondly, the economic security of this country would be not nearly as good as it will be if we pass this bill. A $1 trillion debt will be reduced in this country.

So I admire all of these Senators for the good work they have done for the country. I know we have been working for the last couple of weeks and very intensely for the last couple of days to come up with a list of amendments. I have people on my side of the aisle who are very interested in having a vote on their amendments. I even have had a number of Republican colleagues come to me and say: You have to do something to allow us to have some amendments. We have tried very hard to do that, but I have to say, honestly, I am not really happy with what has taken place since I have left here last night and got here this morning because we are going backward, not frontward. So I hope that when we get these three votes out of the way, people agree. Let's do the possible. There is a way we can come up with some amendments. I understand both sides want their amendments heard and voted on; they are important to them. If it is important to them, it should be important to us. So we are going to continue to work on that to see if we can come up with a list of amendments.

I would be remiss if I did not mention, together with the 10 Senators I have already talked about, the chairman of the committee. We would not be where we are without a fair, open markup. That is not the way it always is around here. This man is the President pro tempore of the Senate. He is the chairman of the committee. He has a lot of power. He could run that committee any way he wants. That is the way it is here. He did. He ran it the way it should be run. I admire and appreciate the work he has done.

So let's get these votes out of the way, see if we can come up with a list of amendments, something we can work on. Each side is going to have to give a little.

I ask unanimous consent that the second and third votes in this series be

10 minutes in duration and that there be 2 minutes of debate equally divided between the two votes.

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

Under the previous order, all postcloture time has expired.

Amendment No. 1551 is withdrawn.

The question is on agreeing to the motion to waive budget points of order for consideration of this measure.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Utah (Mr. LEE) and the Senator from Missouri (Mr. BLUNT).

Further, if present and voting, the Senator from Utah (Mr. LEE) would have voted ''nay.''

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

The yeas and nays resulted—yeas 68, nays 30, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—68

| | | |
|---|---|---|
| Alexander | Gillibrand | Mikulski |
| Ayotte | Graham | Murkowski |
| Baldwin | Hagan | Murphy |
| Baucus | Harkin | Murray |
| Begich | Hatch | Nelson |
| Bennet | Heinrich | Pryor |
| Blumenthal | Heitkamp | Reed |
| Boxer | Heller | Reid |
| Brown | Hirono | Rockefeller |
| Cantwell | Hoeven | Rubio |
| Cardin | Johnson (SD) | Sanders |
| Carper | Kaine | Schatz |
| Casey | King | Schumer |
| Chiesa | Kirk | Shaheen |
| Collins | Klobuchar | Stabenow |
| Coons | Landrieu | Tester |
| Corker | Leahy | Udall (CO) |
| Cowan | Levin | Udall (NM) |
| Donnelly | Manchin | Warner |
| Durbin | McCain | Warren |
| Feinstein | McCaskill | Whitehouse |
| Flake | Menendez | Wicker |
| Franken | Merkley | Wyden |

NAYS—30

| | | |
|---|---|---|
| Barrasso | Enzi | Portman |
| Boozman | Fischer | Risch |
| Burr | Grassley | Roberts |
| Chambliss | Inhofe | Scott |
| Coats | Isakson | Sessions |
| Coburn | Johanns | Shelby |
| Cochran | Johnson (WI) | Thune |
| Cornyn | McConnell | Toomey |
| Crapo | Moran | Vitter |
| Cruz | Paul | Wicker |

NOT VOTING—2

| | |
|---|---|
| Blunt | Lee |

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

AMENDMENT NO. 1183, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1183, as modified, offered by the Senator from Vermont, Mr. LEAHY.

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield my time to the Senators from Tennessee and North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I thank the Senator from Vermont.

Americans want immigration reform, but they want border security first, and that is exactly what this amendment does. It secures the border with five tough provisions or triggers that must be met—that must be met—before green cards are allowed. Those five triggers are: a comprehensive southern border strategy that must be deployed and operational, 20,000 additional Border Patrol agents, a total of 700 miles of fence, a national mandatory E-Verify system must be in place, and electronic entry and exit identification must be in place at all international airports and seaports.

Simply put, this is about making sure we secure the border, and we do it in an objective and verifiable way.

I want to thank all of my cosponsors on this legislation, and turn to the good Senator from Tennessee and thank him for his work.

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

The Senator from Iowa.

Mr. GRASSLEY. Madam President, this grand compromise makes false promises to the American people and throws money at the border, but there is no accountability to get the job done. We need to see the results, but the only result we are being assured of is legalization—legalization first, border security later.

On top of all the earmarks that are in this amendment, the grand compromise also has a grand plan for spending taxpayers' dollars, and we have to raid the Social Security trust fund to get it.

The American people expect us to get this right. This amendment is the wrong answer. I urge a ''no'' vote.

I yield the floor, and I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. CORKER. Madam President, I ask unanimous consent for 30 seconds.

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 1183, as modified.

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Utah (Mr. LEE) and the Senator from Missouri (Mr. BLUNT).

Further, if present and voting, the Senator from Utah (Mr. LEE) would have voted ''nay.''

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

The result was announced—- yeas 69, nays 29, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—69

| | | |
|---|---|---|
| Alexander | Gillibrand | Mikulski |
| Ayotte | Graham | Murkowski |
| Baldwin | Hagan | Murphy |
| Baucus | Harkin | Murray |
| Begich | Hatch | Nelson |
| Bennet | Heinrich | Pryor |
| Blumenthal | Heitkamp | Reed |
| Boxer | Heller | Reid |
| Brown | Hirono | Rockefeller |
| Cantwell | Hoeven | Rubio |
| Cardin | Johnson (SD) | Sanders |
| Carper | Kaine | Schatz |
| Casey | King | Schumer |
| Chiesa | Kirk | Shaheen |
| Collins | Klobuchar | Stabenow |
| Coons | Landrieu | Tester |
| Corker | Leahy | Udall (CO) |
| Cowan | Levin | Udall (NM) |
| Donnelly | Manchin | Warner |
| Durbin | McCain | Warren |
| Feinstein | McCaskill | Whitehouse |
| Flake | Menendez | Wicker |
| Franken | Merkley | Wyden |

NAYS—29

| | | |
|---|---|---|
| Barrasso | Enzi | Portman |
| Boozman | Fischer | Risch |
| Burr | Grassley | Roberts |
| Chambliss | Inhofe | Scott |
| Coats | Isakson | Sessions |
| Coburn | Johanns | Shelby |
| Cochran | Johnson (WI) | Thune |
| Cornyn | McConnell | Toomey |
| Crapo | Moran | Vitter |
| Cruz | Paul | |

NOT VOTING—2

| | |
|---|---|
| Blunt | Lee |

The amendment (No. 1183), as modified, was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the committee-reported substitute, as amended.

The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to S. 744, a bill to provide for comprehensive immigration reform, and for other purposes.

Harry Reid; Patrick J. Leahy; Michael F. Bennet; Charles E. Schumer; Richard J. Durbin; Robert Menendez; Dianne Feinstein; Sheldon Whitehouse; Patty Murray; Debbie Stabenow; Robert P. Casey, Jr.; Mark R. Warner; Thomas R. Carper; Richard Blumenthal; Angus S. King, Jr.; Christopher A. Coons; Christopher Murphy.

Mr. LEAHY. Madam President, I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Is there objection? Without objection, all time is yielded back.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the committee-reported substitute amendment to S. 744, a bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Utah (Mr. LEE) and the Senator from Missouri (Mr. BLUNT).

Further, if present and voting, the Senator from Utah (Mr. LEE) would have voted ''nay.''

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

The yeas and nays resulted—yeas 67, nays 31, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—67

| | | |
|---|---|---|
| Alexander | Graham | Murkowski |
| Ayotte | Hagan | Murphy |
| Baldwin | Harkin | Murray |
| Baucus | Hatch | Nelson |
| Begich | Heinrich | Pryor |
| Bennet | Heitkamp | Reed |
| Blumenthal | Heller | Reid |
| Boxer | Hirono | Rockefeller |
| Brown | Hoeven | Rubio |
| Cantwell | Johnson (SD) | Sanders |
| Cardin | Kaine | Schatz |
| Carper | King | Schumer |
| Casey | Kirk | Shaheen |
| Collins | Klobuchar | Stabenow |
| Coons | Landrieu | Tester |
| Corker | Leahy | Udall (CO) |
| Cowan | Levin | Udall (NM) |
| Donnelly | Manchin | Warner |
| Durbin | McCain | Warren |
| Feinstein | McCaskill | Whitehouse |
| Flake | Menendez | Wyden |
| Franken | Merkley | |
| Gillibrand | Mikulski | |

NAYS—31

| | | |
|---|---|---|
| Barrasso | Enzi | Risch |
| Boozman | Fischer | Roberts |
| Burr | Grassley | Scott |
| Chambliss | Inhofe | Sessions |
| Chiesa | Isakson | Shelby |
| Coats | Johanns | Thune |
| Coburn | Johnson (WI) | Toomey |
| Cochran | McConnell | Vitter |
| Cornyn | Moran | Wicker |
| Crapo | Paul | |
| Cruz | Portman | |

NOT VOTING—2

| | |
|---|---|
| Blunt | Lee |

The PRESIDING OFFICER. On this vote the yeas are 67, the nays 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

Mr. LEAHY. Mr. President, we have been talking about a couple of things, including the schedule. We are moving forward. This vote suggests it is obvious that a very large and bipartisan majority of the Senate will support an immigration bill. I know there have been proposals for amendments. I am not going to make a proposal at this time. I will leave that for the leader. There have been efforts to get a finite number of amendments from both Republicans and Democrats so we can vote. Under normal circumstances, we would probably have voice votes on some of those amendments. I hope we can do that because I think we would be able to complete this immigration bill.

Our staffs have a great deal of work to do in putting everything together. The staffs on both sides of the aisle have worked long hours. They have been here working even after the rest of us have left. After this is completed, maybe they can actually have some time with their families and prepare for this great Nation's celebration next week.

Mr. President, I ask unanimous consent that I be allowed to continue to speak for 5 minutes as if in morning business.

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

SUPREME COURT RULING

Mr. LEAHY. Mr. President, today the Supreme Court struck down section 3 of the Defense of Marriage Act. I think that helped this Nation take a major step toward full equality. The ruling confirms my belief that the Constitution protects the rights of all Americans—not just some but all of us—and that no one should suffer from discrimination based on who they love. I share the joy of those families who had their rights vindicated today, including many legally married couples in my home State of Vermont. I have already heard from many and the joy they have expressed is so overwhelming.

In August, my wife Marcelle and I will celebrate our 51st wedding anniversary. Our marriage is so fundamental to our lives that it is difficult for me to imagine how it would feel to have the government refuse to acknowledge it. Without her love and support over the past 51 years, there is nothing I could have ever accomplished that would have been noteworthy in my life. It has taken the joining together of two people who love each other.

Today we have thousands of gay and lesbian individuals and families across the country who have had their rights vindicated by the Supreme Court's decision, including the same rights Marcelle and I have had for 51 years.

Despite today's historic ruling, there are still injustices in our Federal laws that discriminate against these married couples. I will continue to work with Senator FEINSTEIN on legislative fixes to protect all families.

As we continue to fight for equality and against discrimination in our Nation's laws, I am hopeful today's ruling will address a serious injustice. By just striking down section 3 of the Defense of Marriage Act, the Supreme Court has pronounced that our Federal laws cannot discriminate against individuals based on who they love. I believe this should extend to our immigration laws as well.

Last month I was forced to make one of the most difficult decisions in my 38 years as a Senator when I withdrew my amendment that would have provided equality in our immigration laws by ensuring that all Americans—all Americans—may sponsor their lawful spouse for citizenship. It was one of the most disappointing moments of my 38 years in the Senate, but I took Republicans, many who spoke in good faith, at their word that they would abandon their own efforts to reform the Nation's immigration laws if my amendment had been adopted. I believed what they said, and I withdrew it.

However, with the Supreme Court's decision today, it appears the anti-discrimination principle I have long advocated will apply to our immigration laws, and binational couples and their families can now be united under the law. As a result of this very welcome decision, I will not be seeking a floor vote on my amendment.

Today's decision should be seen as a victory for all of those who support justice, equality, and family values.

I had the privilege of serving with a wonderful Senator from Vermont when I first came here, Robert Stafford. He was ''Mr. Republican'' in our State. When we were debating the question of same-sex marriage in the Vermont Legislature, Senator Stafford said: If we have two people who love each other and make each other better—two Vermonters who love each other and make each other better because of that love—what difference does it make to us whether they are the same sex or not? Vermont is better because they make it better.

I agree with him. There is still important work to be done so all families are protected under our Federal laws. Until we fully achieve the motto engraved in Vermont marble above the Supreme Court building that declares ''equal justice under the law,'' I will continue to fight for the equal treatment of all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, over the last few days I have received numerous e-mails and calls from conservatives and tea party activists from across the country regarding immigration. Their opinions really matter to me because they were with me 3 years ago when so many people in Washington—and in Florida, for that matter—thought I had no chance to win my election.

Let me say these people are patriots. They are Americans from all walks of life who are deeply concerned about the direction our country is headed, and they are increasingly unhappy about the immigration reform proposal in the Senate. It is not because they are ''anti-immigrant'' as some like to say, and it is not because they are closed-minded. They believe, as do I, that as a sovereign country, we have a right to secure our borders and we have a right to have immigration laws to enforce them.

They are increasingly opposed to this effort because for over three decades and despite many promises to enforce the law, the Federal Government, under both Republicans and Democrats, has failed to do so.

In the end, it is not just immigration reform itself that worries them; it is the government that has failed them so many times before. They realize we have a legal immigration system that needs reform. They realize we have over 11 million people currently living in our country illegally and that we have to deal with them. They just simply believe no matter what law we

pass, we cannot trust the Federal Government to ever actually enforce it.

This sentiment was best summed up for me in an e-mail I received from Sharon Calvert, a prominent tea party leader in Tampa, FL. She wrote:

Today, June 2013, we are in a very different political climate than we were after the last election. We are in a political climate of distrust. Distrust of government and elected representatives is at its highest.

She goes on to say:

Do we want to trust this administration to faithfully enforce a bill to the best interests of all Americans with a bill that few have read?

She makes a powerful point.

After finding out that the IRS investigates people based on their political views, all the questions that remain about Benghazi, and seeing the Justice Department target reporters, trust in the Federal Government is rightfully at an all-time low.

I share this skepticism about this administration and Washington in general. In just the 2 years I have been here, I have seen the games played and the promises broken and how the American people ultimately suffer the consequences. That is exactly what led me to get involved in this issue in the first place.

We have a badly broken legal immigration system—not only one that does not work; it actually encourages illegal immigration. We have a border with Mexico that, despite billions of dollars already spent, is still not secured. Every day, people, drugs, and guns are trafficked across the border, and we have 11 million people living in this country illegally in de facto amnesty.

What I am describing is the way things are now. This is the status quo, and it is a terrible mess. It is hurting our country terribly, and unless we do something about it, this administration isn't going to fix it.

Political pundits love to focus on the politics of all this, but for me this isn't about catering to any group for political gain. Predictably, despite all the work we have done on immigration reform, some so-called ''pro-immigrant'' groups continue to protest me daily.

This isn't about winning points from the establishment or the mainstream media either, by the way. No matter how consistent I have been in focusing on the border security aspects of reform, whenever I have spoken about it the beltway media has accused me of trying to undermine or walk away from this reform.

This isn't about becoming a Washington dealmaker. Truthfully, it would have been a lot easier to just sit back, vote against any proposal, and give speeches about how I would have done it differently.

Finally, this certainly isn't about gaining support for future office. Many conservative commentators and leaders—people whom I deeply respect and with whom I agree on virtually every other issue—are disappointed about my involvement in this debate.

I got involved in this issue for one simple reason: I ran for office to try to fix things that are hurting this special country. In the end, that is what this is about for me—trying to fix a serious problem that faces America.

The proposal before the Senate is by no means perfect. As does any proposal that will come before the Senate, it has flaws; but it also has important reforms that conservatives have been trying to get for years. For example, it changes our legal immigration system from a predominantly family-based system of chain migration to a merit-based system that focuses on job skills.

This proposal mandates the most ambitious border and interior security measures in our Nation's history. For example, it requires and funds the completion of 700 miles of real border fence. It adds 20,000 new border agents. It details a specific technology plan for each sector of the border. It requires E-Verify for every employer in America. And it creates a tracking system to identify people who overstay their visas.

These are all things that at a minimum must happen before those in the country illegally can apply for permanent status. And the proposal deals with those who are here illegally in a reasonable but responsible way. Right now, those here illegally are living in de facto amnesty. This is what I mean by that: They are unregistered, many pay no taxes, and few will ever have to pay a price for having violated our laws.

Under this bill they will have to come forward. They will have to pass background checks. They will have to pay a fine. They will have to start paying taxes. They will be ineligible for welfare, for food stamps, and for ObamaCare.

In return, the only thing they get is a temporary work permit, and they can't renew it in 6 years unless they can prove they have been holding a job and paying their taxes. For at least 10 years, that is all they can have. After all that, they cannot even apply for permanent status until the fence is built, the Border Patrol agents are hired, and the border security technology, E-Verify, and the tracking system are fully in place.

Yet despite all of these measures, opposition from many conservatives has grown significantly in the last few weeks. Why? Well, because they have heard the Secretary of Homeland Security can just ignore the border requirement. But this is not true. The Department does have the discretion on where to build the fence but not on the amount of fencing it must build. At the end of the day, it is simple: 700 miles of pedestrian fencing must be built.

They have also heard the Secretary of Homeland Security can just waive the radar and the drones and the ground sensors and the other technology required in the bill. But that is just not true. The Secretary can always add more to the plan, but the list of border security measures we mandate in the legislation is the minimum that must be implemented.

Some oppose it because they have heard ''a future Congress can just defund all of the security measures'' as they have done in the past. But that is just not true. The money is built into the bill. Unlike previous border security laws, it doesn't leave it dependent on future funding.

They also oppose the bill because they have heard it creates a taxpayer subsidy for people to buy a car or a scooter. That is just not true. Nothing in this bill allows that.

Finally, they oppose the bill because they have heard that last Friday, a brandnew, 1,100-page bill no one has read is what is now before the Senate. That is just not true. This is the exact same bill that has been publicly available for 10 weeks. The main addition to it are about 120 pages of border security because in order to add 700 miles of fence, 20,000 border agents, and a prohibition on things such as foreign students or tourists from getting ObamaCare, we had to add pages to the bill.

Now, I understand—I do—why after reading these false claims people would be opposed to this bill. I also understand why, after we have been burned by large bills in the past, people are suspicious of big reforms of any kind. I understand why, after promises made in the past on immigration have not been kept, people doubt whether they will ever be kept again in the future.

But I also understand what is going to happen if at some point we do not come up with an agreement we can support on immigration reform. What is going to happen is we will still have a broken legal immigration system. We will not have more Border Patrol officers. We will not have enough fencing. We still will not have mandatory E-Verify. And we will still have 11 million people living here illegally.

That is why I am involved, because despite all of the problems we have with government, the only way to mandate a fence, E-Verify, and more agents is to pass a law that does so.

I knew getting these requirements into the bill would not be easy. This administration insisted the border is already secure, and they fought every effort to improve the border security parts of this bill. The administration wants the fastest and easiest path to citizenship possible, and they fought every condition and every trigger in this bill.

I got involved because I knew if conservatives didn't get involved in shaping this proposal, it would not have any of the border security reforms our Nation desperately needs.

Getting to this point has been very difficult. To hear the worry and the anxiety and the growing anger in the voices of so many people who helped me get elected to the Senate, whom I agree with on virtually every other issue, has been a real trial for me. I

know they love America, and they are deeply worried about the direction this administration is trying to take our country.

When I was a candidate, I told people I wanted to come here and fight. I want to fight to protect what is good for America and fight to stop what is bad for America. I believe what we have now regarding immigration is hurting our country badly, and I simply wasn't going to just leave it to Democrats alone to figure out how to fix it.

I guess perhaps at the heart of my support of this proposal is that I know firsthand that while immigrants have always impacted America, America changes immigrants even more. Just a generation ago my parents lived in poverty in another country. America changed them. It gave them a chance to improve their lives. It gave them the opportunity to open doors for me that were closed to them. And the longer they lived here, the older their kids got, the more conservative they became, the more convinced they became that limited government and free enterprise and our constitutional liberties made this Nation special.

I am a firsthand witness to the transformative power of our country, how it does not just change people's pocketbooks, it changes their hearts and their minds. Despite all the challenges and despite our broken government, I still believe this is that kind of country.

I realize in the end many of my fellow conservatives will not be able to support this reform. But I hope you will understand that I honestly believe it is the right thing to do for this country—to finally have an immigration system that works, to finally have a fence, to finally have more agents and E-Verify, and to finally put an end to de facto amnesty.

In my heart and in my mind, I know we must solve this problem once and for all or it will only get worse and it will only get harder to solve.

To my fellow conservatives, I will continue to fight alongside you for real tax reform, for lowering our debt, for balancing our budget, for reducing regulations, for rolling back job-killing environmental policies, and for repealing the disaster of ObamaCare. To my fellow conservatives, I will continue to fight alongside you for the sanctity of life and for traditional marriage. But I will also continue to work in the hopes of one day uniting behind a common conservative strategy on how to fix our broken immigration system once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to say how much I respect the Senator from Florida. I respect his viewpoint. I respect the amount of effort he has put into this issue, which is a very difficult and a very complex issue. He speaks from the heart. I have never questioned his motives, and he has worked very hard to put together the very best piece of legislation that I think could have been accomplished on this Senate floor.

I wish I could stand with him in terms of final support because I, too, believe our current system is broken, that it needs to be addressed. The status quo is not an option. We will continue down the same road, and only to a greater degree than where we find ourselves today.

I am deeply concerned. For me, the most difficult of things to work through—it finally came down to the fact that, as Senator RUBIO has talked about, there is a great level of distrust in this country today toward whatever comes out of Washington and whomever's mouth it comes out of.

I think some of this is due to certain events that have happened in the last several months. Benghazi is still not settled. The American people still are not satisfied with what has been said about what happened in Benghazi and what our response should have been. There have been changing narratives. That feeds into the distrust.

Certainly, there are the scandals—the IRS scandal and others continue to feed this distrust. It is a very dangerous thing for a democracy when people have lost trust in their elected Representatives, in their government. It is a very dangerous thing for the future. We need to restore that.

To me, that element that now exists means when we take up legislation as comprehensive as this bill is, as sweeping as this bill is, we need to ensure the American people understand it and that they have trust in us that what we promise we will do in this bill will be fulfilled.

All this, from my perspective, has to be measured against the 1986 Immigration Reform Act, which I voted for and supported. Ronald Reagan was President at the time. We had a divided Congress—Republicans and Democrats. This Senate was under one party and the House was under another. So the situation was somewhat similar to today. But with President Reagan's leadership, and with the promises that were made, the 3 million people who were here illegally at that time were granted an opportunity to get on a path to citizenship—and it was combined with the fact that we promised in that bill, verbally and in language, that we would secure the border so we would not have to deal with this again. Well, here we are in 2013 dealing with it again, but there are not 3 million illegal immigrants; there are now 11 million illegal immigrants.

It is having an enormous impact on our country, and it is an issue which we have to address. But I think we have to do it in a way that acknowledges that the promises made then were not fulfilled. When added today to the broken promises and the growing level of distrust than any of us could possibly imagine, that has to be addressed. The way, in my opinion, to address that is—to borrow from Ronald Reagan trust, but verify.

I think verify, because of this trust deficit, has to come first before people are ready to trust. They simply do not believe that the promises made will work, that they will be fulfilled.

When the underlying bill basically says the Secretary of Homeland Security will state that the Department has a strategy to address the border security problem, that does not play very well with people who have seen strategies promised before. They want to see results. The real issue here has been—at least for me, and I think for many of my colleagues—whether we are able to prove to the American people they are going to get their results before we start moving people through a legalization process which we know we are never going to be able to pull back.

There were some amendments offered by my colleagues which I supported because essentially they said we want to look at results first before we begin the process—from which we are never going to be able to pull back—of granting legal status for illegal immigrants in this country.

So it is that cart before the horse that, for me at least, and I think for many, is the reason why we cannot support this bill as it is currently written.

I hope the House will come forward with something more credible, perhaps more sequential, that addresses this very fundamental flaw in this bill to prove to the American people that we will fulfill the promises we are making in this legislation before we start a process of granting legal status to illegals. We need to ensure we will not get years down the road only to find we have not succeeded in fulfilling those promises, and have created yet another amnesty situation.

I am the son of an immigrant. My mother came here with her family. It has been the narrative in our family that legal immigration is what has made America the country that it is. So I do not fear immigration. The diversity has been good for our country. I served as Ambassador to Germany for 4 years, and I cannot tell you how many Germans and Europeans from other countries came up to me and basically said: Someday I hope to get in the lottery, that my name will be pulled. I have been in line for 15 years; I have been in line for 20 years waiting to come to your country through a legal immigration process.

It is pretty hard, when you are the son of an immigrant—you know your family came here the right way—to know there are millions of people in this world who would love to come to America and become responsible citizens, and yet to see them look at people flooding across the borders and being granted that privilege which they have not yet been able to attain.

So I trust that we will be able to go forward. I hope the House will come forward with something that is more credible than what the Senate is poised to pass. I voted earlier for a procedural

motion to allow debate on this issue because I think we need to have this debate. I was hoping that we could address this fundamental issue through the amendment process. The employee verification has been strengthened, the border security has been strengthened, the exit visa problem has been strengthened, assuming the promises come true, but they have only been strengthened on a piece of paper. We need to see it strengthened for real on the border, at the employment offices, and at the exit visa offices on the portals for people coming in and out of this country. That is yet to be seen. That is yet to be demonstrated.

So without that fundamental approach of demonstrating results first in order to restore that trust, which is so lacking with the American people—yet justified, on the failures of Congress and the failures of this administration, in particular, or any administration to deliver what they said they would and—to fulfill their promises—that is why I will not be supporting the bill.

I do hope, given the problems we have with the status quo—as I think was clearly outlined by my colleague from Florida—we need to keep at this. We need to find the solution to the problem because America cannot continue to be the country that it is and be the country that we want it to be if we do not address this wound and this flaw in the current immigration system.

We need the ability to attract and maintain people with skills for many of our businesses. Some of our most important industries—pharmaceutical, software, and others—important to our national defense and national security need those employees coming here the legal way through visas. We also need our agriculture industries and others to have access to workers. I have a lot of processing plants in my State and agricultural sources in my State that cannot find enough American workers to fill the positions they have offered. That ought to be addressed. I want to address that.

So I am not simply someone standing up and saying we do not have to fix the problem. We do have to fix the problem. I respect the efforts that have been made in a bipartisan way to try to do that. I just think this bill has one major fatal flaw; that is, promises are not demonstrated, are not fulfilled, before the process starts. For that reason, I cannot support the bill in its final form.

I yield the floor.

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

Mr. FRANKEN. Madam President, I ask unanimous consent to speak as in morning business.

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

SUPREME COURT RULING

Mr. FRANKEN. Madam President, I rise today to talk about college affordability and student loan interest rates. But before I do that, I would like to take a moment to comment on the historic decision this morning by the Supreme Court.

I have been married to my wife Franni for 37 years. It is the best thing that ever happened to me, and I have long believed that every loving couple should be seen as equal under the eyes of the law. So I have been fighting for years, along with others, to overturn the so-called Defense of Marriage Act. I am very happy today that the Court did so in part this morning.

Today all Minnesota couples will be treated equally under Federal law, and this will make a real difference for those families.

We still have work to do. I think Americans should have the freedom to marry the person of their choosing regardless of the State in which they live. So we still have work to do, but today is a happy day.

STUDENT LOAN INTEREST RATES

OK. Back to college affordability and student loan interest rates.

The interest rate on the Stafford subsidized loan is set to double on July 1. Along with a number of my colleagues, I am fighting to prevent that from happening and to reach an agreement to protect students and make college more affordable for them and for their families.

Not long ago I had a group of student leaders from MnSCU—the Minnesota State Colleges and Universities—come to my office in DC to discuss college affordability.

Now, remember, these are members of the student government of many of Minnesota's public colleges and universities. They are the student leaders. There were about 20.

I asked them: How many of you work while you are going to school, while you are in college?

Every one of them put up their hand.

I said: OK. How many of you work at least 20 hours a week?

Most of them.

How many of you work 30 hours a week while you are going to school?

More than I expected.

Then I asked them: How many of you work full time, work 40 hours a week while you are going to college?

A number of them raised their hand.

Mind you, these are the student leaders of these schools. So they also spend their time in student government. Working in college is not necessarily a bad thing. Some work can help students better manage their time, become more productive, and help pay for college. I worked during college. It was like 5 hours a week in our dorm kitchen.

Evidence shows that when a student starts to work more than 15 hours a week, it becomes harder for the student to maintain good grades at school and to graduate from school on time. Students are working more because college is becoming less and less affordable. They are still taking out more and more student loans and graduating with more and more debt.

Minnesota has the unfortunate distinction of being the State with the third highest average debt for students graduating from college, at over $30,000 a student. Whether those student Americans are attending community college or 4-year public or private colleges, it is increasingly difficult for them and their families to afford higher education.

Part of what has happened is that State support for higher education has gone down in recent years, shifting more of the burden onto students and their families. According to the latest report from the State Higher Education Executive Officers, public colleges experienced a 9-percent decrease in State funding per student from 2011 to 2012, including in Minnesota.

Minnesota public colleges saw a 27-percent decrease in State funding per student from 2007 to 2012. Meanwhile, and partially because of this, the University of Minnesota saw an increase of 65 percent in its average tuition and fees in constant dollars from 2002 to 2012. Our other public 4-year universities saw a 47-percent increase in average tuition and fees. Our public 2-year colleges saw a 39-percent increase in tuition and fees over the same time period.

After more than a decade of higher education spending cuts and tuition increases in Minnesota, things have started to turn around this year. The State legislature passed a bill that increased funding for higher education in Minnesota by $250 million, including a tuition freeze at the University of Minnesota and Minnesota's other public colleges and universities for 2 years. That is very good news. While this is a great victory for Minnesota's students and families, it certainly will not solve the college affordability problem in Minnesota.

As college has gotten more expensive, our Federal student aid system has not kept up. In 1975, Pell grants—long the cornerstone of our Federal financial aid system—a full Pell grant covered almost 80 percent of the cost of attending a public 4-year college, but now it pays for approximately 33 percent of the cost of a year at a public 4-year college.

As students have turned to student loans, more of them are ending up tens of thousands in debt. In Minnesota I have held several college-affordability roundtables and heard from a number of extraordinary students. One of them is Taylor Williams, who was a senior at the University of Minnesota in the spring. He grew up in a low-income family. Taylor was afraid of taking the advanced placement courses because he did not think he could afford the tests. The tests cost too much money. Fortunately, Taylor had a guidance counselor who found funding to help him pay for the tests, and his success in those AP tests helped him start college with 1 year's worth of credit. Taylor, when I talked to him, was also working 30 to 40 hours a week and receiving

community scholarships. Yet, in spite of all of this, he is graduating with student debt.

Because of stories like Taylor's, I recently introduced the Accelerated Learning Act, a bill to reauthorize an existing Federal program that provides funding to low-income students to help pay for AP and IB—International Baccalaureate—exams. This is a Federal program that has been around for over a decade and has helped students lower the cost of college. I am pleased that this legislation was included in the larger bill to reauthorize the Elementary and Secondary Education Act that we passed out of the HELP Committee earlier this month.

Taylor and countless other students at schools across Minnesota demonstrate tremendous perseverance and grit in getting a college education and cobbling together the resources to pay for it. They are working incredibly hard, and they are still taking on significant amounts of debt—debt that will stay with them for a good portion of their lives.

Paying for college should not have to be that hard. In many other countries it is not. In fact, in many other countries, students can go to college for free—for free—or pay extremely low tuition. According to the Organization for Economic Cooperation and Development, OECD, countries where students pay zero tuition for their postsecondary education include the Czech Republic, Denmark, Finland, Ireland, Iceland, Mexico, Norway, and Sweden. Other countries, such as France, Austria, Switzerland, and Belgium have postsecondary systems where students have to pay tuition of less than $1,500 per year.

Because of this it is not a surprise that many of these countries are also surpassing the United States in higher education attainment. Not very long ago the United States ranked first in the world in the percentage of 25- to 34-year-olds with a higher education. According to the latest data from the OECD, the United States is now 14th in that category. This is a trend we need to reverse if the United States is going to remain globally competitive. In an ideal world the United States would provide free or extremely low cost postsecondary education to its citizens, as so many other nations do. Unfortunately, that is not going to happen anytime soon. So we need to take smaller but important steps to help our students pay for college.

The interest rate on subsidized Stafford loans is going to double from 3.4 percent to 6.8 percent on July 1 unless Congress takes action to prevent that from happening. This interest rate—this is an increase that would affect almost 200,000 students in Minnesota, who would end up paying about $1,000 more for each student loan they take out over the life of that loan. That is above what they are already paying.

At a time of record-low interest rates, it makes no sense to let the student loan interest rate double. We should prevent that from happening. Ultimately, we need a long-term fix so that interest rates do not become more unaffordable for students and their families. We also need to make sure that whatever action we take does not make the problem worse.

Several of my colleagues have proposed short-term fixes to this interest rate problem. I am proud to support efforts by Senators JACK REED and TOM HARKIN to freeze the interest rate at 3.5 percent while Congress works out a longer term solution. I am also a proud cosponsor of Senator WARREN's legislation to tie the student loan interest rate to the rate at which the Federal Reserve lends money to banks. At a time when the Fed is lending money at an interest rate of .75 percent to banks, it makes no sense for students to borrow money from the government at a rate of 6.8 percent a year or even higher. Senator WARREN has been an important voice in this debate in the Senate, making the student loan interest rate the focus of her first piece of legislation.

We need to get this done. Democratic leaders have been negotiating in good faith on this issue. If we need to pass a short-term extension of the current interest rate to give negotiators more time to produce a solution that works for students and their families, well then that is what we should do.

Fixing the student loan interest rate is far from the only issue we have to tackle to make college more affordable for students. I just reintroduced my bipartisan Understanding the True Cost of College Act to standardize financial aid award letters among universities so students can have clear and consistent information about the cost of their education. Students and their families and high school counselors need to have uniform financial aid letters so they can make real comparisons about all the costs before deciding where the student should go to college. That is what my bill makes possible.

I also stand ready to work with my colleagues to protect the Pell Grant Program and to support other programs that make college more affordable for students, such as the TRIO and Work-Study Programs.

We have a lot to do and a long way to go to make college more affordable for our students. Doing that will help more Americans find jobs to support their families, help more employers find qualified workers for their businesses, and help our economy prosper. This is one of the most critical issues we face as a Congress. Addressing the student loan interest rate is a solid first step we can take toward tackling this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. In the last 3 weeks, I have pointed out several flaws in the immigration bill. Within a couple of days, we will have a bill through the Senate. I think I owe to my colleagues and to my constituents, since I have been pointing out flaws, what it would take for me to vote for an immigration bill because I am just like most everybody and maybe everybody in the Senate who will tell you that the status quo is not legitimate to maintain and that we have to reform the system.

So there are, I would like to say, 100 Senators who believe the immigration system needs to be fixed. I can guarantee that there are also 100 different ways to fix it. Nobody has a perfect solution, but I bring an experience to the table that very few others have.

My deep-rooted concern with this bill stems from my strong belief that we made a mistake in 1986. We allowed legalization and ignored the laws on the books. Another major shortcoming was that we allowed legalization without creating adequate avenues for people to enter, live, and work in this country legally. In other words, if we had a system that works, where we had a shortage of workers, if they could legally come to the country, we would not have the problems we have today. We did not do that in 1986.

These were crucial flaws that have led us to the debate we have been having the last 3 weeks, and I am not willing to pass that mistake on to future Congresses.

What will it take for somebody such as I, a Senator who voted for amnesty in 1986 and wasn't a part of the Group of 8 or Group of 10, to vote for immigration reform this year? This is what I need to see in an immigration bill in order to support it and send it to the President.

When I mentioned four different points, it doesn't mean that takes care of everything, but if these things were taken care of, regardless of the other things, I would feel I would have to support it. They are:

No. 1, legalization after border security; No. 2, meaningful interior enforcement, including allowing ICE to do its job and work with State and local people; No. 3, strengthening, not weakening, current law with regard to criminals; and, No. 4, protecting American workers while enhancing legal avenues.

I will explain them at this point, starting with legalization after border security. Most Americans contend that a legalization program is a compassionate way to help those who are unlawfully in the country. However, those compassionate people who support such a program of legalization do so only on the promise that the government will secure the border and stop the flow of illegal immigration.

We are a nation based upon the rule of law. We have a right to protect our sovereignty, and, of course, a duty to protect our homeland. Any border security measures we pass must be real and immediate. We can't wait 10 years to put more agents on the border or to implement a tracking system to track foreign nationals. We have to prove to

the American people that illegal entries are under complete control and that visa overstays are to be punished.

Unfortunately, too many people have been led to believe this bill before us will force the Secretary of Homeland Security to secure the border. It doesn't.

A fundamental component of any legislation is border security first and foremost, not legalization now and enforcement later, if ever.

There has to be pressure on the executive branch to get the job done. We must tie legalization to results. Only then will advocates and a future administration truly try to secure the border.

Secondly, meaningful interior enforcement, including ICE being allowed to do its job and work with State and locals. Enforcement of the immigration laws has been lax and increasingly selective in the last few years. As a result, States have been forced to deal with the criminal activity that surrounds the flow of people here who are undocumented.

They have stepped up efforts to control the effects of illegal immigration in some States, and the States should be able to protect their people and stem the lawlessness within their border. Yet time and again this administration has denied States the opportunity and tried to stop them from enforcing immigration laws.

Federal immigration enforcement officers have also been handicapped from doing their job. The bill would practically render these officers useless since they are required to verify a person's eligibility for legalization before apprehending and detaining. They need to be provided the resources to fulfill their mission and not be told by Washington to sit idly by.

The unfortunate reality is that the bill does almost nothing to strengthen and enhance our interior enforcement efforts. The bill does nothing to encourage Federal, State, and local law enforcement efforts to apprehend and detain individuals who pose a risk to our community. The Federal Government will continue to look the other way as millions of new people enter the country undocumented.

Meanwhile, the bill gives the States no new authority to act when the Federal Government refuses. I will be the first to say that border security is a must, but people who enter illegally and overstay their visas and are residing in the interior of the country, this cannot be ignored. This is something that if it is fixed, I would feel very comfortable voting for an immigration bill.

Strengthening, not weakening, current law with regard to criminals. It is not going to go over well back home if we say one can have criminal activity, even be deported from the country, and make application again to have the benefits of this legislation.

One of the major reasons why immigration is a subject of such significant public interest is the failure of the Federal Government to enforce existing laws. Eleven million people have unlawfully entered the country or overstayed their visas because the Federal Government did not deter them or take action to remove them.

This bill before us significantly weakens current criminal law and will hinder the ability of law enforcement to protect Americans from criminal undocumented aliens.

The bill weakens current law regarding passport fraud, only charging those who make or distribute illegal passports three or more times. It allows a person to knowingly purchase materials for making illegal passports but only charge the person with a crime if 10 or more passports are made.

It also weakens current law for those who illegally enter the country, changing existing laws by removing the crime of illegally attempting to enter the United States. This essentially incentivizes foreign citizens to attempt to illegally enter the country as many times as they wish.

Further, once they successfully enter the United States illegally, the alien would only be subject to criminal punishment if they are removed from the country three or more times. Why isn't once enough?

Taken together, the bill weakens current law and will make it easier for undocumented aliens to enter the country illegally by not criminalizing their attempts to enter, nor their actual illegal entry, unless they had been previously removed three or more times. This is a drastic change that will encourage future entries by undocumented people.

Given the serious nature of criminal street gangs, we need to pass an immigration bill that prevents entry into the country if one is a gang member. More important, we need to ensure that gang members are not being rewarded with legal status. Regrettably, the bill is weak on foreign national criminal street gang members in several regards. In addition to weakening current law, the bill does very little to deter criminal behavior in the future. The bill ignores sanctuary cities, allowing criminals to seek safe harbor in jurisdictions where they have policies aimed to protect people in the country illegally.

It increases the threshold required for actions to constitute a crime. It punishes persons only if they have already been convicted of three or more misdemeanors on different days, and it only punishes undocumented aliens who are removed from the country three or more times.

I am committed to making sure any bill that is sent to the President makes a more serious effort to penalize those who attempt to enter or reenter the United States. It needs to be tough on lawbreakers and send a signal that fraud and abuse, including identity theft, will not be tolerated. It needs to ensure that gang members are not granted legalization but rather made deportable and inadmissible.

We need to protect victims of crime and ensure that child abusers and domestic violence perpetrators do not receive benefits under the immigration law. Finally, we need to ensure that dangerous, undocumented criminals are not released in our country but are detained until they are properly returned to their home country.

Fourth and last, we need to protect American workers while enhancing legal avenues.

While I support allowing businesses to bring in foreign workers, they should only do so when qualified Americans are not available. There have been too many stories about U.S. workers who have had to train their replacements who come in through the H–1B visa program. Foreign nationals are being hired but then working in locations not specified in their application. Other work visa programs are not free of controversy.

I agree with the creation of a temporary worker program, such as the W visa program created in this bill. I have long argued we must enhance and expand opportunities for people who wish to work legally in this country. Yet as we do that, we cannot forget the American worker. We need to fight for them and ensure that they are not disadvantaged, displaced, and underpaid because of our generation laws.

The bill before the Senate makes that move in the right direction by increasing worker protection for Americans and by providing more authority to the executive branch to investigate fraud in the H–1B visa program. Unfortunately, the bill is slanted to ensure that only certain employers undergo more scrutiny. All employers who bring in visa holders should be held to the same standard. All employers, not just some, should be required to make a good-faith effort to recruit U.S. workers. All employers, not just some, should be required to attest that they did not or will not displace a U.S. worker within 180 days of applying for an H–1B worker. All employers, not just some, should be required to offer the job to a U.S. worker who is equally or better qualified.

Our employment-based immigration program, including the H–1B program, has served and could again serve a valuable purpose if used properly. However, they are being misused and abused. They are failing the American worker and not fulfilling the original purpose that Congress intended when it was created.

Reforms are needed to put integrity back into the program and to ensure that American workers and students are given every chance to fill vacant jobs in this country.

Again, how I vote on the final bill coming out of conference with the House is undecided. I want to be able to support something that will make Americans proud, that will not make the same mistakes we did in 1986, and

will stand the test of time so future generations can benefit. I need to see at least these four key changes before I can cast a vote in support.

I have said to Iowans and to my colleagues that the bill before the Senate is precooked, but I have faith that a better bill is achievable, a bill that can gain more votes, including mine. This body, the Senate, is described as the most deliberative parliamentary body in the world—and I believe it is—but when we had 451 amendments offered to this bill, we were promised free and open debate. We have only dealt with about a dozen of them, and we can't say we had a fair and open debate as we were promised.

It surely did not meet the standard that was set by Chairman LEAHY when he promised in committee a free and open debate. There was free and open debate and no limit on amendments. We stuck with it until we got done.

We could have just as well stuck with this bill until we got it done and we could have had votes on more amendments.

Now we are going to pass a bill that is not the best for the country and doesn't accomplish even what the authors of the legislation hoped to accomplish, particularly when they say secure the border first and then legalize. We have to rely upon a body that is not considered a deliberative body, the House of Representatives, to correct these mistakes that are made in this bill. I think they will, I hope they will, and then I hope I can vote for the product that will go to the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for 10 or 12 minutes as in morning business and then have the Senator from Massachusetts, Ms. WARREN, be recognized at the conclusion of my remarks.

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

(The remarks of Mr. WHITEHOUSE and Ms. WARREN pertaining to the introduction of S. 1229 are located in Today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

Mr. SESSIONS. Mr. President, we just saw on the news today that the GDP for the first quarter, according to the Wall Street Journal, was revised downward dramatically from previous estimates. I am not saying there is anything wrong with their accounting, but they go back and doublecheck their numbers and add other analyses and they come up with what the growth of the economy was in the first quarter. The previously announced growth level was 2.4 percent for the first quarter, which is low. Coming out of a recession, we need to be doing better than that. But now that it was revised downward, they found there was only 1.8 percent growth in the first quarter. That is a very dangerous trend, and the article said it is evidence of a slowing growth in America.

The fourth quarter of last year GDP growth was only .4 percent. If continued throughout the year, that is a very troubling number. The data shows for the last 15 quarters, almost 4 years, we have averaged only about 2 percent growth in our economy—growth in GDP.

I would say to my colleagues, as we vote to bring in more and more workers at a time when jobs are not being created in any significant number, we need to be aware that this can cause severe consequences.

The Atlanta Federal Reserve Economic Study, done several years ago, found the immigration flow today in the Atlanta area of the Federal Reserve had reduced the wages of American workers in that region by as much as $1,500 a year. That is $120 per month less money for an average family to take care of themselves.

Unemployment and declining wages are a big reason that people are getting in trouble on their credit cards. Professor Borhaas and others have done studies on this.

Another study found a $960 decline in people's annual wages, which is about $80 a month. Eighty dollars a month may not sound like a lot for a Senator, but it sounds like a lot for a working American—maybe equal to their gas bill, or part of it.

I would say that as we consider our votes on the immigration bill, let's consider that this economy is not growing and is not creating large job growth. We have projections that we are not going to do so for the next decade. And I am not talking about people who will be legalized that are here, but we ought not overload the economy with a new flow that is much larger than the current flow of immigration legally.

I see my colleagues are here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business to offer a unanimous consent.

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

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mrs. MURRAY. Mr. President, it has now been 95 days since the Senate passed a budget, and I have come to the floor myself now 6 times to ask unanimous consent to move to conference. My Democratic colleagues have asked unanimous consent to move to conference another eight times. After every request, a Senate Republican has stood up and said no—no to the opportunity to work on a bipartisan budget deal.

I want to say to the Republicans who are blocking a bipartisan budget conference: Enough is enough. We have heard so many excuses—refusing to allow conference before we get to a so-called preconference framework; putting preconditions on what can be discussed in a bipartisan conference; claiming that moving to a budget conference—which leading Republicans did call for just a few months ago—was somehow not regular order; to, most recently, claiming we need to look at a 30-year budget window before looking at the major problems we have right now in front of us—which, I add, is unacceptable, because the American people rightly expect us to work on both at the same time.

Hearing these changing excuses week after week has been frustrating not just for Democrats but for many of my Republican colleagues as well.

A large group of us—Republicans and Democrats—think that although we do have major differences between the parties' values and priorities, we should at least come to the table and try to work out a bipartisan deal. That is what American people do every day. And when there is a disagreement, they can't afford to play a game of chicken and hope the other person gives in, because when that happens, important work cannot get done. Kids don't get picked up from school, bills don't get paid, small businesses miss a major opportunity for expansion. Every day regular Americans avoid those kinds of situations, and we here in the Senate should at least try to do the same.

There are extremely important things that are not getting done in the Senate right now because some Republicans want to embrace the harmful top-line spending level in sequestration which has a major gap between the House and Senate appropriations levels for the next fiscal year. We don't have much time left to resolve that gap. After we come back from next week's State work period, we will have 1 month to try to come to an agreement or else we are going to find ourselves in a very tough situation in September. We could, once again, be working against the clock to avoid a harmful crisis. The last thing the American people—who come together and resolve differences every day—want to see is another round of manufactured crises coming out of Washington, DC, and they do not have to. We still have time.

I know there are leaders on both sides of the aisle who would strongly prefer to solve problems rather than to get into yet another political fight that creates uncertainty for our families, our businesses, our country, and our economy. I am confident that if those of us who prefer commonsense bipartisanship over artificial crisis work together, we can reach a fair agreement and show the American people our government does work.

I urge Senate Republican leaders to drop the tea party-backed strategy of delaying until the next crisis, and allow the Senate to join the House in a formal bipartisan budget negotiation.

Therefore, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 33, H. Con. Res.

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

The PRESIDING OFFICER. Is there objection to the request?

Mr. CRUZ. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. The issue before this body is not complicated. There are a lot of procedural ambiguities that make it difficult to penetrate, and yet it is one very simple issue. The issue before this body is whether the Senate can raise the debt limit of the United States with simply using a 50-vote threshold or whether it should go through the regular order before raising any debt limit, subject to a 60-vote threshold.

What is the difference? The difference is simple: If the debt limit can be raised using 50 votes, then the majority party—the Democrats—do not need to speak to the Republicans, do not need to sit down at the table and work with the Republicans, do not need to listen to any opposing views.

Indeed, the President of the United States has been very candid. He has been unequivocal. President Obama has said he believes we should raise the debt limit, with no preconditions, with no negotiations, with no changes whatsoever.

If you think it is OK that in 4½ years our Nation's debt has gone from $10 trillion to nearly $17 trillion, if you think it is OK that our Nation's debt is now larger than the size of the entire economy, if you think it is OK that our children and grandchildren are being be bankrupted—in 4½ years the national debt has grown over 60 percent—and if you think it is OK that the Senate Democrats want to continue borrowing trillions more while doing nothing—nada—zilch—to address the spending problems, to rein in out-of-control spending, then you should welcome this motion.

Over and over again the majority has asked to go to conference on the budget. Why? Because going to conference on the budget allows a procedural back door to enable them to raise the debt ceiling using only 50 votes.

How do we know that is what this is about? We know that is what this is about because my friend the Senator from Washington could go to conference on the budget right now. This instant we could go to conference on the budget—right now—except, when I ask—as I am going to in a moment—for unanimous consent not to use it as a procedural back door to raise the debt ceiling, my friend the Senator from Washington is going to object. And I know this because we have done this kabuki dance more than once and we continue doing it back and forth. But it makes clear that is what this fight is all about.

Of course the Senate budget didn't address the debt ceiling; the House budget didn't address the debt ceiling; we didn't have a debate on the floor of this Senate about the debt ceiling; we didn't have a vote on the floor of the Senate about the debt ceiling; and yet the reason the majority is so adamant that they want to go to conference is because it presents them with an avenue to use 50 votes—the votes of only the Democrats in this body—to raise the debt ceiling to dig us further in debt and to do nothing—nothing—to fix the problem.

I would suggest that is irresponsible. That is not what Americans want. That is not what Democrats, Republicans, or Independents outside of the Washington beltway want.

We fundamentally know it is wrong to stick our kids and grandkids with $17 trillion in debt. It is even more wrong to keep on doing it and making it worse and worse and not rolling up our sleeves to fix it.

One of the great frustrations of this body is that for some time now the American people have been unequivocal: Their top priority is jobs and the economy, and is turning around what is going on. Yet this body doesn't talk about that. It doesn't talk about generating jobs, getting the economy growing, and stopping our out-of-control debt. Instead, we debate every other priority under the Sun—whether it is restricting Second Amendment rights to keep and bear arms or whether it is a national energy tax through the President's climate change proposal.

Mrs. MURRAY. Mr. President, I am not sure whether there has been an objection.

Mr. CRUZ. Reserving the right to object, I ask unanimous consent that the Senator modify her request so that it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would object. What the Senator is asking for is a precondition on a conference committee without the consideration of this whole Senate.

What I have offered to him and to this body in my unanimous consent request is a vote on the motion to instruct conferees, which is what occurs in the Senate if we want to put any precondition onto a budget.

I reject his unanimous consent, and I ask again my unanimous consent request.

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

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

Mrs. MURRAY. The Senator from Washington objects to the request as modified, and again reasks my original unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. Reserving the right to object, I would note the comment from my friend from Washington suggesting a motion to instruct the conferees. What she of course knows is that is a typical Washington maneuver, because the motion to instruct is nonbinding and it is subject to 50 votes. So if we had a motion to instruct the conferees not to raise the debt ceiling, every Democrat in this body would vote against it. It would be defeated. And even if it were passed, it would be nonbinding on the conferees.

No one should be confused. What the Democrats want is to raise the debt ceiling. And they want to do it using 50 votes, ignoring the views of the minority, and doing nothing to fix the problem.

Accordingly, I object.

Mrs. MURRAY. I make my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the original request?

Objection is heard.

The Senator from Colorado.

Mr. BENNET. Mr. President, I was here to talk about immigration, and that is what I will talk about. But I have been caught in a crossfire on this subject, and I want to say my view is this is exactly what people hate about Washington, DC. It is exactly why we have a 10-percent approval rating.

For 4 years I went to townhall meetings and was asked over and over and over: Why don't the Democrats in the Senate pass a budget? Which I think is a very legitimate question. We got a new Chair of the Budget Committee and we passed a budget after 4 years, and now we are told we can't go to conference to have a discussion with House Republicans about what our budget ought to look like.

I actually disagree with the Senator from Texas, I have to say respectfully, on the merits of this issue; that is to say, on the debt ceiling itself. This is the reason I think folks in Colorado can't stand this place. There is not a mayor in my State, whether they are a Republican or a Democrat or a tea party mayor, not one—not one who would threaten the credit rating of their community for politics. Not one. We would run them out on a rail, because that is not the way you do business. The credit rating of a community is the most important thing it has. The

full faith and credit of the United States of America—which until the last debt ceiling discussion had never been questioned—was questioned for the first time in our history; not because of the size of our debt—which, by the way, I have spent 4 years trying to work on because I believe it is a very severe problem we face, and I look forward to working with the Senator from Texas on this issue—but because of the political dysfunction in DC. That is why we got this downgrade.

The Senator from Alabama, who has left the floor, was talking about the restatement of our GDP numbers in the first quarter. I worry a lot about that. The people I represent are not concerned with the procedural stuff that goes on here. What they are worried about is an economy they are living in day after day after day where, even in periods of economic growth, median family income is falling, middle-class families are falling behind. They are worried about an economy where they are earning less at the end of the decade than they were at the beginning, but their cost of higher education continues to escalate, their cost of health care continues to escalate. As individuals, as families, and as members of a generation, they are worried we are going to be the first generation of Coloradans and Americans to leave less opportunity and not more to the people who are coming after us.

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

Mr. BENNET. I wish to finish my statement, and then I will gladly yield for a question.

I was glad to hear the Senator from Alabama. He and I disagree on the immigration bill, but we certainly agree on the issue of the concern all of us have about this economy—or most of us have about this economy. It is one of the reasons we should pass this immigration bill. The Congressional Budget Office tells us we would see 3 additional points of GDP increase in the first 10 years, 5 over the two 10-year windows, if we pass the bill.

To the point about American jobs, I was very glad to hear him say he was not talking about the 11 million people who are here because most of the 11 million people who are here are working. But they are working in a shadow economy, a cash economy, under circumstances where they can be exploited. We have allowed that to happen because of the broken immigration system we have. If all you cared about—and I deeply care about it—was raising wages for the American worker, you would want to bring those 11 million people out of that shadow economy. You would want them paid in something other than cash, and you would want them, for heaven's sake, paying taxes at a time when we have the kinds of deficit problems the Senator from Texas is describing.

The Senator also talked about the future flow of immigrants. I should say I was part of the bipartisan group. This is not a partisan bill, this immigration bill. There were eight of us. Four Republicans and four Democrats worked together on this bill, and one of the things we thought hard about was the future flow of immigrants to this country because generation after generation of Americans, since the founding of our country, has relied on new immigrants to bring their ideas, to bring their talents, to bring their energies to our shores to build their businesses here.

Today what we are saying to people—even people who get college degrees in the United States, degrees that we subsidize, that we pay for—even to those people, we are saying: Don't stay here. Even if you want to stay here, please go home to China and start your business there. Go home to India and compete with us there. Hire people there instead of creating jobs here in the United States.

We are a nation of immigrants. We subscribe to the rule of law. This bill is a ratification of those two American ideals—ideals that you can almost not find in any other country in the world.

That is why I am so glad that for once this body is actually acting in a bipartisan way to deal with not an easy problem but a tough problem. I will tell you the kids who are visiting today from 4-H all across the country and from my State of Colorado actually are expecting us to do these hard things, as our parents and grandparents did before them, so we don't leave them in the lurch.

That is what is at stake. That is why I wish we could find a way past this budget impasse as well so we actually could start to have a responsible conversation about what we are going to do on the entitlement side and on the revenue side, so we do not continue to hack away at domestic discretionary spending in ways that could lead us, with some of the House proposals, to invest only 4 percent of the revenue we collect in the future—4 percent in transportation and agriculture and education. There is not a business in this country that would last a year if it invested 4 percent of its cash flow in the future of that business.

At some point we have to move beyond where we have been here and actually get into a serious discussion about how we are going to manage this debt down over the next decade or two in ways that do not prevent us from growing our economy and in ways that do not subject our children to unpaid bills. It would be as if I went to the mortgage lender on my house and I said: I would like to buy a house, and I am going to take out a mortgage, and then I am going to give it to my kids to carry for me instead of paying for it myself. That is the position we are in today. The only way we are going to solve that is if Democrats and Republicans can sit down together and actually move past the talking points.

With that, I will yield for a question.

Mr. CRUZ. If I may ask my friend two questions on the two topics he addressed, the first being the debt ceiling, the second being immigration. On the debt ceiling, the question I will ask is, Does my friend from Colorado believe Congress should continue raising the debt ceiling in perpetuity, with no changes and no preconditions, and should the Senate be able to do so with just 50 votes?

Mr. BENNET. Here is how I answer that. I appreciate the question. Through the Chair to the Senator from Texas, it is clear that this is not going to get us anywhere, this procedural fight the two of you are having every couple of weeks. I think that is clear. I think it is clear that the debt ceiling is something that has been raised time and time again by Republicans and by Democratic Presidents over the years. I think it is also clear that we have to deal with our debt and our deficit. I believe that. But for myself, I don't feel like I would come to the floor and say that I am only going to allow this bill to go to conference with the Republicans in the House if all the money comes to Colorado—or some other stipulation I would want that 99 other Senators would not agree with.

The second thing is that I think it is important for people to understand that this issue—again, I am not in any way trivializing the issues around our deficit and our debt. I want the Senator from Texas—I hope he understands that. I hope he knows that about me. But I worry about the debt ceiling as a tool for accomplishing this, first for the reasons that have to do with our credit rating but also because there is a view among some that the debt ceiling is about bills we are going to incur as opposed to the ones we already have incurred.

In other words, it would be one thing if somebody said: I am spending too much money and I am going to cut up my credit card, and that is what they would do, but that is not what the debt ceiling is about. What the debt ceiling is about is somebody saying: You know what, I want the best cable package I can find, I want the best satellite package I can find, and when the bill comes to pay for it, I am just going to chop it up into little pieces and not pay it. That is what I don't like about this approach.

But everybody is entitled to their own approach on this question. I just wish we could move forward here instead of continuing to earn the 10-percent approval rating Congress has. That is all I am asking for.

Mr. CRUZ. Will the Senator yield for an additional question at that point?

Mr. BENNET. Sure.

Mr. CRUZ. I like and agree with his analogy about cutting up a credit card. Indeed, if my friend from Colorado supports anything resembling Congress cutting up the credit card, that will truly be a dramatic position, a position on which he and I could find common cause.

Mr. BENNET. May I.

Mr. CRUZ. If I can ask the question. I ask, the natural results of what my

friend from Colorado just said are that I assume, then, that he would readily support PAT TOOMEY's Default Prevention Act? What PAT TOOMEY's Default Prevention Act does is it ensures what the Senator said—money that we borrowed we will keep paying. It says that in the event the credit limit is not raised, the United States will always, always, always pay its debt. We will never, ever, ever default on the debt, and we will take that completely off the table. Then the debt limit fight would only be about, as my friend from Colorado put it, cutting up the credit card for future spending.

Would my friend from Colorado support the Default Prevention Act of PAT TOOMEY, making it impossible—taking default off the table permanently?

Mr. BENNET. I say through the Chair to my friend from Texas, I have not read the bill, but I will read the bill. I commit to him that I will do that.

I appreciate the implication of this, which is that the Senator is not objecting to my metaphor about the cable bill being cut up, because I do think that is a real problem.

We are not saying to people—we should not be saying to people that we are going to behave in an irresponsible way. As somebody who used to spend his time restructuring companies that were really well run, really well operated but had horrible balance sheets, I would have to think hard about the treatment that creditors would provide to, in this case, the U.S. Government when I look at that. I will look at that.

I say to the Senator from Texas that there are other things we might even be able to agree on too around here. For a long time I have thought it would be important for us to put health care on a budget in this country. We are not on a budget. During the health care debate I had an amendment called the fail-safe amendment that would say to the American people and to the Congress: This is what we have to spend on health care. That is all there is. There is not any more. We have to manage toward that. If we failed, if we tripped over it, we would actually have to make cuts, make changes to our system of health care.

We spend twice as much as any other industrialized country in the world, and it is crowding out a lot of other things that the 4–H kids and others whom I worry about care about.

So I think there is much we can work on, but I just don't think we are going to get to it through this kind of discussion. We might get to it through this kind of discussion.

In any event, I will commit to the Senator from Texas that I am going to sit down and stop talking about what he said.

Mr. CRUZ. 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. 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, there is no one else on the floor. I thought I would take the opportunity to talk again a little bit about our immigration bill. This has been such a gratifying process to me because it has been bipartisan from the start. In fact, I have been telling people that it is not even that it has been bipartisan, it has been nonpartisan. The work on the Gang of 8, which led to work in the Judiciary Committee, which led to work on the floor is the way this place ought to operate on a whole host of issues, from energy—the Presiding Officer cares a lot about that—to infrastructure, to the budget issues I was just talking about with the Senator from Texas.

It is important for people to know that this is a bipartisan bill because I think people are fed up with the partisanship in this town, and they do not believe it reflects the way they live their lives. There is a reason for that. It does not. This place is decoupled from the lives of ordinary American people, and this is an effort—among others, hopefully—to recouple those priorities.

I have been interested in the objections to the immigration bill since the beginning. First there was the objection that it was actually going to drive up our deficit. Not surprisingly, we learned from the Congressional Budget Office that this bill actually would create the most significant deficit reduction of any piece of legislation we considered here, certainly that we passed here—$197 billion in the first 10 years, $700 billion in the second 10 years. Even in Washington, $1 trillion is still a lot of money. That is what we heard, both because people now not paying taxes would be paying taxes and also because of the economic growth that would be generated if we could restore the rule of law to our immigration system and to this economy. That was an objection. That objection was answered—not by me but by the nonpartisan Congressional Budget Office.

The second objection was that the legislation was not going to get a fair airing, that it was going to be rushed through in the dead of night. I don't like doing work that way.

There were eight ''no'' votes on the fiscal cliff deal at the end of the year, and I was one of those ''no'' votes, one of three Democrats who voted no not largely but partly because it had not had any process and it was in the middle of the night. This bill, by contrast, had 7 months of negotiations among four Democrats and four Republicans. It had 3 weeks to go through the Judiciary Committee, a markup that had 160-some amendments, many of which were accepted. Forty-one Republican amendments were accepted to this bill. It came to the floor for the debate we have had over the last few weeks.

I realize the amendment process is jammed up, and I am sorry about that because I think people ought to be able—including the Presiding Officer—to offer the wise amendments they have and the not-so-wise amendments they have, at least in my opinion. But there certainly has been an open process for this bill. Sometimes I have heard people say, well, it is just like health care all over again. I was here during the health care bill, and I can say this process looks nothing like that process.

There is a third objection from some who say there is no border security in this bill. First of all, that wasn't even true of the Gang of 8 bill. We had substantial border security, and as my lead, I was taking what JOHN MCCAIN and JEFF FLAKE—both Senators from Arizona—said was important. They are two Senators who have a border State, and they have been working hard to resolve these issues in our group. We made a substantial investment in that bill for border security and technology. Even fencing was included in that bill.

I think it is a reasonable expectation—not of Republicans but of the American people—that our border should be secure. Certainly the people in Colorado believe our border should be secure. So when Senators came and said: We would like to vote for this bill, but we would like to do more on border security, not only was I open to that, I supported that. The bill before us has incredibly substantial border security. There are 700 more miles of fencing. We doubled the number of Border Patrol agents on the border.

One of the Senators said to me that we are at a point now where there is a Border Patrol agent every 1,000 feet on the southern border. One might ask whether that is a wise use of resources, but it was important for some people to have that before they would sign on to this bill. So I don't think any reasonable person looking at this could say border security has not been addressed.

So what are the objections to moving forward? We have heard people say: Well, it is the path to citizenship or we don't like that part of the bill. That was a core principle for the four Democrats and four Republicans who started this negotiation, and it has been a core principle for a lot of people who voted for this bill. A very important reason to pass this legislation is to resolve the situation for the 11 million people who are here illegally. The pathway to citizenship is the right way to do it.

This is not amnesty. This has to be earned. People have to pay a fine. People have to learn English for the first time in our history. People have to pay their taxes. It takes 10 years to get a green card, then 3 years after that. They have to pass background checks all along the way so we know who the people are we want to stay in this country and who the people are we want to leave this country.

I see the Senator from Louisiana is here, so I will wrap up. To my friends

who think some lawful status that doesn't include a pathway to citizenship is useful to this country, I ask them to look at countries all around the world that have created a subclass of people—not even citizens, just a subclass of people—who have no attachment to their culture, no feeling they are ever going to participate in their civic or political institutions or meaningfully in their economy, no chance to believe their children or the children after them are actually going to make those contributions as well, and ask: Does that look like the United States of America to you?

That is not what the Founders had in mind. We hear a lot of cheap talk about the Founders around here these days. That is not what the Founders had in mind when they wrote into the Constitution that it was our responsibility as a body to deal with immigration.

So I hope people will consider that objection, take a look at the Senate bill, and will, hopefully, support it.

With that, I know the Senator from Louisiana was scheduled to speak, so I will yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I am here to speak about an amendment I have filed on this immigration bill that I have been working hard to get a vote on. It is certainly not the only amendment I filed, but it is a top priority. My amendment is the violence against women and children amendment, amendment No. 1330.

We have heard a lot of promises and a lot of rhetoric on this issue from many people, including the Gang of 8. What I have found distressing, as I have actually gotten to read the bill—and let's always remember one of the great lessons of ObamaCare was to read the bill before we vote—is that the details and exact language does not match a lot of the rhetoric.

One of the earliest and most important promises by the Gang of 8 was that in this amnesty process folks who were guilty of serious crimes would not be eligible for citizenship; in fact, they would be deported. That is why the bipartisan framework for comprehensive immigration reform that the Gang of 8 released in January of this year said:

> Individuals with a serious criminal background or others who pose a threat to our national security will be ineligible for legal status and subject to deportation. Illegal immigrants who have committed serious crimes face immediate deportation.

We can all agree with that. The problem is the details in the text of the bill do not agree with that because it does not include several serious offenses, particularly against women and children.

My amendment is simple. It is to beef up and strengthen this part of the bill by including the Violence Against Women Act offenses as crimes, which would disqualify someone from being granted amnesty and would trigger immediate deportation. These include serious, violent crimes such as sexual assault, stalking, domestic violence, sex trafficking, dating violence, child abuse and neglect, as well as elder abuse. It is specifically Violence Against Women Act offenses. These are serious, violent crimes against some of the most vulnerable people in our society. In my opinion those offenses should clearly be disqualifiers. So that is what the amendment would do.

Now, VAWA, which we debated and voted on a few months ago, has widespread bipartisan support. More than 200 national organizations and more than 500 State and local organizations expressed support for that bill. A great majority of Senators voted for it. I voted for it. So we should certainly follow up on that rhetoric and that vote by making sure these serious offenses in the Violence Against Women Act are disqualifiers to amnesty in the immigration bill.

This is not my only amendment, and not getting a vote for this amendment so far is a frustration. It is a frustration for a lot of us with regard to a lot of amendments. This immigration debate is enormously important. This bill is enormously long. It is well over 1,000 pages. So far we have had 10 rollcall votes on amendments—10, period. That is one amendment per—I don't know—120, 130 pages. That is ludicrous, and that is not the full, robust amendment process we were promised for months and months by both the majority leader and the Gang of 8.

I hope I can get a vote on this amendment, and I also want and expect a vote on the other amendments I filed. I have many amendments, but I have narrowed that list down.

So, with that, Mr. President, I ask unanimous consent that my Violence Against Women and Children amendment No. 1330 be made pending and eligible for a vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado.

Mr. BENNET. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. In closing, I find that very disheartening. This is a big subject. I agree with the proponents of the bill when they say this is a big problem that needs fixing. It has been on the Senate floor for 3 weeks. The bill is well over 1,000 pages long, and we need more opportunity for serious debate and amendments than we have gotten.

As soon as a path to passage was identified late last week—as soon as that happened, the amendment process was basically shut down. It continues to be shut down today. The important amendment I have brought to the floor that has been denied a vote is an example of that. I find it very regrettable.

I yield the floor.

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

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

COLLEGE EDUCATION COST

Mr. SANDERS. Mr. President, we have a major crisis in our country today in terms of the high cost of a college education, and in addition to that the incredible debt burden college students and their families are facing. This is a major problem in Vermont, and it is a major problem for every State in our country.

The job of the Senate is to understand that crisis, improve the situation, lessen the burden on students and their families, and not to make the situation worse than it is today. At a time when we need the best educated workforce in the world, hundreds of thousands of bright, young Americans who are qualified to pursue a higher education—who want to pursue a higher education—do not go to college, and they do not go to college for one very simple reason: They cannot afford to go to college.

According to a Pew study of 18- to 34-year-olds who have not completed college, 48 percent say they cannot afford to do so. Higher education for middle-class families and working-class families is simply too expensive, and this is an issue we must address.

What does it say about our country when hundreds and hundreds of thousands of young people who want to contribute and do more with their lives cannot get the education they need? In many cases it deprives them from making it into the middle class, and it denies this Nation the intellectual capabilities they have.

Further, millions of young people who graduate college are saddled with an incredible debt burden which radically impacts their lives. In America today, the average debt for a college graduate is over $27,000 in my State of Vermont. It is about $28,000. That is the average. That means there are many young people who have more debt. For those who go to graduate school or medical school or dental school, the debt can be many times higher. Last year I talked to two young dentists in the State of Vermont. They are in debt to the tune of over $200,000 for the crime of having gone to dental school.

This horrendous debt burden impacts the lives of young people in many ways. It can determine—and this is a hugely important issue—the profession they choose to enter. How can a person become a teacher, a childcare worker, a legal aid attorney or even a primary care physician if the salary a person earns will not enable them to pay off their debt and take care of the obligations they face? In other words, this debt is forcing many young people into professions which are not necessarily their love. It is not what they wanted to do; it is what they have to do in order to earn money to pay off their

debts. This crushing debt burden determines where many young people will live and whether they can even afford to buy a home. How does a person go out and buy a home if they are spending 20 or 25 percent of their income paying off their student debt? This debt burden on our young people even determines, in some cases, whether they get married and have kids.

The higher education debt burden the American people are now carrying at $1.1 trillion is now higher than our credit card debt and is having a significant impact upon our economy. In fact, the Federal Reserve and the Department of Treasury have both issued warnings that high levels of student loan debt could drive down consumer demand and have a negative impact on economic growth. In other words, if a person is spending all their money paying off debt, they are not buying goods or services. So this high level of student loan debt is having a negative impact on our overall economy.

According to a report released by the New York Fed—and this is important for people to hear—student loan debt has nearly tripled since 2004. In less than 10 years it has nearly tripled. Total student loan debt in the United States now exceeds $1.1 trillion. The average student loan balance has increased 70 percent since 2004.

If we do not act immediately, the subsidized Stafford Loan Program will see a doubling of interest rates on July 1, a few days from now. Let me repeat: If Congress does not act immediately, within the next few days, the subsidized Stafford Loan Program will see a doubling of interest rates on July 1. The rates will rise from 3.4 percent to 6.8 percent for subsidized Stafford loans. This would be a disaster for millions of students and their families all over our Nation. We must not allow that to happen. At the very least, we must immediately pass legislation that extends interest rates at 3.4 percent for several more years on the Stafford Loan Program. Meanwhile, as part of higher education legislation, we must begin work on a long-term solution that guarantees the students of this country will be able to attend college and graduate school and not be burdened with suffocating debts.

As we contemplate long-term new policy on student loans, one thing we should be very clear about: The Federal Government should not be making a huge profit off the needs of low-income and working families who utilize the Stafford Loan Program. That is simply wrong. In fact, that is what we are doing today.

According to the Congressional Budget Office, the Federal Government makes a substantial profit from student loans. For loans made this year, in 2013 alone, that profit is expected to exceed $50 billion, and this is higher than the profits made by ExxonMobil, the most profitable company on Earth. As I hear every day on the floor of the Senate, we are reminded we live in a competitive global economy. I hear every day from my colleagues that the United States is not doing all we can do in terms of educating our young people in such areas as science, engineering, technology, and math. In fact, in the immigration bill we are debating, there is an effort to bring hundreds of thousands of workers from abroad, presumably because we do not have enough workers who are knowledgeable in terms of engineering, science, math, and other technologies. What sense does it make if we are doing a bad job now in educating our young people in general, and specifically in the STEM areas, that we make it harder for kids to get a college education? What sense does that make?

I should mention that countries all over the world understand this point, and they are doing a much better job than we are of investing in their young people in general and specifically in higher education. According to a report released just yesterday by the OECD, the United States was one of the few advanced countries in the world that did not increase its public investment in education. In fact, the vast majority of advanced nations do everything possible, and a lot better job than we do, to make higher education more affordable for all of their students.

A couple weeks ago I had the Ambassador from Denmark coming to the State of Vermont to talk about what goes on in Denmark. People asked him: How much does it cost to go to college in Denmark? The answer was: Nothing, not a penny out of your pocket. It is paid for out of the tax base. In fact, students there get a stipend.

But Denmark is not the only country which makes sure all of their kids can get a higher education, a graduate school education, a medical school education, while not having to pay for it out of their own pocket. Austria, Finland, Norway, Scotland, and Sweden also do the same. In Canada, which is an hour away from where I live, average annual tuition fees were $4,288 in 2010, roughly half of what they were in the United States. Yet the OECD says Canada is one of the most expensive countries for a student to go to college—half the cost of where we are. Germany is in the process of phasing out all tuition fees. Even when German universities did charge tuition, it was roughly $1,300 per student.

Here is the bottom line: All over this country, students and their families are facing crushing debt, radically impacting their lives and the choices they make. There are some in the Senate who say: Yes, that is pretty bad. How can we make it even worse? How can we raise interest rates for our kids and make it harder for them to go to college and make sure when they get out of college they are deeply in debt?

I say: No, I think that is absurd.

I remind my colleagues that when Wall Street banks borrow money—do my colleagues know what they are getting it for today? They are getting it for less than 1 percent—three-quarters of 1 percent. We are talking about families having to spend 6 percent, 7 percent, 8 percent, 9 percent in order to send their kids to college, to help our country, to make it into the middle class. That is absurd. We have to understand that a well-educated population is perhaps the most important thing we need as a nation if we are going to survive in a highly competitive global economy.

Let me conclude by saying this: This Congress has to act and act immediately to prevent the disaster we are looking at from happening; that is, the doubling of interest rates on the Stafford Loan Program, which will go from 3.4 percent to 6.8 percent on July 1. Short term, we have to extend the 3.4-percent interest rate. Long term, we need to make certain every kid in this country, regardless of income, can go to college and leave school without a crushing financial debt.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I am here today on the immigration bill, but I wish to thank the Senator from Vermont for bringing our attention to this very serious issue. It is a little bit of a variation on a theme today about trying to reconnect the priorities of the American people—frankly, whether they are Republicans or Democrats or anybody else—and this place, which has become totally disconnected. I wish to say through the Chair to the Senator from Vermont how on point he is.

The people I represent care about the fact that they are living in an economy that even when it grows—I was talking about this a little bit earlier—it is not producing sufficient jobs and it is not driving up income. That is what they are concerned about. The student debt crisis the Senator speaks about, where it tripled over the last 10 years, is a huge part of this story. It is a significant part, because if a family's income is going down but the cost of higher education is skyrocketing—by the way, at the same time the cost of health care is skyrocketing—it makes it very hard to get ahead. People are desperately worried, as I said earlier, that we are going to be the first generation of Americans to leave less opportunity, not more, to our kids and grandkids.

But there is another issue as well, which is today, in the 21st century in this country, if a person is born and living in poverty, their chances of getting a college degree or the equivalent of a college degree are 9 in 100—9 in 100. For the folks in the Chamber, for the pages who are here today, we have 100 chairs, 100 desks in the Senate. If these desks represented poor children living in this country instead of Senators, those four desks in the front row and four at that end right there, and another one, those are the only folks who would be getting a college degree. Ninety-one other people in this Chamber would be constrained to the margin

of this economy and a margin of our democracy from the outset.

Matters are getting worse, not better. We led the world in the production of college graduates when George Bush—this is not a partisan observation, it is a temporal one—when George Bush, the son, became President. We led the world. Let me tell the young people who are here today, 13 years later, we are 16th in the world in the production of college graduates. Because of our inability to come together and figure out how to deal comprehensively over time in a thoughtful way with the fact that we don't want to stick our kids with this debt we have acquired—which we need to do; we are just hacking away at domestic discretionary spending for higher education, for K–12 education, for agriculture, for infrastructure.

Some of these budgets we have considered—we have not passed them here; they passed them over in the House—would invest only 4 percent of our revenue, 4 percent of the revenue we collect, in the future of this country. Ninety-six percent on something else is not going to get the job done.

On an issue such as this, where our students are saying: How do you at least not make matters worse, we ought to be able to come together in a bipartisan way and solve this problem.

I thank the Senator from Vermont for coming to the floor to focus our attention on something the American people actually care about.

Mr. SANDERS. I thank the Senator.

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

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I want to give my colleagues a point of view on the immigration bill before the Senate from somebody other than a Senator.

In the weekend Des Moines Register, there was an article called ''Another View: Immigration reform plan adds disorder to a failing system'' by Mark H. Metcalf, who had been an immigration judge and now is a county attorney in the State of Kentucky.

I am quoting:

The most recent push for immigration reform is compelling. True to our heritage of inclusion, it succeeds. False to our tradition of rule of law, it fails.

For any law to forge consensus, it must appeal to both fairness and common sense. The measure now on the U.S. Senate floor fails this litmus.

What is sold as a means to simplify and dignify one of our most important national institutions—immigration and naturalization—mandates complexity and much of the same disorder that got us where we are today. The bill's neglect of an effective court system only aggravates this disorder.

America's immigration courts are weak, and this latest measure keeps them that way. Put simply, immigration courts cannot impose order. Few aliens ordered removed after years of litigation are ever deported.

Edward Grant, a senior immigration appeals judge, noted this impasse in 2006.

Then he quotes Edward Grant: ''All should be troubled that only a small fraction of [deportation orders] . . . is actually executed.''

And he was right. A 2003 Justice Department report found only 3 percent of aliens free during trial were actually removed after courts ruled against them. Those who deserve relief fare just as poorly.

By last count, more than 330,000 cases were backlogged. This historic dysfunction offers a glimpse of things to come if the current version of reform passes.

The cause of this dysfunction is simple. Immigration courts have no authority over immigration enforcement agencies. Unlike federal district courts that have U.S. marshals, among others, to execute their orders, federal immigration courts have no such muscle.

Numbers tell the story.

Some 11 million illegal aliens now live in the U.S. Visa overstayers—those who entered America legally and then refused to leave—comprise 40 percent of this total. The rest crossed unguarded borders and entered illegally. Both groups brought children with them. From these two populations, 1.2 million deportation orders remain unexecuted.

The immigration courts observed this dysfunction first hand. From 1996 through 2012, the U.S. permitted some 2.2 million aliens to remain free before trial. Nearly 900,000 of these individuals—39 percent of the total—skipped court and disappeared.

In the shadow of 9/11, things were even worse. From 2002 through 2006, half of all aliens free awaiting trial vanished. Nothing in the details now being debated addresses this systemic defect, and continued neglect will only diminish public support for worthy initiatives intended to elevate the foreign-born.

Fine improvements dot the present legislation. Enhancements that protect lawful American workers, recruitment of the highly skilled into our tech-driven economy, and real-time tracking of visa holders into and out of ports of entry provide overdue fixes.

Emphasis on border security demonstrates a seriousness absent from earlier proposals. Those illegally brought to the U.S. as children—better known as ''Dreamers''—earn tracks to citizenship incentivized through higher education and military service.

Now, let me editorialize here. There are two paragraphs where he says good things about this legislation. I do not necessarily agree with a couple of those points.

Now continuing to quote:

Some reworking is needed; but this value-added approach appeals to our better instincts as a nation. Problems persist, though, in that essential mechanism upon which a rule of law nation depends: effective courts.

While the bill authorizes 225 new judges, judicial authority declines. Deportation orders are further enfeebled. Aliens deported from the U.S. may apply to come back, and the thousands who skipped court can request a waiver—and get in line with the many who played by the rules.

Fraud is enabled. Courts and immigration agencies alike will be required to accept—without independent verification—aliens' claims to work and residency that make them eligible for the path to citizenship.

Constitutional protections are turned upside down.

Here I editorialize. Listen to this on how our laws are turned upside down. Continuing to quote:

Aliens in civil deportation proceedings will receive counsel on demand, while citizens receive counsel only when facing criminal charges and only after proving they are indigent.

So again editorializing, it gives more constitutional rights and more legal counsel than the common criminal in this country might get.

Order is subverted. Even felons who are subject to deportation may seek injunctions that allow them to remain in the U.S. In the end, courts that spent years deciding the cases of those who should be removed will see their orders overturned by waivers that mock the judicial process.

America's immigration courts express fundamental confidence in those who embrace our shores and the redemptive power of our democracy. For the immigrant in particular, they reveal the beginnings of accountability that are a surety of our exceptionalism.

But ignored by administrations both Republican and Democrat, these courts have ceased to do the critical work for which they were created—to definitively decide the claims of those who ask to join our nation and see that those decisions are impartially enforced.

So now, instead of debating how we extend the great prize of American citizenship to more of the world's bright and talented, Congress argues whether felons should be deported. This is the small-ball politics that has sabotaged public confidence in immigration. It shows how far we have fallen both in the mission of these special courts and with immigration in general.

Courts without authority cannot provide order. Even less can they assure liberty.

Only independent and empowered courts are an equal match for the certain risks and superior opportunities that American immigration offers. History proves them not just a priceless check against tyranny, but also an effective antidote for drifting government agencies that delay relief to the deserving and deny sanction to the offender.

Such courts are a necessary complement to immigration reform that is inclusive, accountable and commands consensus.

That is the end of the article in the Des Moines Register by this former immigration judge, Mark H. Metcalf.

I thank my colleagues for listening to this, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today to discuss S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act.

From the very beginning of this debate, I have said that our Nation needs immigration reform. I have also urged Senate leadership to ensure that the Senate has ample opportunity to debate this bill, amend it, and take the hard votes necessary to make the bill as good as it can be. To ignore this problem and to do nothing to change the status quo would be a disservice to the American people and a great detriment to our country.

I have also said throughout this process that in order to enact meaningful,

comprehensive immigration reform we have to strengthen border security. It is true that the border security portion of the underlying bill needed significant improvement. Through the hard work and negotiations led by my colleagues Senator HOEVEN and Senator CORKER the border security portion of this legislation has been addressed, and for that reason I can support this bill.

The Hoeven-Corker amendment, which I cosponsored, adds 20,000 additional Border Patrol agents to the southern border. It requires twice the original amount of fencing along the border—700 miles total, to be exact—and requires the Department of Homeland Security to implement a border fencing strategy to help ensure that the fence is an effective deterrent. It also mandates that the E-Verify system be fully implemented before any registered provisional immigrant can adjust their status. This will help make sure businesses have a safe and legal workforce. And the amendment requires an electronic entry-exit system at all international air and sea ports of entry where U.S. Customs and Border Protection officers are currently deployed.

By increasing and enhancing security efforts at our borders, by using new technology that will allow us to better monitor activities at our borders, we will ensure that those who are here are here lawfully and that they have the opportunity to thrive and succeed, just like many generations of American immigrants have done.

To do nothing now amounts to de facto amnesty for 11 million people who are already here illegally. We must take action to prevent further unlawful entry. The current system is backward, and it is broken.

This legislation represents a product of many long hours of debate, discussion, and deliberation in this body. It addresses a problem in our country that requires dramatic change and meaningful reform. While this bill is just one step in the process, it is a step in the right direction. It takes into consideration the necessity of securing America's borders, while encouraging the lawful immigration of those who would come to our shores to contribute to America's greatness, as immigrants have done since our Nation's founding.

In the past, attempts to reform our immigration system failed due to a process that was neither transparent nor fair.

But from the Judiciary Committee proceedings to today, the Senate has had ample opportunity to debate this legislation and amend it. As a result, we have a bill where the good far outweighs the bad. With this legislation, we can address the 11 million undocumented individuals living in the country under de facto amnesty. We can finally secure our borders and stop more people from living here illegally. We can fix a system that has been broken for decades once and for all.

We can continue to maintain the smartest, hardest working, most creative workforce in the world. Fighting for what you believe in and working with Members from both sides of the aisle does not mean you are turning your back on your principles. Democrats and Republicans can find ways to work together and pass legislation this great Nation deserves. Republicans can do so and still stay true to their conservative principles.

No question, this has been a contentious debate. My constituents feel strongly about this issue on both sides of the spectrum. Some reporters in Nevada like to harp on the fact that my work to find a solution between Democrats and Republicans has been politically motivated. One such reporter even resorted to describing my actions in racially insensitive terms.

The bottom line: The easy thing to do politically is nothing. The harder choice is to govern. We must remember that long before America was the great Nation we are today, before we were the world's greatest economy, a military superpower, a global champion for democracy that has forever changed human history, America was merely an idea. America began as an idea in the hearts and minds of a persecuted minority that longed for freedom and the opportunity to decide for themselves what their destiny would be. That idea was brought here by immigrants who crossed the oceans and devoted themselves to the formation of a free society unlike any the world had ever known.

America has always been a Nation of immigrants. That heritage is one of the defining aspects of our national success story. When I think about a true American immigrant success story, I think about one of my constituents back home, Mr. Carlos Pereira. Carlos came to America from Peru in the 1990s. He and his wife Kathia set out to build their very own bakery. But they wanted to build more than a bakery, they wanted to build a new life for themselves and for their children. They did just that. They built a bakery with their bare hands. They laid the bricks and hammered the nails, and after a lot of long nights and hard work, they built Bon Breads in Las Vegas. Today, their company is a world renowned, internationally respected enterprise, and their products are used by chefs and restaurants all over the world. Bon Breads is responsible for creating hundreds of jobs in Nevada, and is a perfect example of what our immigration system should encourage.

Carlos' hard work, dedication, and perseverance allowed him and his business to succeed in a way that would be impossible in many other countries today. I have three naturalized citizens on my staff about whom I can say the exact same thing. That is a true immigrant success story. That is the kind of potential we can unlock by fixing what is broken with our current system.

We can improve our economy, create jobs, and strengthen our Nation as a whole with this immigration reform bill or we can choose to protect the status quo, do nothing to fix the overall problem. This bill is a step forward toward much-needed reform to our immigration system. It is true to the American idea that has defined our Nation since its founding, the idea that is inscribed on the Statue of Liberty, welcoming the tired, the poor, and the huddled masses, yearning to breathe free.

Former Secretary of State Condoleezza Rice made a profound statement recently, that in America it does not matter where you came from, it only matters where you are going. Our immigration laws should embody that principle and enable good hard-working people to come here, study hard, start businesses, raise families, and contribute as productive citizens. The bill before us is a good step toward preserving that idea.

I urge my colleagues to join me in supporting this immigration reform bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that after the Senator from Massachusetts makes his remarks that Senator GRASSLEY be recognized, then I be recognized after him, and then Senator KAINE, those four in that order.

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

The Senator from Colorado.

Mr. BENNET. Mr. President, I know the Senator from Massachusetts is here, and I look forward to hearing his farewell. Before he does, I wanted to say thank you to the Senator from Nevada for his work on this bill, for getting us to a bipartisan result, for helping us grow the vote, and for the statement he made about surely not one of us would have written the bill exactly the way it is written. But there is much more that is good about this bill than not. I am grateful for his support. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. COWAN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

FAREWELL TO THE SENATE

Mr. COWAN. Mr. President, I rise today in my final full work week and not yet 150 days into my Senate career, yet at the precipice of the close of that career. On January 30 of this year, Governor Deval Patrick sent me to this Chamber to represent the people of Massachusetts and their interests.

Yesterday, on June 25, those same people took to the voting booth and called me home. In doing so, they called Senator-elect ED MARKEY to the high honor of serving this august body. After 37 distinguished years in the House, Senator-elect MARKEY now has this opportunity to offer his voice, wisdom, accumulated experiences, humor,

esprit de corps, and tireless commitment to justice and equality to the Senate. I, for one, believe that Massachusetts and the country will be better for it. Like a majority of Massachusetts voters who expressed themselves yesterday, I am quite confident Senator-elect MARKEY will serve with distinction and act in the best interests of the citizens he is now privileged to represent.

The Senator-elect bested a strong candidate who brought a new voice and, yes, a new visage to the Massachusetts political scene. I applaud Gabriel Gomez on a well-run campaign and, most importantly, his willingness to sacrifice so much in an effort to serve the people of the Commonwealth. He started this journey as a relative unknown, but I suspect we have not heard the last of Mr. Gomez. I thank him and his family for their sacrifices and their willingness to engage.

When it comes to farewell speeches, few will top the words offered by John Kerry on this floor a few months ago. After 28 years of distinguished service to the people of Massachusetts, now-Secretary Kerry spent nearly an hour reflecting on his service to this body. By the same measure, as merely an interim Senator serving but a few short months, I probably should have ended my remarks about 45 seconds ago. But before I yield, I will take a few minutes to reflect on my brief time in this body and extend my gratitude to a number of folks.

First, I want to acknowledge and recognize the outstanding staff members in Boston and DC who have helped me serve our constituents to the best of my ability. When Governor Patrick named me as interim Senator, a few people—okay, more than a few—openly questioned whether I would be up to the task and whether I was capable of accomplishing anything other than locating the lavatory during my temporary assignment. But I knew something those doubters did not know. I knew I was going to be able to do my best for the folks back home because I came to the Senate armed with the knowledge of the issues by dint of my time in the Patrick-Murray administration. I planned to make a few key hires and convince the bulk of Secretary Kerry's Senate staff to stay on and help me do the job the Governor sent me to do. In other words, I knew what I did not know, but I knew enough to hire the people who knew the considerable rest. Boy, have they proven me a genius. If you work in the Senate but a day—and I suspect the same is true in the House of Representatives—you will learn quickly that staff make this place hum, and good staff make all the difference in the world. I hope my team will forgive me if I do not list them all by name, thereby avoiding the sin of omission, but, instead, all of the staff will accept my heartfelt appreciation for their willingness to join my team, show me the ropes, teach a new dog some old tricks, educate me on all of the rules that matter, which seem to be written nowhere, and their exhibition of degrees of professionalism and service to our country that the public too often thinks is missing in their Congress.

To my entire staff, I have been in awe at your greatness. I am forever in your debt for your immeasurable contributions to our work in the interests of Massachusetts residents. I look forward to your many successes yet to come.

To two of my team in particular, Val Young, my chief of staff, and Lauren Rich, my scheduler, who have known and worked with me for years, thank you for your continued willingness to partner with and trust in me.

If I am being honest about the people who helped me look as though I belong here, I must spend a moment or two acknowledging the wonderful women and men who comprise the Senate staff. From the Capitol Police, who protect us every day and somehow knew my name on the first day, to the subway operators who always deliver us on time and unfazed, to the elevator operators who excel in the art of cutting off reporters and their annoying questions, to the cloakroom staff who field every cloying call about voting schedules and presiding hours, to the clerks and Parliamentarians who discreetly tell you what to say and do as presiding officer while the public in the gallery silently wonders why everyone addresses you as Mr. or Madam President while sitting in that chair, to the generous food service staff who look the other way when you go back for seconds and sometimes thirds, and to so many others who are the oil that makes this engine hum, each of you has shown me such patience, support, and grace that I know your love for this institution may trump even the Members' affection for this place and will sustain the institution long after any one or all of us leave this Chamber. You are tremendous resources for every new Senator, and I suspect great comfort to even the longest serving among us. The public may not know you by name or know the importance of your work, but now I do. I have been honored to serve you.

The next folks I recognize are the youngest and most silent among us. Of course, I speak of the pages, the young women and men who spend part of a high school year dressed and acting in formal traditions of this body. I have yet to speak with an uninteresting page or a page uninterested in the Senate and our government. These are dynamic young people who could be doing so many different things with their time but they give their time and service to the Senate and its Members. They are indispensable to both. I look forward to the day when my young boys will be of age to follow in the footsteps of these outstanding young people.

Last, and by no means least, I want to thank the family and friends who supported my family and me during my short tenure. We often say it takes a village to raise a child, but I can attest it also takes a village to help an interim Senator meet his duties at Congress and at home. Whether offering me a spare bedroom in Silver Spring or agreeing to last minute babysitting duties so my wife and I both could celebrate Black History Month at the White House, our village is vast and generous. Of course, every village needs a queen. The queen of my village is my wife Stacy. I was able to serve because she was willing to be mom and dad and sacrifice in ways known and unknown while I have been in DC. Over the past few months, I have missed many homework assignments, some birthday dinners, pediatric appointments, school performances, and parent-teacher meetings, but our sons never felt their dad was absent and unaccounted for because their mom, a supermom, more than made up for my absence.

Stacy has been my rock and salvation for nearly 20 years now. I am better every day for it. Let the record show for now and all time my love and dedication to Stacy.

In January of this year I planned to leave the Deval Patrick administration and transition back into private life. I was looking forward to more conventional hours, a reprieve from working under the public scrutiny of the press, and spending more time with my wife and our young son. So I came to the Senate. Go figure.

I was surprised, but deeply honored, when Governor Patrick sent me here to represent the folks back home. I am eternally grateful to the government's faith and trust in my ability to serve. This floor on which I stand today and with which I have become so closely acquainted over the last 5 months has been occupied by some of the most dynamic and greatest political figures of our Nation's history.

From my own State of Massachusetts alone: Adams, Webster, Sumner, Saltonstall, Brooke, Kennedy, all who held a seat in the Chamber before me, are enough to make any person feel daunted when assuming a desk on this floor.

I was appointed to the Senate to fill the seat of another great Senator, John Kerry, and work alongside another great Senator, ELIZABETH WARREN.

Thank you for being here, ELIZABETH.

Although my time was short, I only sought to uphold not only Senator Kerry's legacy in this body but the work of all of the esteemed Senators who have dedicated their service to the Commonwealth of Massachusetts, and I pledged to be the best partner I could to Senator WARREN.

I entered the Senate at a vexing time in this body's history. As we all know, congressional approval levels are dismally low. People across the Nation and political pundits everywhere believe partisanship is a divide too wide to bridge and a wall too high to overcome. Yet despite the overwhelming public pessimism, I came to Washington with two achievable objectives:

to serve the people of Massachusetts to the best of my ability and to work with any Senator willing to implement smart, sensible, and productive policy to advance the ideals of our Nation.

From the outside, the prospects for bipartisanship may seem slim. Party-line votes are the norm. The threat of the filibuster demands a supermajority to pass meaningful legislation. The American people have come to believe Congress is more committed to obstruction than compromise.

To the everyday observer we have reached a standstill where partisanship outweighs progress and neither side is willing to reach across the aisle for the good of the American people.

What I have encountered in the Senate is not a body defined by vitriol but one more defined by congeniality and common respect. That began before I even started here.

On the day the Governor announced my appointment, I was pleasantly surprised to receive calls on my personal cell phones—I still don't know how they got those numbers—from Senators KING, HAGAN, and CARDIN. I had the pleasure of receiving warm welcomes from Majority Leader REID and Republican Leader MCCONNELL, among so many others that first day.

One of the first persons to congratulate me after Senator WARREN and Secretary Kerry escorted me for my swearing in was my colleague from across the aisle, Senator TIM SCOTT. Since then Senator RAND PAUL and I have recounted our days at Duke and our affection for college basketball.

On a bipartisan congressional delegation to the Middle East, I traded life stories and perspectives with Senators KLOBUCHAR and HOEVEN and discussed the comedic genius of Will Ferrell with Senators GILLIBRAND and GRAHAM.

Senator PORTMAN stopped by my Commonwealth Coffee last week to wish me well as I leave the Senate. He encouraged me every day during my time here.

Senator BURR, my next-door neighbor in the Russell Building, has always been good to remind me that I came from North Carolina before I had the privilege to serve in Massachusetts.

Senator MCCAIN invited me to cosponsor my first Senate resolution.

Senator MANCHIN has shown me more kindnesses than I can count.

The freshman Senators on both sides welcomed me to their class and offered never-ending encouragement.

Indeed, one of them, HEIDI HEITKAMP, has become the North Dakota sister I never knew I had.

I wish I had time to recount every kindness each of the other 99, including the late Senator Lautenberg, gifted me while here, but I don't. Each has been recorded indelibly in my memory and is returned with gratitude.

In April I experienced the very best of this body's character in the wake of the Boston Marathon bombings when Members from every corner of this Nation extended their sympathies, their prayers, and pledged their assistance and support for the city of Boston and to all those affected by that tragedy. In the aftermath we all came together as Americans to honor those killed and to support the wounded during their time of recovery.

We saw the same in the wake of terrible tornadoes that swept through Oklahoma.

Upon closer inspection, it is clear all of us here have common bonds and share similar goals. If only we are willing to seek out those bonds and focus on the goals that are in the best interests of our Nation.

While we may not agree on every policy, every line item, or every vote, we have each embraced the role of public servant, committed to improving the country we have pledged to support and defend. As I have discovered in my time here, there is more opportunity for cooperation than the American public might believe. This cooperation has led to some noted successes.

Thanks to the bipartisan work in the Agriculture Committee and on the Senate floor, we were able to send a farm bill to the House. Through the joint leadership of the so-called Gang of 8, we are debating right now a workable approach to comprehensive immigration reform. We have confirmed five Cabinet Secretaries.

In what will remain the most memorable all-nighter of my Senate career, through a marathon session and more votes in one night than most interim Senators have in a career, the Senate passed a budget. Now we anxiously await the urgent opportunity to conference with the House.

I have seen progress, and I remain a true believer in the democratic process, the core functionality of our government endowed to us by our Founding Fathers so many decades ago. I remain a true believer in the Senate's system of government and the Senate's role in that system.

If I have been asked a question any more frequently than: What are you going to do next, MO, it has been: Is our system of government broken? Is Congress broken?

I have answered truthfully each time: No, our system of government is the greatest ever known and the best example of democracy in human history.

The genius of our Founding Fathers is on display every day on Capitol Hill, in every State capitol, and every city or townhall across this Nation. Part of the Founders' genius was the birth of the government designed to function as the people needed it to but function only as effectively as the privileged few empowered within it want it to work, or as Secretary Kerry himself said best a few months ago in his final floor remarks:

> I do not believe the Senate is broken. . . . There is nothing wrong with the Senate that can't be fixed by what's right about the Senate—the predominant and weighty notion that 100 American citizens, chosen by their neighbors [or Governor, in my case] to serve from States as different from Massachusetts and Montana, can always choose to put parochial or personal interests aside and find the national interest.

What an awesome responsibility and privilege.

In my scant 5 months I have seen the promise of those words realized in more ways and in more interactions than the public, unfortunately, has had occasion to witness. I believe in that unlimited promise still.

I also have been part of history while I was here. With my appointment, in coincidence with the appointment of Senator SCOTT, two African Americans are serving in this body concurrently for the first time in our Nation's history.

Senator SCOTT and I are, respectively, the seventh and eighth Black Senators to serve in this body. While I believe this number to be far too few, I am also hopeful that it is a sign that these United States will soon be represented by a more diverse population that more closely reflects the diverse country that we are and the diversity of opinions that exist across and within our diverse Nation.

With different perspectives, different backgrounds, different races, religions, and creeds, we are better equipped to confront the issues that face our vast and changing Nation. America has always been and always will be a nation of immigrants, where religious freedom is in our DNA, where more and more we are chipping away at the barriers preventing us from achieving true marriage equality, and where people worldwide still yearn to reach our shores to enjoy our freedoms.

A Congress that is more reflective of this America, as this Congress is becoming, will be good for America.

Finally, I offer my heartfelt gratitude to the people of Massachusetts. Not one person was given a chance to vote for or against me, but I have gone about my work every day as if they had. I came to this body beholden to Massachusetts, her residents, and the country only, and leave confident that I have stayed true to that honor.

Ladies and gentlemen of the Commonwealth, it has been a true honor and privilege to represent you as your junior Senator in the Senate.

With that, this will likely be the final time I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will be brief.

I appreciate very much the remarks of Senator COWAN. The only thing he said that I disagree with is: No one had a chance to vote for him to get here.

There was one big vote that was very important, a man by the name of Deval Patrick. Once he made that decision, you were our Senator as well as the Senator of Massachusetts.

I, of course, know Deval Patrick. We all saw him at the convention giving his brilliant speech. He was swarmed with people giving him advice as to

who he should select to replace Senator Kerry. He called me and said: Don't worry about it. I am going to select the best person from the Commonwealth of Massachusetts to represent Senator Kerry's seat for the interim.

He was right, and I have told Governor Patrick on the telephone. A couple of weeks ago I said: Make sure to call Governor Patrick for me—because I know they are good friends—and tell him I told you how much we all admire you.

In the Democratic caucus yesterday, this good man didn't get one standing ovation, he received two. This is rare. He got that because he is a genuine person. He came here now and talked about the goodness of this body. We need more of that.

Senator COWAN, thank you very much. I admire you. I know in the paper today you said that you are always going to be MO, but to me you are always going to be Senator COWAN.

The PRESIDING OFFICER. The Senator from Massachusetts—the Senator from Oklahoma.

Mr. INHOFE. May I interrupt for a parliamentary inquiry?

Mr. President, first of all, we are operating under a unanimous consent request, and I would ask if we can modify that to hear from the Senator from Massachusetts and then revert back to the unanimous consent request that has been granted.

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

Ms. WARREN. I thank the Senator from Oklahoma. I will be brief.

Ms. WARREN. Mr. President, for 4 months I have had the privilege of serving alongside my good friend MO COWAN. From the time he was sworn in, MO hit the ground running. Even though his time here was short, MO has been a committed and strong advocate for the people of Massachusetts and here in Washington.

As former chief of staff to Governor Patrick, MO brought to the Senate a deep knowledge of the issues facing our Commonwealth. Through his committee work and his outreach to his constituents, his careful consideration of important national issues, he has worked tirelessly to ensure that the interests of the people of Massachusetts are well represented and the people of America are well served.

He has built great relationships and earned the respect of our colleagues on both sides of the aisle.

I very much enjoyed getting to know MO's wonderful family: his smart, talented, and patient wife Stacy and their two young boys. I am sure Grant and Miles are looking forward to having their dad closer to home again.

MO has been a dedicated public servant, and his time in the Senate only adds to his fine record of service on behalf of the people of the Commonwealth. It has been an honor to work together with MO fighting together for Massachusetts families. I wish him and I wish his family the very best. It has been an honor to be a partner of Senator COWAN in the Senate.

Thank you, MO.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GRAHAM. Would the Senator yield for a second? I hate to interrupt.

Mr. INHOFE. Go ahead.

Mr. GRAHAM. I will buy the Senator's book.

May I have 1 minute to say something about our departing colleague because I may not be able to get back. Literally, 1 minute.

Mr. INHOFE. Yes.

Mr. GRAHAM. I appreciate that, I say to the Senator.

I would like to say to Senator COWAN, ''MO,'' from Massachusetts: I haven't known you very long, but I have found you to be someone who has been, quite frankly, very earnest in their time in the Senate, very smart, and a lot of fun. We got to travel to Egypt, to Turkey, to Israel to see some of the more dangerous places in the world, and I just want to let the people of Massachusetts know that I have met a lot of colleagues in my time here, but this is one fine man. I wish you all the best. I have learned a lot from you. I know you are originally from North Carolina. That is probably why we hit it off. I have learned a lot and I have laughed a lot. You are a fine man and we wish you well. I hope that maybe public service is in your future, but whatever you do, I know you will do it well. Godspeed.

Mr. INHOFE. Mr. President, let me just say kind of the same thing. I had occasion to research Senator COWAN. I do this because one of the things I enjoy doing every Wednesday morning, when we have our Prayer Breakfast, is introducing those who are speaking. He was speaking. When one researches someone like him and you find things out, you kind of redevelop a love for everyone, and I wonder: Are you sure you are in the right place here? I have to question that.

But I hold you in the highest regard. I am very familiar with how you tick, how you think, what you said, and we will miss you in this place. Thank you so much.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we have a unanimous consent request. Senator GRASSLEY was going to be next, and I will go ahead and take his time.

The unanimous consent request was that I be recognized as in morning business for such time as I shall consume.

Let me share a couple of things. First of all, I am looking forward to serving with the Senator who was elected yesterday. I think he will find out something that I found out when I was first elected to the Senate after serving for several years in the House of Representatives: It is a more civil place. It is a place where we can have differences of opinion, where we disagree with each other, but we do so in a very friendly way.

I am actually looking forward to that because there have been times when our discourse, our discussions with each other were not friendly, but I think it will turn out to be a total change. I wish to get on record to say that I am looking forward to serving with our newly elected Senator from Massachusetts.

I look forward to being with him, although I think he has every reason and opportunity to change his mind on some of the positions he has taken in the past.

Let me share something I didn't say when I had the floor yesterday and was talking a little bit about President Obama's talk. There were four things that I didn't hear, and I am going to repeat them. They are statements that were made by President Obama talking before an audience.

I have to say I truly believe I know the reason for this long talk that he gave yesterday, because he had served for 4 years. He knew his far-left base was demanding some type of cap and trade. He knew he didn't have the votes to pass it. So he was not able to push that, knowing before the election, if this came out, what kind of a tax increase this would be on the American people. So he waited until after the election, and that is what we heard yesterday.

Some of the things he said were a little bit insulting, but I can handle that. He said he lacks ''patience for anyone who denies that this problem is real.'' He is talking about global warming. He is trying to revive global warming.

I say revive because it is interesting that when it started out 12 years ago it was global warming. Remember Kyoto? That is what it was all about, the Kyoto treaty. In fact, they came back from Rio de Janeiro and the treaty was never submitted by President Bill Clinton to the Senate for ratification. The reason was the votes weren't there. So time went by and they decided, since it is not warming and we want to keep this thing alive and we want to do all we can to destroy $CO_2$ in our society, let's call it something else. So they called it climate change. A few other titles came along in the meantime. For the first time it has now reverted back, after several years, to global warming.

Some of the statements he made were: ''We don't have time for a meeting of the Flat Earth Society,'' and ''sticking your head in the sand might make you feel safer, but it's not going to protect you from the coming storm.'' Listen to this:

> The 12 warmest years in recorded history have all come in the last 15 years. Last year, temperatures in some areas of the ocean reached record highs, and ice in the Arctic sank to its smallest size on record—faster than most models had predicted it would. These are the facts.

Those aren't the facts. That is not even true, but it is interesting we would be trying to revive this. I know there are a lot of people all excited out there who have said: Oh, for the last 4

years we haven't said anything about global warming. Now we are talking about it and now something is going to be done. I would like to quote this from the Economist:

Over the past 15 years air temperatures at the Earth's surface have been flat while greenhouse-gas emissions have continued to soar. The world added roughly 100 billion tonnes of carbon to the atmosphere between 2000 and 2010. That is about a quarter of all the $CO_2$ put there by humanity since 1750.

Of course, we know that is true because we know the major surge came in the 1940s following World War II.

Continuing to quote the article, which quotes James Hansen, who is one of the major movers behind this whole thing—the global warming movement:

And yet, as James Hansen, the head of NASA'S Goddard Institute for Space Studies, observes, ''the five-year mean global temperature has been flat for a decade.''

This is a guy on the other side who has always been held up to be the authentic knowledgeable person.

Here is a quote from the NASA Goddard Paper from January of this year:

The five-year mean global temperature has been flat for a decade, which we interpret as a combination of natural variability and a slowdown in the growth rate of the net climate forcing.

A quote from Reuters in April, 2013:

Scientists are struggling to explain a slowdown in climate change that has exposed gaps in their understanding and defies a rise in global greenhouse gas emissions. . . . Some experts say their trust in climate science has declined because of the many uncertainties. The UN's Intergovernmental Panel on Climate Change (IPCC) had to correct a 2007 report that exaggerated the pace of melt of the Himalayan glaciers and wrongly said they could all vanish by 2035.

All that sounded good at the time, but it was a lie. Still quoting from the article:

''My own confidence in the data has gone down in the past five years,'' said Richard Tol, an expert in climate change and professor of economics at the University of Sussex in England.

I could go on and on. Yesterday on the floor I talked about Richard Lindzen with MIT, considered by many people to be the foremost authority on climate anywhere in the country, and he is talking about what the motive is behind people to promote this thing. He said controlling $CO_2$—and I am quoting from memory now—is a bureaucrat's dream. If you control climate, you control life. That is exactly what we were talking about at that time, and it was true.

We have covered all these things, and I have said for several years now that people understand the science isn't there. I can remember some of my Republican friends got upset with me because I often said good things about Lisa Jackson. Lisa Jackson was the first Administrator of the EPA under President Obama, and she is, of course, a liberal and all of that. But she has a propensity for telling the truth, and that is all I ask for in people who are serving in public office. In fact, she has done that, and I wish to share one thing with my colleagues.

When they are unable to pass any kind of cap-and-trade bill—and keep in mind the last time they tried to do it was the bill that was introduced by two House Members, one of whom was elected to the Senate yesterday. In that cap-and-trade bill, people realized what the size of the tax increase would be and it went down in flames. So when the big U.N. party—by the way, when I talk about the U.N.'s Intergovernmental Panel on Climate Change—the IPCC—that is something a lot of people don't know about. That is the United Nations. They are the ones that put that together to fortify their position that we need to do something to equalize the wealth of nations worldwide.

In fact, I wrote a book about that. I would not ask anyone to buy it because that would be inappropriate, but I will loan it to you, if you want to read it, and I cover that in a lot of detail. But on this subject, I asked Lisa Jackson the question, right before going to Copenhagen—and Copenhagen is the biggest party of the year.

I am going to wind this up, and I will continue this later, but I would only say the science is not there, with what they were talking about yesterday. I think I pretty much made the point I came to make.

But returning to Lisa Jackson, right before everyone was going to Copenhagen—and remember, IPCC is part of the United Nations and once a year they throw a big party. Friends of mine, I can remember one from Africa showing up at one of these parties and I said: You don't believe all this global warming stuff, do you? He said: No, but this is the biggest party of the year. So they all show up.

At that time—I am not sure where it was, but the time I am talking about, 2 years ago, it was in Copenhagen. So I said, right before I left for Copenhagen to be a one-man truth squad there, I said to Lisa Jackson, the Administrator of the EPA serving at the time, in a hearing we had: I have a feeling once I leave town, since you can't pass any kind of cap and trade, you are going to try to do it through regulation and you are going to have to have an endangerment finding, and when you have an endangerment finding, it has to be based on some type of science. What science are you going to use? She said: The IPCC, the Intergovernmental Panel on Climate Change—the United Nations.

As luck would have it—it wasn't months after it or weeks after that—hours after that Climategate came in and they were exposed for lying about the science for all those years. So the timing could not have been better.

I would only say I am glad this issue has opened up again because I had a dusty old file on climate change I haven't used for 5 years and I have gotten it out and we are ready to use it again. I just hope the American people will look at the beautiful political speech made by the President yesterday for actually what it is.

Let's keep in mind the cost of this anytime we want to go into the extreme position of saying that $CO_2$ is the cause of climate change or of global warming. We are talking about a tax increase to the American people. One of the Senators stood after I said this yesterday and said there is no evidence of that yet. That was the Wharton School of Economics and MIT that came out with those figures.

The last thing I will say, God is still up there and climate is going to change and it has. I can remember studying this—and going from memory now, not reading anything—and reading about the first time they came out with this fact that we are all going to die because the world is going to freeze over. That was in 1895. In 1895, they talked about this disaster that was coming upon us—the coming ice age, they said. Then, in 1918, all of a sudden the climate started getting warmer. It was going through these cycles. It has been happening since the beginning of time. It got warmer. That is when global warming first came up, in 1918.

Then, in 1984, the next cycle came in, and that was a cold cycle. But listen to this, because what is interesting about this is in 1944, after the Second World War, we had the largest surge in $CO_2$ in our country's history. It precipitated not a warming period but another cooling period, which lasted until 1975. Then, of course, another warming period came in, which I disagree with all the statements that were made—certainly by the President yesterday and by many of the Members of this body—now we are precipitating going into a leveling off and perhaps a warming period.

So it is going to be changing, and it is a little arrogant for us in this country to look at these God cycles up there and say we can do something to change that because we can't. It is a beautiful world we are in, and we are going to try to make it better, but we don't need the largest tax increase in America's history to make it better.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Iowa.

Mr. GRASSLEY. Mr. President, the only unanimous consent request I am going to make is at the end of my remarks I will ask for inclusion of something in the RECORD.

I wish to share with the public what is taking place on the immigration bill before us. Unfortunately, very little is taking place. We have been on the floor of the Senate considering this bill for 2½ weeks, and only 13 amendments have been disposed of. We have had nine rollcall votes on amendments, and three of those amendments were tabling votes. Yet over 550 amendments have been filed to this bill. Senators are still filing amendments. The fact is less than 3 percent of all amendments filed have actually been considered. For a process that was labeled as ''fair

and open,'' with the invitation to file amendments, even from the people who wrote the bill, the Gang of 8, it has become laughable.

Our side has been asking for votes. We have tried to call up amendments. Last night we sent a list of 34 amendments over to the majority and requested votes on them. I am told they have refused that list, and I think it is because there are some tough votes on those amendments. They want to limit the number of amendments that can be considered. They want to choose the amendments. In a sense, they want to tell Republicans which amendments we can offer from our side.

That is not right. I am very disappointed not just for myself but for a lot of other Members of the body. There is no deliberation. It seems as though there is no path forward to have votes to make the bill better. And, of course, this isn't the way to legislate. Immigration reform is an important matter. We have to get it right. We shouldn't rush a bill just to get it done, especially if we are going to pass a bad bill. This bill shouldn't be rushed if we are getting it wrong. We have to get it right. It is unfortunate that what has happened on the floor of the Senate—9 rollcall votes out of 550 amendments, and counting, that have been filed. So much for the world's greatest deliberative body.

Immigration reform hasn't been debated on this floor since 2007, and as far as I can remember, a major piece of legislation such as this on immigration hasn't passed the Senate since 1986.

It may seem that we have been on the bill for a long time. Compared to a lot of other issues, it has been a longer time. But most of the time has been spent delaying actual debate and consideration of amendments, while Members craft a grand bargain compromise behind closed doors. Of course, that has been adopted at this point in the process.

Unfortunately, it appears this bill has been precooked, deals have been made, and apparently having an open debate on amendments to the bill isn't part of that deal on any more than the few amendments we have discussed—particularly those amendments that could substantively change the underlying bill for the better. So we get the impression that, sorry, the kitchen is closed.

What has happened? We are supposed to be the most deliberative body in the world. We pride ourselves on that. But now we are going to rely on the House of Representatives to do our job to be deliberative and to fix this legislation. I have great hopes when this process is done through conference that I can vote for a bill that will go to the President of the United States.

As I have said before, the Judiciary Committee markup was full and open, and I have complimented Chairman LEAHY many times on that point. It is too bad that process couldn't have been carried out here on the floor of the Senate.

Whether members were pleased in committee with the vote results for their amendments, in committee the members at least had the opportunity to offer amendments for debate and consideration. Amendments were debated. Amendments were voted on. But that hasn't been the case in the last 2½ weeks here on the Senate floor.

We have tried to offer amendments to this over 1,000-page-long bill. The majority is shutting us out. They have gotten the votes they need to pass this bill through Members getting their favorite amendments into the bill, and some of these seem to me to be special interest provisions and some of them tend to be like the cornhusker kickback sweeteners of ObamaCare fame. Now we are getting the door to the shop closed.

It is important for the public to know we have tried to make this bill better by trying to offer amendments. We have given the other side a list, and I think it has been flatly refused. It is not too much to ask for this number of amendments to be considered. That list had 34 amendments—that is 34 amendments out of 550 filed. Senators want to see a lot more amendments considered and voted on, but we have limited the number to 34.

I ask unanimous consent to have printed in the RECORD the list of amendments we asked the majority to consider before final passage.

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

1. Grassley 1570—gangs
2. Vitter–#1577 or 1578—moves trigger in Corker-Hoeven before RPI
3. Vitter—Strike Amnesty (#1474)
4. Vitter—Voter Integrity Protection Act (#1290)
5. Vitter—Child Tax Credit (#1289)
6. Vitter–1473—no RPI status for convicted drunk drivers
7. Vitter–1445—WIRE Act
8. Vitter—Sanctuary Cities 1291
9. Vitter—VAWA 1330
10. Inhofe–1560—Zadvydas, detention for longer than six months
11. Sessions–1607—interior enforcement
12. Lee–1593—permits CBP agents to access federal lands for immigration enforcement activities.
13. Lee–1210—absconders don't get RPI
14. Lee–1214—no sworn affidavits
15. Wicker 1606—sanctuary cities
16. Fischer 1594—English at RPI
17. Cruz–1579—replace title I with beefed up border security measures
18. Cruz–1580—Obamacare defunding if people are in rpi status.
19. Cruz–1581—proof of citizenship to vote
20. Cruz–1583—no citizenship
21. Cruz–1584—no benefits
22. Cruz–1585—H–1B increases
23. Cruz–1586—numerical limitations on permanent residents
24. Cornyn—1622—Strike RPI eligibility for domestic violence, child abuse, and drunk driving offenders; require interviews of criminals and previously deported
25. Cornyn–1619—Allow for national security and law enforcement application information sharing;
26. Cornyn—Human Smuggling
27. Toomey—increase W guestworkers
28. Portman–1634—E verify
29. Coats–1563—Triggers: High Risk at RPI and effective control before green cards
30. Hatch—back taxes
31. Coburn–#1616—Strikes judicial review, taxpayer funded lawyers and new DOJ Office of Legal Access Programs for aliens.
32. Coburn–#1612—Denies RPI to aliens convicted for domestic violence, child abuse, assault with bodily injury, violation of protection order, drunk driving, reduces allowable misdemeanors making an alien ineligible for RPI and eliminates the Secretary's ability to waive that provision.
33. Johnson—1 year application period
34. Johnson—EITC

Mr. GRASSLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I also wanted to mention even though I oppose the bill, I do think they have done a good job of trying to get some amendments out, particularly Senator GRASSLEY and Senator MCCAIN, who offered the opportunity to have my amendment. It was a good amendment. It was so good that the ACLU is scoring against it. Hopefully, we will get a chance to get those in.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes.

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

SENATOR MO COWAN

Mr. DURBIN. Mr. President, I was here on the floor when Senator MO COWAN gave his farewell remarks. He came to the Senate as an appointee to fill the spot John Kerry left vacant when he left to the Secretary of State's position. I can't think of a person who came to the Senate who has been so warmly received so quickly.

Senator HARRY REID made the comment that it is rare for a new Member—just 6 months of seniority—to get a standing ovation at his caucus lunch. MO COWAN got two yesterday, which I think is a tribute to the fact that we enjoyed his service and value his friendship, and will remember him for his fine representation of the Commonwealth of Massachusetts.

Mo Udall, a wise and witty longtime member of this Senate, famously said that once politics gets in your blood, the only cure is embalming fluid.

There is a lot of evidence to support that idea. But another MO—Senator MO COWAN—is an exception to the rule.

When he was appointed 5 months ago to fill the seat vacated by Secretary of State John Kerry, Senator COWAN said he was happy to serve his State—but only a new Senator could be elected to finish Secretary Kerry's term in this Senate.

Well, yesterday Massachusetts voters went to the polls to choose that new Senator. I look forward to Senator ED MARKEY joining this body very soon.

For now, I want to take a moment to thank MO COWAN for his service to his State, this Senate and our Nation.

Senator COWAN has served with wisdom, courage and civility. He has made

friends and allies on both sides of the aisle—no easy feat.

I have to confess, I was probably predisposed to like Senator COWAN because of his sartorial style. The last Senator to wear a bow-tie so regularly was my dear friend and political mentor, Paul Simon.

More admirable than Senator COWAN's sense of style, however, is his sense of fairness and decency and courage.

He has co-sponsored important bills including the Paycheck Fairness Act, the Violence Against Women Reauthorization Act, the Employment Non-Discrimination Act, and the Safe Chemical Act.

In the wake of the terrible murders of 20 little children and their teachers in Newtown, CT, Senator COWAN voted for sensible regulations to help keep weapons of war out of the hands of criminals and those with serious mental illness.

He voted for a budget resolution that would enable us to continue reducing the Federal deficit while still, meeting our obligations today and investing in a secure future.

I am particularly grateful to Senator COWAN for co-sponsoring a bill Senator ENZI and I have worked on for several years and which this Senate passed. The Marketplace Fairness Act will give States—if they wish to use it—a way to collect sales and use taxes in Internet purchases—taxes that are already owed but rarely collected. Massachusetts lost $268 million last year because of the inability to collect these taxes.

He flew on Air Force One with President Obama and travelled to the Middle East with a bipartisan group of Senators to investigate the Syrian civil war.

Senator COWAN has also been a diligent defender of the people of Massachusetts. He and Senator WARREN have worked especially hard to protect their State's struggling fishing industry.

His service here was short, but his record is impressive. It is especially impressive considering the fact that before he was sworn in as a Senator, MO COWAN had never held a single elective position in his life.

WILLIAM MAURICE ''MO'' COWAN was born in a small rural town in North Carolina that he sometimes likens to the old TV town of Mayberry. His father died when MO was 16 years old. His widowed mother raised MO and his sisters on the money she earned as a seamstress, the equivalent of about minimum wage.

MO COWAN graduated from Duke University—the first person in his family to graduate from a 4-year college. He earned a law degree from Northeastern School of Law in Boston.

He earned a reputation as a very good lawyer and a mentor to other young lawyers in the Boston area, especially young lawyers of color.

Massachusetts Governor Deval Patrick convinced Senator COWAN to join his administration as his chief counsel and later promoted him to chief of staff.

When Governor Patrick approached Senator COWAN about serving as Massachusetts' junior Senator until yesterday's special election could be held, Senator COWAN tried to persuade the Governor to choose someone else. Thank goodness he lost that debate.

MO COWAN is a young man—especially by Senate standards—just 44 years old. He was born on April 4, 1969. He came into this world 1 year to the day after Dr. Martin Luther King died.

With his appointment to the Senate, Senator COWAN became the eighth African American ever to serve in this body. He and Senator SCOTT made history—the first time that two African Americans had ever served in this Senate at the same time.

I think Dr. King would be pleased that we have made progress, but he would also remind us that we still have a long way to in achieving a Senate that better reflects the American people, and he would be right.

I might add that the Supreme Court's ruling yesterday striking down parts of the Voting Rights Act means we may have to work even harder to make that possible. And I am committed to doing so.

On the day that Senator COWAN was sworn in to this body, he said: Days like today are what my mother spoke of when I was a kid, [and she said] that if you worked hard and did the right things and you treated peoples well, anything could happen.

Years from now, other mothers will teach that lesson to their sons and daughters—and they will able to point to Senator COWAN as proof.

In closing I want to thank Senator COWAN's wife Stacy and their young sons Miles and Grant for sharing so much of their husband and father with this Senate.

To my colleague Senator COWAN: It has been a privilege to work with you.

Mr. President, I ask how much time is remaining?

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

The Senator has 6 minutes remaining.

Mr. DURBIN. Mr. President, what is pending before the Senate is a piece of history. For those who are witnessing this debate—whether in the galleries or at home on C–SPAN—you are watching a debate on the floor of the Senate that doesn't happen very often. We are debating the comprehensive immigration reform bill. It is the first time in 25 years we have tackled this issue.

If you look at the history of the United States, you know right off the bat we are a Nation of immigrants. My mother was an immigrant to this country. Many of us have immigrant parents and grandparents and great-grandparents. That is who we are. We come from all over the world to this great Nation. But the history of immigration law will tell you that immigrants aren't always well or warmly received. There have been periods in history where we have excluded people from certain countries and excluded immigrants in general. There were other periods where we couldn't wait to get the cheap labor from anyplace in the world to build this great Nation. We have had real mixed feelings when it comes to immigration.

The sad reality is for 25 years our immigration laws haven't worked well. The estimate is we have about 11 million undocumented people living in America. I have come to know many of them. They are not who you think they are. Many of them turn out to be the mothers in a household where the father and all the kids are American citizens. Many of them turn out to be the people who sat down next to you in church. They are the ones who, incidentally, cleared your table at the restaurant. They are making the beds in your hotel room for the next morning. They are watching your kids in daycare. And they are taking care of your mom at the nursing home. These are the undocumented people of America, many of them just asking for a chance to be part of this American family. This bill gives them a chance.

But it isn't easy. They have to come forward and register with the government, tell us who they are, where they live, where they work, and tell us about their families. Then they have to pay a fine of $500. That is the first installment. Then any job they have, they have to pay their taxes and submit themselves to a criminal background check.

If that isn't enough, we tell them we are going to continue to monitor them over 10 years, watching them. During that period of time they have to demonstrate they are learning English. Then if they complete that 10-year period, they have a 3-year chance to become citizens. It is a 13-year process. Many of them have already been here for 10 years or more. But if they are ready to travel down this long road—and many are—at the end of the day their dream will come true. They will be citizens in America. It is no amnesty. They are going to pay a heavy price to make it all the way through those 13 years, but it gives them their chance, and it makes us a safer Nation knowing who they are, where they live, and where they work.

We are going to tighten our system so people applying for jobs in the future have to prove who they are—no more phony Social Security numbers, no more phony IDs. There is going to have to be real proof before you get a job in America.

Approximately 40 percent came here on a visitor's visa and overstayed. If you came here on that visa, we are going to track you into America and out of America. The system is going to be tough.

And when it comes to the border, there is a difference of opinion between the Democratic side and the Republican side of the aisle about how much

to do. Well, we have made a dramatic investment in border security between the United States and Mexico. In the last 10 years we have increased the Border Patrol between the two countries from 10,000 to 20,000. In many sectors we now have 97-percent effectiveness stopping those who try to cross the border. We are going to invest 20,000 more workers on that border—40,000 Border Patrol people.

People who have come to the floor critical of this bill say it isn't enough. I will have to tell you, for some of these folks it will never be enough. We are going to put billions of dollars into making that border safe and reducing, if not eliminating, illegal immigration. That is part of our promise in this bipartisan agreement that was reached.

I have been fortunate to serve with the so-called Gang of 8, four Democrats and four Republicans. We have sat across the table for 5 months now, 30 different sessions, working out all the details, and we have come up with an agreement—a good bipartisan agreement that is finally going to move us forward.

I might add one footnote. Twelve years ago, I introduced a bill called the DREAM Act, and said children brought to this country deserve a special chance to become citizens. They didn't do anything wrong. They didn't break any laws. They were 2 and 5 and 10 years old. They were brought here by their parents. They deserve a chance. This bill is the strongest bill ever brought to the floor of the Senate when it comes to the DREAMers. I am proud of that. I am happy these young people will finally get the chance to prove themselves, as I am sure they will, when it comes to the future of this country.

There are lots of other provisions. Never take for granted that the fruits and vegetables on your table appear magically. They are picked, and many of them are picked by foreign workers, migrant workers. We have an agriculture worker section here, which is important for the future of our agricultural economy. We have a section when it comes to the talented people we want to keep in the United States once educated here, and those we can bring in to help create jobs in our country. But the first rule in this bill, and the one I insisted on: Every job has to be offered to an American first. With our unemployment, that is the starting point, and it is included in this bill and it should be.

There are parts of this bill I don't applaud or necessarily endorse, but it is the product of a compromise. We are not only proving to this Nation that we can address the biggest issue in our heritage, we are trying to prove to this Nation this Chamber—this Senate—can go to work, roll up its sleeves, and get something done on a bipartisan basis.

There will be some ''no'' votes, but the test votes we have had so far show a strong bipartisan majority to move forward. If we get it done—and I hope to God we do during the course of this week—I pray that my colleagues over in the House will accept their responsibility to this Nation to accept the need for comprehensive immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I see Senator KING from Maine here. I will only talk for a minute. I will share some thoughts later about where I see the difficulties with the immigration bill.

I would say that for the vast majority of the people who will be legalized or who will be coming into the country, businesses will be under no requirement to hire Americans first. That is not accurate, and it is a cause of concern for me.

FAREWELL REMARKS

I wish to share some brief remarks. I know we have a lot to do, but I was here to hear Senator COWAN's farewell remarks to us. They were delivered eloquently and effectively, with integrity and graciousness and a sense of purpose that I found impressive. I think all of us have found him impressive, getting to know him. I heard him share his background recently, how he came to this position. He does so with a constancy of purpose and clear vision for what he believes is right. He has been raised right, and he reflects those values and has done so in the Senate.

It is a pleasure for me to have had the opportunity to get to know him. I would just say it must be a special thrill for him to be able to, all of a sudden, find himself, as he said so nicely, in the U.S. Senate without having to campaign, raise money, or otherwise be in that position.

He served his State with skill and dedication. It is a pleasure to have served with him. I wish him Godspeed in his future endeavors.

I understand the Senator from Maine is going to share with us some valuable history today. Maybe a connection between Maine and Alabama might even be mentioned.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. KING. Mr. President, I rise in morning business, and I request unanimous consent for 15 minutes for remarks.

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

BATTLE OF GETTYSBURG

Mr. KING. We all know that next Thursday, a week from tomorrow, is our Nation's most important anniversary—July 4, 1776, the birthday of the country. But Tuesday, July 2, is also one of our most important anniversaries because July 1, 2, and 3 are the days the Battle of Gettysburg occurred. That was probably the defining event in the history of this country. It is especially important this year because it is the 150th anniversary of the Battle of Gettysburg. What I would like to do is share a few moments about one particular aspect of that battle. It does indeed involve Maine and Alabama. It involves a man from Maine named Joshua Lawrence Chamberlain, who in 1862 was a professor of modern languages at Bowdoin College in Maine. He was not a soldier, had no history in the military, but decided that he had a vision of America and he wanted to serve his country.

He joined a volunteer regiment organized in Maine in August of 1862 called the 20th Maine regiment. They came down the east coast, up the Potomac to Washington, and were immediately deployed to Antietam in September of 1862—the bloodiest day in American history. Fortunately for the 20th Maine, they were held in reserve that day. They did see action over the course of the fall and early winter at the Battle of Fredericksburg. Then, along with 2 great armies, they headed north into the State of Pennsylvania.

Mr. President, you are going to have to bear with my cartographic skills. I think it would be helpful if we can see what happened. It is easy to draw Virginia because it is a big triangle, so this is Virginia. Here is the Maryland-Pennsylvania border.

In the early summer of 1863, two great armies snaked north out of Virginia. Lee's Army of Northern Virginia came up the west side of the foothills of the Appalachians and into Pennsylvania, shadowed by Meade's Army of the Potomac, both 90,000 men. Meade was leading the way into Pennsylvania without a particular destination but a desire to engage the Federal Army in one climactic battle which he thought correctly could have ended the Civil War.

Nobody knows exactly why on July 1 of 1863 those two armies collided in the little town of Gettysburg. There is a rumor that there was a shoe factory there and that the southern Army was going to go and requisition those shoes. For whatever reason, the two armies met in this little town of Gettysburg, PA. One of the interesting things about the battle was that Lee's army had already gotten almost to Harrisburg and came down into Gettysburg. The Union Army was coming up the Taneytown Road from Washington and from the south, and they came in in this direction. So at the Battle of Gettysburg, the southern army came in from the north, and the northern army came in from the south.

On the first day of the battle, there was a standoff. They met almost by accident in this town. There was fierce fighting in the streets of Gettysburg, in the south of the town, and it was essentially a draw.

At the end of the day on July 1—and the word flashed back to both armies that this was it. This was the confrontation, and reinforcements came in from both lines of march to meet at this little town.

What happened on the second day was that on the morning of the second day the Union troops—again, if this is

the town up here, the Union troops ended up on a hill called Culp's Hill and then in a long line to the south, along an area that was an old place where they buried people. Of course, that is Cemetery Ridge.

On the other side, the Confederates—and interestingly enough, throughout American history red markers represent the Confederates and blue the Federals—the Confederates ended up on a long ridge that ended up down this way, with about a mile apart, and over here was a place where they trained people to be preachers. That, of course, is Seminary Ridge. So generations of sixth graders have been—Seminary Ridge over here, Cemetery Ridge over here—generations of sixth graders have been confused by this, but it is ''Cemetery'' where the Union was and ''Seminary'' where the Confederate troops were.

About the second day of the battle, a Union general noticed there was a small hill down at the bottom of the entire line of Union troops that was unoccupied by either side. He also immediately realized this could be the most important piece of property in the entire battlefield because it had an elevation that looked up the entire Federal line and it anchored the Federal line.

The Union general grabbed the nearest officer near him and said: We have to occupy that hill immediately. The fellow's name was Strong Vincent, was the officer from New York. Vincent grabbed two other regiments, New York and Pennsylvania, and then Maine, the 20th Maine Regiment, and they went to the top of this hill.

Joshua Lawrence Chamberlain had only been the colonel of the 20th Maine for about a month. He was in charge of 358 men. Vincent took him to the extreme left flank of the Union Army, of this little hill, which is called Little Round Top.

We had Pennsylvania, New York, and Maine. Vincent took Joshua Lawrence Chamberlain to this point, and here were his orders:

This is the extreme left flank of the entire Union Army. You are to hold this ground at all hazards.

''At all hazards''—that means to the death.

Almost immediately upon getting to the top of the hill, up came the 15th Alabama—one of the crack regiments in Lee's army—up the hill to try to dislodge the 20th Maine. If you have not been to Gettysburg, Little Round Top—if God were going to build a fortress, it would look like Little Round Top. It is steep, rocky, with lots of places to be behind, and indeed Chamberlain took maximum advantage of that. As the charge came, they were able to repel it.

A half hour later or so, the Alabamians came again. They were pushed back. They came again and were pushed back. Each time they got closer and closer to the top of the hill because of the nature of guns in the Civil War. A good shooter in the Civil War, a good handler of a rifle, could get off four shots a minute.

I want you to think of yourself, Mr. President, at the top of that hill with the 15th Alabama coming up. You take aim with your rifle and shoot—bang. You are now prepared to shoot a second time. That period until that sound—it felt like an eternity—was 15 seconds. That is how long it would take to reload and get another shot. That is why in this situation the charge came closer and closer.

By the third and fourth charge, it became hand-to-hand combat.

I should say, by the way, as I mentioned, that Joshua Lawrence Chamberlain was not a soldier by trade; he was a professor at a little college. He spoke 10 languages in 1856. But he had a deep vision for the meaning of America, and he had a deep concern about the issue of slavery.

When he was a student at Bowdoin in the early 1850s, a young professor's wife was writing a book, and he sat in the living room of this professor and listened to her read excerpts from this book, and the book turned out to be probably the most influential book ever published in America. It was called ''Uncle Tom's Cabin.'' It described for people in the country the evils of slavery. Indeed, when Abraham Lincoln met Harriet Beecher Stowe and shook her hand, he said, ''I am shaking the hand that started the Civil War'' because it lit the fuse that led to the pressure that ultimately led to the abolition of slavery.

In any case, four and then five charges, and each time, the 15th Alabama was repelled. But then they were gathering at the bottom of the hill for the final assault late in the day, a hot afternoon, July 2, 1863. The problem was, for Chamberlain, his men were out of ammunition. They each had been issued 60 cartridges at the beginning of the battle. They had all been fired during those five assaults. He then had a choice to make as a leader. He had three options:

One was to retreat—which is a perfectly honorable thing to do in a military situation, but his orders were to hold the ground ''at all hazards'' because if he had not, if the Confederates had gotten around Little Round Top, the entire rear of the Union Army would have been exposed.

His other option was to stand and fight until overwhelmed. That would not have worked very well because it would have only delayed them for a few minutes.

Instead, he chose an extraordinary option that was very unusual even at the time. He uttered one word, and the word was ''bayonets.'' There is a dispute in history whether he also said ''charge'' and what his actual order was, but everybody agrees he uttered the word ''bayonets,'' and his soldiers knew what that meant, and down the hill into the face of the final Confederate charge came 200 crazy guys from Maine. The 15th Alabama for the first and only time in the Civil War was so shocked by this technique that they turned and ran, and the 200 boys from Maine—and I say 200 but at the beginning of this action there were over 300; they lost 100 to casualties and death—captured 400 or 500 Confederates with no bullets in their guns.

Chamberlain tried to call his men back. They said, ''Hell no, General, we are on our way to Richmond.''

I tell this story because it is a story of extraordinary bravery. By the way, Chamberlain received the Congressional Medal of Honor for his bravery and creativity that afternoon on that little hill in Pennsylvania. But I tell the story because it is a story of our country and it is a story of how a single person's actions and bravery can have enormous impact. Historians argue about whether this was really the key turning point, was there something else, was it some other regiment at another place, but an argument can be made that this college professor from Maine saved the United States. The defining moment for our country was that hot afternoon in Pennsylvania, July 2, 1863.

I believe it is one of the great stories of American history. In fact, the story of Chamberlain and Little Round Top is taught in Army manuals to this day as a story of leadership, creativity, perseverance, courage, and devotion to God and country.

I hope all Americans will think about these moments, and thousands more like them, as we celebrate not only the birth of our country next week, but also the rebirth of our country in the 3 days prior to July 4th.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as if in morning business.

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

HEALTH CARE

Mr. BARRASSO. Mr. President, we have heard a lot of talk this week about the big push by President Obama and his allies to promote the health care law. We are less than 100 days out from the implementation of that law. People in Wyoming are already feeling the effects of the Democrats' health care law.

The law says employers with more than 50 full-time employees have to provide expensive, one-size-fits-all health insurance. Employers all across the country are cutting full-time workers back to part-time status and cutting their shifts to less than 30 hours a week. Thirty hours a week is the cutoff point to be considered a full-time worker under the Democrats' health care law.

As a result of the Democrats' health care law, we are starting to get stories like the one from the Rocket-Miner newspaper in Rock Springs, WY, that came out yesterday.

The subheadline is ''School district looks at coverage, worker options,'' and that is under the headline of ''Health Care Reform.''

Here is what the article says:

More than 500 employees working for Sweetwater County School District No. 1 could see a reduction in their paychecks for the upcoming school year.

The district may reduce hours for part-time employees to exempt it from covering them on its insurance plan under President Barack Obama's Patient Protection and Affordable Care Act.

This is the Rocket-Miner newspaper in Rock Springs, WY, Tuesday, June 25.

The article goes on to explain that the school district has more than 500 employees who are working between 30 and 34 hours a week. Those are the people that the health care law is threatening the most. The article goes on to say these workers ''are likely to see their hours decreased by up to five hours.'' So they will be cutting the hours of workers from 34 hours and getting them down to 29 hours.

It quotes the school board chairman saying that the huge chunk of money it would need to provide Washington-approved insurance for everyone would have to come out of classrooms and other essentials. Taking money out of classrooms and other essentials, he says: ''We are talking about hundreds of thousands of dollars.''

Well, maybe hundreds of thousands of dollars isn't a very impressive amount to Washington Democrats, but for a small school district in Wyoming, that is a big hit to their budget. It is a lot of pain that the law is inflicting on those teachers and on those students. So for the employees who are going to see their hours cut from 35 hours to fewer than 30 hours, the Democrats' health care law is hitting their paychecks, and hitting it hard.

Well, that was yesterday. Today in the Gillette News Record, Kathy Brown wrote: ''School trustees consider changes with ObamaCare.'' Here is what they say in Campbell County:

About 200 part-time positions could be affected. It does mean the district must track the hours of employees much more closely, and consider what to do with 320 substitute teachers, 27 substitute bus drivers, 23 coaches, eight temporary and four summer-only employees.

Before the July 17 meeting, school officials will try to provide information to trustees on hours and possible costs.

''This is a paperwork nightmare,'' says one of the trustees.

She wondered if the district would have to hire more employees just to do the paperwork and tracking.

There are nearly 8 million people in this country who are working part time because they cannot find full-time work. These are not just numbers in a monthly unemployment report, these are people all across the country in towns such as Rock Springs and Gillette, WY. They want to work and provide for their families, but they are suffering from the bad economic recovery which has been caused by the failed policies of Washington Democrats. Then they get hit a second time with this terrible health care law. This health care law cuts back their hours and cuts their paychecks even more.

I want to make one more point about the health care law. This headline is from the front page of this morning's Investor's Business Daily, June 26, 2013. It says: ''Privacy Falls Victim To ObamaCare Hub.''

The hub they are talking about is the database of information about people that was created by this health care law. It was created so Washington could figure out who has health insurance and who might qualify for subsidies under the law. With this data hub Washington bureaucrats are going to have access to a huge amount of personal information about people all across the country.

Here is what the article says:

The ObamaCare hub will ''interact'' with seven other federal agencies: Social Security Administration, IRS, Department of Homeland Security, Veterans Administration, Office of Personnel Management, Defense Department and—believe it or not—the Peace Corps. It also will plug into state Medicaid databases.

So what does the hub want to include in all of this? Well, the article goes on to say that the hub will store ''names, birth dates, Social Security numbers, taxpayer status, gender, ethnicity, e-mail addresses, phone numbers on millions of people expected to apply for coverage via ObamaCare exchanges.''

That is just part of it. They are also going to have ''tax return information from the IRS, income information from Social Security Administration, and financial information from other third-party sources.''

The article says Washington ''will also store data from businesses buying coverage via an exchange, including a 'list of qualified employees and their tax ID numbers,' and keep it all on file for 10 years.''

In addition, the article goes on to say:

The Federal Government also can disclose this information—

We are talking about citizens' private information turned over to the government, and the government ''can disclose this information 'without the consent of the individual.' '' They ''can disclose this information 'without the consent of the individual' to a wide range of people, including 'agency contractors, consultants, or grantees' who 'need to have access to the records' to help run ObamaCare.''

So all of this personal, private information is collected in one place, held for 10 years, and made available to bureaucrats, contractors, and consultants.

This is just another terrible effect of the Democrats' health care law. This is a law that American people are just starting to learn more about, and a law that many of those who voted for it didn't even know what was in it. The more people learn, the more worried they become about how this law will affect their care, their jobs, their paychecks, and their privacy.

When Democrats in Washington pushed their health care law through Congress, they were not honest with the American people about any of these negative effects. The American people deserve better.

I yield the floor.

Ms. MIKULSKI. Mr. President, I come to the floor to speak on the bill that is before us, the Comprehensive Immigration Reform Bill. No matter what side of the aisle you are on, we can all agree that our current system is not working, and it is in need of reboot and reform. I believe that the bipartisan approach taken in this bill gives us an opportunity to address this issue in a thoughtful manner. I thank the drafters of this bill for their hard work and tireless advocacy; I also thank Chairman LEAHY and the Majority Leader for the open and transparent process that this bill has undergone.

I have three principles on immigration reform: we must protect our borders, protect American jobs, and reward those who play by the rules. And I believe that this carefully drafted and negotiated bill meets all of these metrics. In addition to an accountable path to citizenship for the undocumented population currently in the U.S., the bill also includes new resources to secure our border and puts forth a rational approach to future legal immigration to the U.S. While I do not agree with every part of this bill, I believe that the compromises that were made are fair. In passing this bill, we do what is right for our economy, and we do what is right for our society.

This bill makes important reforms across the board, but I want to focus on a few that are of particular importance to Maryland. The seafood industry is the lifeblood of Maryland's Eastern Shore. It is also a traditional industry that is adapting in today's world. They rely on H–2B workers to keep their businesses running when American workers are unavailable. I have consistently fought for an approach to the H–2B program that recognizes that one size does not fit all, protects the wages and jobs of all workers, and provides the certainty that small businesses need to survive. This bill includes important, tailored provisions that ensure the availability of the H–2B program. The inclusion of the returning worker exemption, a provision that I sponsored for many years, simply allows workers who entered during this fiscal year not to be counted toward the H–2B cap through 2018. This is a fix that aids the small, seasonal businesses that rely on these workers year after year, such as the crab-pickers on Maryland's Hooper's Island.

The bill also includes language that protects the wages of American workers while striking a balance with the needs of employers. It adds crucial

worker protections by providing for transportation costs for H–2B workers, mandating that employers are responsible for fees, and requiring that American workers not be displaced. The H–2B program is far from perfect—and it could benefit from improvements—but its availability is vital to many businesses. It is our job to make sure that it works for all.

Tourism is vital to Maryland's economy, and programs like the Visa Waiver Program ensure our friends and allies around the world are able to visit our State. Each year, the Visa Waiver Program allows 16 million tourists to visit the United States and spend more than $51 billion, while supporting half a million jobs. This bill includes important provisions to expand the Visa Waiver Program that I have long fought for. These provisions give discretion to the Secretary of Homeland Security to include countries that meet strict security requirements, while also protecting our borders and creating jobs in the tourism industry. New national security requirements mean stronger passport controls, border security, and cooperation with American law enforcement.

The current system punishes our allies—and that is what is happening with our close friend Poland. Poland has been a longtime friend to the U.S. and has stood with us in Iraq and Afghanistan, fighting and dying alongside Americans. But Polish citizens cannot visit the U.S. without a visa. Expanding the Visa Waiver Program to Poland alone could mean $181 million in new spending and could support 1,500 new jobs. The expansion of the Visa Waiver Program is good for national security and economic development and helps our most trusted allies.

Now is the time for comprehensive immigration reform. Immigrants are part of the fabric of our country, and we all benefit from an approach that recognizes these contributions while ensuring that our laws are followed and respected. This bill does that, and I look forward to supporting its passage here in the Senate.

Mr. ENZI. Mr. President, I rise to speak about the special procedures for certain nonimmigrant agricultural workers included in the underlying immigration bill. I have thoughts about the overall immigration bill which I will share later, but at this time I want to focus on a specific provision in the underlying substitute amendment.

Many farmers and ranchers in this country will tell you that they need reliable, dedicated, and experienced employees to make their operation successful. This could mean contracting with seasonal workers to help a farmer harvest row crops or for my colleague, Chairman LEAHY, it could mean finding employees to milk and move cows on dairy farms in Vermont. Agricultural labor in this country comes from a variety of places, and an important source is from temporary and seasonal foreign workers.

Currently, the H–2A program assists employers and foreign workers with visas to perform temporary and seasonal agricultural labor. The most common form of agricultural visa is for seasonal work in harvesting, planting, or maintaining crops. Workers usually get visas to the United States to perform work for several months and then return to their home nations. However, Congress and the administration for decades have recognized a special segment of temporary agricultural workers which are distinct from the others, particularly those industries within agriculture which require workers for longer periods because of the unique work they perform. Under the existing H–2A program, these occupations are recognized by special procedures which allow employees to meet the needs of the specialized industries they serve. Occupations which serve the livestock industry are examples of agricultural jobs that require temporary work for longer periods of time. Herding and managing livestock is an inherently different type of work than that which is performed by other temporary agricultural workers. In many cases, those working as temporary foreign workers in livestock related occupations often have rich cultural histories and family ties to herding which allow them to bring their unique experience to the United States and make significant contributions to our livestock industry.

This inherent challenge is evident in the special procedures which manage nonimmigrant sheepherders in the existing H–2A program. For over 50 years, temporary nonimmigrant agricultural workers have been coming to the United States to work as herders in the sheep and goat industry. Over all these decades, Congress has recognized the special nature of the sheepherding program in immigration law. At this time, I ask unanimous consent that the following letters dated July 28, 1987, from U.S. Senator Al Simpson and the response from Immigration and Naturalization Service, INS, Commissioner Alan Nelson dated November 4, 1987 be printed in the RECORD at the conclusion of my remarks.

In this exchange, Senator Simpson, serving as the chairman of the Judiciary Subcommittee on Immigration and a primary author of the Immigration Reform and Control Act of 1986, wrote the administration expressing the continued intent of Congress that the agency and its rules reflect the historical arrangement that sheepherders had within the H–2A program. Senator Simpson highlighted specifically the fact that sheepherders should not be subject to the same return requirements as other nonimmigrant temporary agricultural worker programs. In its response, the Immigration and Naturalization Service recognized the uniqueness of the sheepherder program, its effectiveness operating under these special procedures, and sheepherders should not be subject to the same return requirements as other nonimmigrant agricultural workers.

As a result, the H–2A sheepherder program has operated successfully with little change from when it first started. Currently, the special procedures fall under the authority of the U.S. Department of Labor and have continued to largely reflect the unique needs of sheepherders and other special procedure occupations.

That is why I am pleased this immigration bill includes language which authorizes special procedures for these very agricultural occupations. Section 2232 of the legislation creates the new nonimmigrant agricultural worker program. Within that section 218(A)(i) authorizes ''special nonimmigrant visa processing and wage determination procedures for certain agricultural occupations''. Those occupations include (A) sheepherding and goat herding; (B) itinerant commercial beekeeping and pollination; (C) open range production of livestock; (D) itinerant animal shearing; and, (E) custom combining industries. This is an important step forward in making sure that the nonimmigrant sheepherders and workers in other special occupations can continue to enter our country and work in these unique temporary agricultural jobs.

Particularly important is that the bill provides these special occupations with unique rules on work locations, and housing. This is because unlike the typical temporary nonimmigrant agricultural jobs performed in the United States, the special procedure occupations operate in unique conditions. For example, sheepherders may work alone or in teams monitoring animals graze in remote areas where mobile housing is required. For sheepherders, mobile sheep wagons serve as both a historical symbol and functional shelter from the elements of the range where teams of sheepherders prepare meals, bunk, and keep supplies for livestock. By including the housing language in this section, Congress clearly intends that traditional uses of these housing units continue for special procedure occupations.

I have expressed concerned in recent years about efforts by the U.S. Department of Labor to avoid consulting stakeholders when drafting new policies for special procedure occupations. Bypassing stakeholders has confused employers and employees and led to a number of inconsistent enforcement actions by agency personnel.

I ask unanimous consent that the letter I sent to the Department of Labor on November 14, 2011, as the ranking member of the Senate Health, Education, Labor and Pensions, HELP, Committee as well as the response I received on February 2, 2012, from Department of Labor Assistant Secretary Jane Oates be printed in the RECORD at the conclusion of my remarks. You will note that previous practice afforded the Secretary some discretion in how it

consults with special procedure stakeholders—specifically, that the ''administrator may consult with affected employer and worker representatives.'' I am pleased that this bill includes text which requires that agencies ''shall'' consult with employer and employee representatives and publish for notice and comment regulations relating to the implementation of the special procedures. This is an important step in ensuring that both employers and employees are heard in the rulemaking process and their concerns are reflected in agency guidance. This consultation will help avoid future confusion amongst the parties, ensure that policies practically serve the program, and that there can be an end to inconsistent enforcement actions.

Mr. President, the occupations represented by these special procedures may affect only a few specific industries but play an important role in protecting the future of American agriculture. I am pleased the immigration bill allows occupations such as sheepherding to operate under the new program as it has operated for the past 50 years. In addition, I am pleased that the legislation recognizes a specific need to address the unique wage, housing, and operational components of the special procedure programs. Finally, it is vital that rulemaking requires agency consultation with stakeholders when drafting policies for the special procedure program. I thank the sponsors of this bill for their work on this section.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, July 28, 1987.*

Hon. ALAN NELSON,
*Commissioner, Immigration and Naturalization Service, Washington, DC.*

DEAR AL: I am writing to comment on the Immigration Service's interim final regulations regarding the H–2A program, as they would affect the sheepherding program.

Congress clearly intended that the sheepherding program be allowed to continue in its present form and under its present conditions. This was actually explicitly stated in previous Senate versions of the Immigration Reform and Control Act. I am now concerned that the proposed regulations might not fulfill congressional intent in this area.

I understand that the interim final INS regulations require all H–2A workers to return home for a minimum of 6 months after residing in the U.S. for a period equal to three labor certifications. Under present practice, there is no such requirement in the H–2 sheepherding program. While I understand the reason for a ''six month return'' rule in other occupations, present practice allows a much briefer time outside of the U.S. after three labor certifications for sheepherders. I suggest that current practice be continued in this area.

Thank you for your attention and assistance. With best personal regards,

Most Sincerely,

ALAN K. SIMPSON,
*United States Senator.*

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE,
*Washington, DC, November 4, 1987.*

Hon. ALAN K. SIMPSON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR SIMPSON: This is in response to your letter of July 28, 1987 concerning the interim H–2A rule that requires that a person who holds H–2A status for three years must remain abroad for six months before he can again obtain H–2A status. You indicated this would be detrimental to the sheep industry, and that in promulgating the H–2A program Congress intended that the sheepherder program continue under the prior conditions.

Persons admitted as H–2 nonimmigrants have traditionally been limited to stays of no more than three years. The interim rule to which you referred, found in 8 CFR 214.2(h)(3)(viii)(C), was an attempt to strengthen this limitation to ensure that persons who hold H–2A status are nonimmigrants, and are not using the status as quasi-permanent residence. Our concern was the practice of employing an individual as an H–2A for three years, sending him abroad solely for the purpose of obtaining a new visa, and then bringing him back to the United States. Such actions do not constitute a meaningful interruption in employment in the United States, and turns H–2A nonimmigrant status into quasi-permanent residence, while leaving control over the alien's immigrant status with the employer.

We recognize that the prior H–2 sheepherder program worked effectively for the sheep industry. The administration has already recognized the uniqueness of this program through special provisions in the Department of Labor temporary agricultural labor certification process. Based on your statement regarding the intent of Congress regarding this program, in the final H–2A petition rule we will include a similar provision, and not require a six month absence after a sheepherder has been in the United States for three years.

Sincerely,

ALAN C. NELSON,
*Commissioner.*

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U.S. SENATE,
*Washington, DC, November 14, 2011.*

Re Changes in the Special Procedures for the H–2A Program

Hon. HILDA L. SOLIS,
*Secretary of Labor, U.S. Department of Labor, Washington, DC.*

DEAR SECRETARY SOLIS: I write to respectfully request the Department of Labor reconsider several of the recent changes it made to Special Procedures for the H–2A Program. Although there are some positive changes, which are well intentioned, there are several that will have serious adverse impacts on H–2A employers. Specifically, I am concerned that the Department of Labor continues to make these changes with little or no input from stakeholders and offers little clarification as to how the guidance will be enforced.

Several Training and Employment Guidance letters (TEGLs) were issued June 14, 2011 and published in the Federal Register on August 4, 2011 in accordance with 20 CFR 655.102. Special procedures under this section are designed to provide the Secretary of Labor with a limited degree of flexibility in carrying out the responsibilities of the Immigration and Nationality Act (INA). However, the guidance issued under these TEGLs in 2011 deviates significantly from past interpretations of employment guidelines, was written devoid of stakeholder input and causes several significant challenges for the employers in the open range livestock industry.

Although several of the changes create significant challenges, those concerning sleeping units and variances are creating the one of the most alarming negative impacts on livestock producers. Guidelines concerning the use of mobile housing for open range occupations have remained unchanged for 22 years. A separate sleeping unit has been understood to be a bedroll/sleeping bag, bed, cot, or bunk. However, the latest TEGL references the term ''housed'' in regards to sleeping unit and adds a three day consecutive limitation for employees sharing a mobile housing unit on the range, such as a sheep wagon. This seems to imply that a separate sleeping unit is to include a separate ''housing unit.'' Not only is the guideline inconsistent with previous standards but when interpreted strictly proves impractical for many employers. The resources necessary to move and secure multiple housing units in remote areas of range would not only hinder herding operations but could also prove to be dangerous in adverse weather conditions or during the shorter hours of daylight associated with the winter months.

H–2A employers engaged in sheep herding activities want to provide safe workplace conditions for their employees. However, when Department guidelines are vague, inconsistent or made without stakeholder input—challenges are due to arise that could adversely impact the industry and its employees. There is also ongoing concern about enforcement activities by the Department. Instances of inconsistent interpretations of guidance have been reported that concerns both long-standing policies and guidance resulting from the 2011 TEGLs. In the case of guidance that pre-dates the 2011 TEGLs, there have been instances in which employers are challenged for practices that are consistent with state standards for their occupation and in areas where the Department is to provide deference to state workforce and employment requirements.

Additionally, there has been a great deal of confusion over the revision of the requirements for variances by the 2011 TEGLs. In the past, operators were able to file a variance once with their appropriate state department of workforce and employment with no need to file additional variances for herding activities. However, the new guidance requires variances to be filed every year and can be applied to only extremely limited situations. This change limits flexibility for employers to best serve the needs of their employees and creates impractical consequences for a number of range operations. I encourage the Department to consider returning its policies to allow for variances to be filed once for activities recognized by the special procedures and to remove the time limit that has been imposed on variances.

Thank you for considering this request and these comments regarding the Special Procedures for the H–2A Program. Again, I encourage the Department to allow greater stakeholder participation in future changes to the special procedures. I look forward to the Department's response on this matter.

Sincerely,

MIKE ENZI,
*United States Senator.*

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U.S. DEPARTMENT OF LABOR,
*Washington, DC, Feb. 2, 2012*

Hon. MICHAEL ENZI,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR ENZI: Thank you for your letter to Secretary of Labor Hilda L. Solis requesting that the Department of Labor (Department) reconsider the recent changes made to Special Procedures for the H–2A Program through the Training and Employment Guidance Letters (TEGL) published in

the Federal Register on August 4, 2011. The TEGLs updated special procedures previously established under the H–2A Temporary Agricultural Program for occupations such as sheep and goat herding to reflect organizational changes as well as new regulatory provisions contained in the Temporary Agricultural Employment of H–2A Foreign Workers in the United States (H–2A Final Rule) published by the Department on February 12, 2010. Your letter has been referred to my office for response. The Employment and Training Administration is responsible for administering foreign labor certification program through the Office of Foreign Labor Certification (OFLC).

In your letter you state that even though there were some positive changes set forth in the TEGLs, the Department continues to make changes with little or no input from stakeholders and offers little clarification as to how the guidance will be enforced. Of particular importance, you cite changes pertaining to sleeping units made available to workers and to the variance procedure previously required of employers when petitioning for more than one worker to be housed in mobile units used in the open range. Your letter states that the above change in guidance limits flexibility for employers to best serve the needs of their employees and creates impractical consequences for a number of range operations.

To provide for a limited degree of flexibility in carrying out the Secretary's responsibilities under the Immigration and Nationality Act (INA), while not deviating from statutory requirements, the H–2A Final Rule provides the Administrator of OFLC with the authority to establish, continue, revise, or revoke special procedures for processing certain H–2A applications. The special procedures for sheep and goat herding, for example, have been recognized for many years and draw upon the historically unique nature of the agricultural work that cannot be completely addressed within the regulatory framework generally applied to other H–2A employers. Such procedures recognize the peculiarities of the industry or agricultural activity, and establish a reasonable and tailored means for such employers to meet underlying program requirements while not deviating from statutory requirements. Prior to making determinations regarding the use of special procedures, the H–2A Final Rule states that the ''OFLC Administrator may consult with affected employer and worker representatives''. The Department published these revised special procedures in June 2011 with a delayed effective date of October 1, 2011, to provide affected employers time to understand and adapt to any changes. The Department then published each TEGL as a notice in the Federal Register on August 4, 2011.

The special procedures published by the Department covering occupations involved in the open range production of livestock do not change the longstanding requirement that employers must provide housing and sleeping facilities to workers under the H–2A Program. Due to the unique nature of the work performed on the open range, employers in this industry are allowed to self-certify that housing is available, sufficient to accommodate the number of workers being requested, and meets all applicable standards. Within the housing unit, workers must be afforded a separate sleeping unit such as a comfortable bed, cot, or bunk with a clean mattress. Therefore, it would be possible for the employer to continue to have one camp with more than one worker so long as each worker had his or her own bed. Because employers participating in the H–2A Program must make arrangements for housing workers several months in advance of the start date of work, the Department believes employers likewise have sufficient time to plan and arrange for the provision of sleeping units for its workers. Where it is temporarily impractical to set up a separate sleeping unit which would result in more than one worker having to share a bed, cot or bunk, the revised special procedures defined ''temporary'' as no more than three consecutive days to ensure workers promptly receive the housing benefits they are entitled to under the H–2A Program.

In your letter you also state that the new guidance departs from the previous practice of allowing employers to file a housing variance request only one time with the appropriate State Workforce Agency. Though the new guidance continues the practice of allowing employers to submit a written request for a housing variance, the Department's requirement has remained consistent by stipulating that ''When filing an application for certification, the employer may request a variance from the separate sleeping unit(s) requirement to allow for a second herder to temporarily join the herding operation.'' Each open range production of livestock application is adjudicated on a case-by-case basis and conform to housing safety and health standards.

If you have any additional questions, please contact Mr. Tony Zaffirini, Office of Congressional and Intergovernmental Affairs, at (202)–693–4600.

Sincerely,

JANE OATES,
*Assistant Secretary.*

Mrs. FEINSTEIN. Mr. President, I come to the floor today in support of S. 744, the bipartisan comprehensive immigration reform bill before the Senate.

Through the process of negotiation and compromise, including 212 amendments that were considered during the course of the Senate Judiciary Committee markup last month and now much discussion on the Senate floor, a workable, tough—but fair—bill sits before us, ripe for us to take action on a problem that has gone unresolved for far too long.

Colleagues, this is our last, best chance to achieve immigration reform.

The bill before the Senate provides long-sought-after solutions that will help fix our broken immigration system. It takes into consideration our country's modern-day national security, economic, and labor needs, as well as our country's age-old tradition of preserving family unity and promoting humanitarian policies.

It would also bring approximately 11 million undocumented individuals now living in the United States out of the shadows and on a path where they could proudly and openly contribute to this great nation.

The first fundamental principle of the bill is that we must control our Nation's borders and protect our national security.

Before a single undocumented person in the United Staes can earn a green card, several important ''triggers'' must be met, showing that the Federal Government has effectively secured the border and is enforcing current immigration laws. These triggers include the following:

No. 1, an unprecedented increase of 20,000 new full-time Border Patrol agents stationed along the southern border.

No. 2, the full deployment of the comprehensive southern border security strategy, which requires the Department of Homeland Security to conduct surveillance of 100 percent of the southern border region.

No. 3, DHS completion of the southern border fencing strategy, which includes at least 700 miles of pedestrian fencing along the southern border.

No. 4, implementation of a mandatory employment verification system for all employers, known as E-Verify, which will prevent unauthorized workers from obtaining employment.

No. 5, implementation of an electronic exit system at air and sea ports of entry that operates by collecting machine-readable visa or passport information from passengers of air and vessel carriers.

These enforcement improvements build upon the Department of Homeland Security's substantial progress in securing and managing our borders.

Over the past several years, DHS has deployed unprecedented amounts of manpower, resources, and technology to secure the Nation's borders, and these efforts have not only led to enhanced border security but have also expedited legitimate trade and travel.

The second fundamental principle included in the bill is the creation of a path to citizenship for the 11 million individuals who are living and working in the United States without proper immigration documentation.

While some have insisted that all 11 million undocumented immigrants should be deported, such a solution is not reasonable.

A majority of these individuals and families have become integrated into the fabric of their communities, and deportation would be a severe outcome. Many work and pay taxes, but they and their families live in the shadows and face the possibility of being picked up and deported, daily.

The State of California has the largest number of undocumented immigrants, estimated to be 2.6 million people or nearly one-fourth of all unauthorized immigrants currently living in the United States. These individuals have become an essential part of the California workforce. Many work in hotels, restaurants, agriculture, and the housing and construction industries.

A recent study of immigrants in California that was completed by Dr. Raul Hinojosa-Ojeda and Marshall Fitz of the Center for American Progress concluded that, ''if all unauthorized immigrants were removed from California, the state would lose $301.6 billion in economic activity, decrease total employment by 17.4%, and eliminate 3.6 million jobs.'' The study further showed that, ''if unauthorized immigrants in California were legalized, it would add 633,000 jobs to the economy, increase labor income by $26.9 billion, and increase tax revenues by $5.3 billion.''

This bill establishes a process to bring these individuals out of the shadows.

The need to provide a stable, legal, and sustainable workforce through immigration reform is critical in the agricultural sector.

According to government estimates, there are about 1.8 million people who perform hired farm work in the United States. Approximately 1.2 million of these individuals—fully two-thirds of those who help bring pistachios, almonds, wine, and other things we enjoy, to our tables—are not authorized to work here.

Some may ask, why don't farmers hire Americans to do the work? The answer is, they have tried and tried, but there are not many Americans who are willing to take a job in the fields. It is hard, stooped labor, requiring long and unpredictable hours, often in the hot Sun and high temperatures. That is why the labor shortage persists even in these challenging economic times.

The United Farm Workers initiated the ''Take Our Jobs'' campaign in which they invited citizens and legal residents to apply for jobs on farms across the country, but only seven people accepted jobs and trained for agriculture positions.

A 2012 California Farm Bureau survey found that 71 percent of the tree fruit growers and nearly 80 percent of raisin and berry growers were unable to find adequate labor to prune trees and vines or pick crops.

This problem also impacts year-round industries such as dairy. A 2012 Texas A&M study found that farms using an immigrant workforce produce more than 60 percent of the milk in our country. Without these immigrant dairy employees, economic output would decline by $22 billion and 133,000 workers would lose their jobs.

All over the Nation, growers are closing their farms because they lack a stable, legal workforce. And American farmers who remain are suffering economic losses because of the lack of immigration reform.

And when farmers suffer, there is a ripple effect felt throughout the economy—in farm equipment manufacturing, packaging, processing, transportation, marketing, lending, and insurance.

The reality is that if there are not enough farm workers to harvest the crops in the United States, we will end up relying on foreign countries to provide our food supply. This is not good for our economy or for ensuring that Americans are receiving safe and healthy foods.

Right now, the H–2A visa, or temporary agricultural guest worker visa, is the only program that is available for growers to hire foreign workers. Unfortunately, this program has not worked for the vast majority of agricultural employers.

A 2011 National Council of Agricultural Employers survey found that administrative H–2A delays prevented almost three-fourths of surveyed employers from timely receiving workers, which caused economic loss of nearly $320 million for farms in 2010.

Katie Jackson from Jackson Family Wines in Santa Rosa, CA, wrote me about the challenges she currently faces in navigating the H–2A visa program and identifying a sufficient number of skilled workers. She wrote that because, ''very few of the unemployed in this Nation will opt to work in agriculture, and even fewer have the necessary skills to do so,'' Jackson Family Wines turned to increased automation and use of the H–2A program. However, Ms. Jackson noted that ''the H–2A program is cumbersome and from our perspective merely provides a temporary fix.''

In previous Congresses, Senators Craig, Kennedy, and I repeatedly tried to pass bipartisan legislation to address this, known as AgJOBS, without success.

This year, I collaborated with Senators RUBIO, BENNET, and HATCH to negotiate and develop a new proposal that is balanced and fair to address the ag labor crisis. I am very grateful to Senator SCHUMER and the other Members of the Gang of 8 that they incorporated this proposal into this bill; it is now subtitle B of Title II, the ''Agricultural Worker Program.''

All of the elements of this program were negotiated between farm worker representatives and a large coalition of grower organizations. These negotiated provisions protect both farmers who are forced to rely on foreign farm labor and the farm workers by allowing the current undocumented farm workers to continue to work in agriculture to earn a blue card and eventually a green card.

Under the bill, agricultural workers who can document U.S. agricultural employment for a minimum of 100 work days or 575 hours in the 2 years prior to date of enactment are eligible to adjust to blue card status. Blue card applicants must not have a felony or violent misdemeanor conviction and must pay a $100 fine for being in the United States without immigration status.

Agricultural workers are eligible for a green card when they pay all taxes, have no felony or violent misdemeanor convictions, and pay another fine—of $400. The worker must also document that they performed at least 5 years of agricultural employment for at least 100 work days per year during the 8-year period beginning on the date of enactment or performed at least 3 years of agricultural employment for at least 150 work days per year during the 5-year period beginning on the date of enactment.

To replace the problematic H–2A program, the bill will also address the long-term workforce needs of farmers going forward, including dairies and other year-round ag industries, by creating a streamlined system to bring in temporary guest workers through a new agricultural visa program called the W-Visa program.

This two-part new farm worker visa program provides a temporary worker two options, which are at-will employment or contract-based employment.

No. 1 at-will employees have the freedom to move from employer to employer without any contractual commitment.

No. 2 contract employees must commit to work for an employer for a fixed period of time, which can provide increased stability for both employees and employers. After fulfilling this commitment, they are then free to work for other U.S. agricultural employers.

The bill includes specific negotiated wage rates that replace the ''adverse effect wage rate'' standard that exists under the current H–2A program, which has proven to be very controversial, and which many farmers say is one of the reasons that the H–2A program is unworkable.

The number of agricultural guest workers who can enter the country in any given year is subject to a carefully negotiated cap to reflect anticipated labor market demands.

For the first 5 years, the visa program is capped at 112,333 per year. With a 3-year visa, this would result in 336,999 temporary workers who can be in the country at one time.

To ensure that a given year's visa allocation is not used up by regions of the country that harvest earlier than others, the bill requires that the visas be evenly distributed on a quarterly basis in the first year and that the USDA Secretary can modify the timing of the disbursement of visas based on prior usage patterns thereafter. Any unused visas that remain at the end of a quarter can be rolled over to the next quarter but not to the next year.

The cap may be increased if there are demonstrated labor shortages or reduced in response to a high unemployment rate of agricultural workers. After 6 years, the number of applications for guest worker visas and the number of blue card applications approved will also be considered when determining the annual caps.

This new, improved visa program will help American agriculture continue to be a driving force in our Nation's economy.

For those who are currently unauthorized to be in this country, Democrats and Republicans together created a new registered provisional immigrant—or RPI—program to provide such immigrants with lawful immigration status.

RPIs would be authorized to work in the United States and to travel abroad. Only if they meet stringent criteria may they renew their RPI status for another 6 years and ultimately adjust from RPI status to that of a lawful permanent resident—or green card holder.

Let me be clear, this is not amnesty. Amnesty is automatically giving those who broke the law a clean slate, no questions asked. This bill does not do that. Instead, the bill imposes rigorous requirements in order for each individual to attain legal status, apply for a green card, and eventually become a citizen.

The time has come for those who are already here, doing jobs across the

spectrum—such as caring for our aging population, working in restaurants and hotels, and creating successful small businesses. It is realistic for us to secure a sufficient legal workforce, while importantly protecting our U.S. workers, to meet the labor needs of this country.

This bill would also finally pave the way for DREAMers who were brought to the United States by their parents and grew up here; they consider the United States their home and want to give back.

Approximately 65,000 DREAMers graduate from our high schools each year. They are hard-working and are dedicated to their education or to serving in the Nation's military. Some are valedictorians and honor roll students; some are community leaders and have an unwavering commitment to serving the United States.

Through no fault of their own, these young individuals lack the immigration status they need to realize their full potential. This bill will provide an opportunity for these students to fulfill the American dream and it is only prudent for us to give them that chance.

While still prioritizing the American workers who are seeking jobs by establishing a strict screening requirements, this bill aims to meet the needs of businesses so that our economy can succeed not only in the fields but in medical, technological, and research labs across the country.

This bill reforms the H–1B visa program for high-skilled workers by doubling and potentially tripling it depending on the country's labor needs. Ensuring that this country stays ahead of the curve in technology, it facilitates advances in science, technology, math, and engineering by stapling a green card to certain STEM graduates' passports. It creates a W visa program for low-skilled workers and encourages ideas through entrepreneurship, enabling the creation of the likes of the next eBay, Google, PayPal, and Yahoo, all which were founded by immigrants.

I want to commend the members of the Gang of Eight Senators—SCHUMER, MCCAIN, DURBIN, GRAHAM, MENENDEZ, RUBIO, BENNET, and FLAKE,—for providing a foundation that strikes the right balance and reflects the best thinking on how to accommodate all the various concerns and interests.

I also want to recognize those who paved the path forward for them, including former Senators Kennedy, Specter, Salazar, Kyl, and Martinez. Their hard work in tackling this difficult issue has finally brought us to this crucial stage.

This is not a perfect bill, but it is a necessary bill. If we do not seize this opportunity, I fear that the chance of comprehensive reform will be gone for another generation—something I believe would be a terrible mistake for our country.

It realistically and pragmatically updates our current immigration system in a way that enhances our national security, ensures our labor needs are met in a fair way that does not compromise U.S. workers, facilitates timely family unification, and is humane. I hope you will join me in passing this bill in the Senate.

Mr. LEAHY. Mr. President, as we look forward to bringing our debate on comprehensive immigration reform to a close, I especially want to recognize the work of one Senator who made a major contribution to this legislation. Provisions contained in this legislation will rewrite our entire agricultural visa program, and they will do so for the better. For the first time, America's dairy farmers will have access to temporary foreign workers, and the population of undocumented farm workers will have the chance to come out of the shadows and into the lawful immigration system, where they will have rights and the protection of the law. I am grateful for the work she has done, and I am proud to support her important contributions to this legislation.

The work of the senior Senator from California on this legislation should be recognized and commended. She worked long and hard to bring agricultural workers and employers together to find consensus.

She spent many hours keeping these negotiations going, and she did not give up until a fair agreement was reached. And just this week I know that Senator FEINSTEIN stood up for farmers in the Northeastern part of the United States and resisted last-minute efforts related to this bill to create a divide between farmers in different parts of the country. For this, I thank her.

Yesterday, the Washington Post published an article about Senator FEINSTEIN's distinguished service in the Senate, her leadership, her incredible work ethic, and her tenacity. I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post, June 25, 2013]

FEINSTEIN, NSA'S TOP CONGRESSIONAL DEFENDER, HAS BUILT RESPECT OVER DECADES OF SERVICE

(By Emily Heil)

She stands before television cameras just hours after the news breaks that the U.S. government has been conducting a massive surveillance program, compiling a database of Americans' phone records and monitoring foreign terrorism suspects' Internet traffic.

Her hands form fists.

''It's called protecting America,'' says Dianne Feinstein.

A five-term California Democrat who chairs the Senate intelligence committee, Feinstein hardly needs to flex her muscles these days to command deference. On Sunday talk shows and from podiums around the Capitol, she's playing the role of chief congressional defender of the surveillance program to skeptical colleagues and critics who say it's Big Brother run amok. She is also one of the most senior members of the powerful Judiciary and Appropriations panels.

Just as she is playing such high-profile roles, Feinstein, who turned 80 on Saturday, is blazing a new political trail as a symbol—an unwilling one—of the changing workplace.

''It's a non-role as far as I'm concerned,'' Feinstein says. ''I've always had the belief that age is just chronology. I know people who are 50 who are older than I am.''

With the death of Sen. Frank R. Lautenberg (D–N.J.) this month, Feinstein became the Senate's oldest member, a distinction never before held by a woman. In fact, there's only been one other female senator over 80: Rebecca L. Felton, an 87-year-old, lace-collared white-supremacist suffragette who was appointed to a vacant seat from Georgia and served for less than two months in 1922.

Feinstein's age is in most ways incidental to her success; in others, it's key. She's benefiting from the privileges that seniority brings in the Senate and from a work ethic forged in an era where women had to work twice as hard as their male counterparts to succeed.

There are now a record 20 female senators, many of whom have taken on high-ranking roles such as chairmanships of key committees that can help ensure long political life spans. They may soon be as likely as men to grow old in elected office—or in any office.

Women over 60 make up the fastest-growing segment of the workforce, notes Elizabeth Fideler, a fellow at the Sloan Center on Aging and Work at Boston College and the author of ''Women Still at Work: Professionals Over 60 and on the Job.'' And the sight of older woman at the office—even when that office is the Capitol—is becoming more familiar. ''Obviously, politics is a bit harsher an arena, but people are willing to accept an older person so long as they remain effective,'' she says.

Age is a sensitive topic for anyone. For politicians, even more so. When Sen. Bob Dole (R–Kan.) at 72 launched his presidential campaign in 1995, Time magazine's cover asked, ''Is Dole Too Old for the Job?'' And recall Sen. John McCain's (R–Ariz.) anger at a question about his age during the 2008 presidential campaign. (McCain was 70, and called the questioner a ''little jerk.'')

If the politician in question happens to be a woman, she's even more likely to get The Question or be the target of late-night vitriol.

In 2007, at the age of 67, Nancy Pelosi (D–Calif.) became speaker of the House—the highest-ranking woman in the history of the republic—and a feast for comedians' Botox jokes.

''Nancy Pelosi said today we've waited 200 years for this,'' Jay Leno cracked after Pelosi was sworn in. ''Two hundred years? How many face-lifts has this woman had?''

Former congresswoman Pat Schroeder (D–Colo.) predicts that even as women remain in office into old age, the public will never tolerate ''a female Strom Thurmond,'' a reference to the late South Carolina Republican senator who left office at the age of 100, his final years spent with staffers and colleagues overlooking (and compensating for) his diminished mental and physical powers.

''The public would turn on her,'' Schroeder says. ''Not like they did with Strom, who everyone thought was funny—this kind of character.''

Tall and unstooped, Feinstein is often seen striding down the Capitol's marble halls.

Even her political adversaries say she remains more engaged in the minutiae of her job than many of her younger counterparts.

''I always think if I'm half as prepared and energetic as Senator Feinstein, I'm doing okay,'' says Sen. Claire McCaskill. The Missouri Democrat calls Feinstein ''the ideal of what a senator should be.''

''Role model'' is the one part of her new status that Feinstein embraces. ''That is the biggest compliment,'' she says.

Former secretary of state Madeleine Albright says the scrutiny that female politicians will draw in their older years will be just a continuation of what they have faced at other points in their careers. ''They'll talk about [Feinstein's] hair—but that's what happens now anyway,'' she says.

It did, at least, early in Feinstein's career, when media reports swooned over her looks and her impeccable ensembles. ''Charm Is Only Half Her Story,'' was the headline of a Time magazine 1990 story, which described her as ''a casting director's idea of a Bryn Mawr president who must be bodily restrained from adding gloves—or perhaps even a pillbox hat—to her already ultra-conservative banker-blue suits and fitted red blazers and pearls.''

Ask friends and colleagues to describe Feinstein and something surprising happens.

''She does her homework,'' says former senator Olympia Snowe (R–Maine).

''She does her homework,'' says Sen. Saxby Chambliss (R–Ga.), the vice chairman of the intelligence committee.

''She just does her homework,'' says Sen. Barbara Boxer (D–Calif.)

At home, as in the office, Feinstein works constantly. That includes spending her days off poring over thick briefing books and, always, the ''weeklies,'' a stack of the memos she requires every member of her staff to submit each Friday.

In the memo, each employee—from top policy advisers to mailroom clerks—describes what he or she has done that week: meetings they attended, people they met with, legislation they worked on, or what kind of letters have been coming in from constituents. Feinstein scours them, and then asks pointed questions at mandatory Monday-morning staff meetings in her Washington office.

This interrogative style has led some former staffers to grouse that she is a tough boss, prone to calling out underlings, even in group settings where such queries can come off as insults. Mark Kadesh, a lobbyist who was her longtime chief of staff, says that the rigors of working for her weren't for everyone. ''The thing is that she's no more demanding of herself than she is of her staff,'' he says. ''If you couldn't keep up, it was tough. If you accepted that challenge, it was a great experience.''

Yet colleagues—even Republicans—find her approachable. ''You knew that she always came to her conclusions based on real knowledge and understanding, not in a partisan way,'' Snowe says.

Chambliss credits her with helping to smooth over the once-strained relationship between the Senate and House intelligence committees. The bipartisan leaders now meet regularly to talk about how to speak with one voice on tricky issues—a change from the past. ''We couldn't afford that—the world has become too dangerous a place on intelligence issues,'' he says.

Feinstein's always-be-prepared ethos seems, in part, a holdover from an earlier time. When she first entered public office as a member of the San Francisco Board of Supervisors in 1969, few women held elected offices. Those who did faced far more scrutiny than their male counterparts.

Feinstein recalls being the top vote-getter in her first election to the board, which by law, meant she would be its president. But some, citing her inexperience, called on her to cede that position to the second-place man. She politely declined. Her ascent from supervisor to mayor was accompanied by tests. ''You would get pressed,'' she says. ''And so you learn to know your stuff.''

To this day, Feinstein enters no forum—be it a hearing with top military brass or a one-on-one with a low-level staffer—without excruciatingly detailed preparation.

''On the NSA issue, none of the members had gone to these briefings, and yet they're all talking about them—whereas if Dianne hadn't gone to them, known everything about them, she'd have the grace not to say something,'' Schroeder says. ''My jaw always drops when I see someone who'd rather be at the gym or running to the airport who wants to stand up and criticize something they don't know anything about.''

While she's surely come a long way from those board meetings in San Francisco, the tests still come.

In March, Feinstein had a YouTube-able moment when she spoke before the Senate Judiciary Committee about her proposal to ban assault weapons. Sen. Ted Cruz, a Republican freshman from Texas and a tea party favorite, prefaced a question to her with a discourse on the Constitution, in which he informed Feinstein (who has served on Judiciary for 20 years and was the panel's first female member), that the Second Amendment gives people the right to bear arms.

''I am not a sixth grader,'' she replied, calmly, but with a rare edge to her voice that indicated that she was just a bit peeved with the gentleman from Texas. ''It's fine you want to lecture me on the Constitution. I appreciate it. Just know I've been here for a long time.''

And may be longer still. Feinstein, who won reelection in 2012, will be 85 when her term ends. Will she run again? ''Ask me in three years,'' she says.

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

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

Mr. REID. Mr. President, we have been working to come up with a list of amendments. Without any editorializing, this is the list we have been able to come up with. The staff has worked on this for long hours.

I ask unanimous consent that a managers' package of amendments consisting of Boxer-Landrieu-Murray No. 1240 (pending); Brown No. 1597; Carper-McCain-Udall No. 1558, as modified; Carper No. 1590; Coats No. 1288; Coats No. 1373; Coburn No. 1509; Coons No. 1715; Flake No. 1472; Heinrich-Udall of New Mexico No. 1342; Heinrich-Udall of New Mexico No. 1417; Heinrich-Udall of New Mexico-Gillibrand No. 1559; Heitkamp-Levin-Tester-Baucus No. 1593; Klobuchar-Landrieu-Coats-Blunt-Barrasso-Enzi No. 1261; Klobuchar-Coats-Landrieu-Blunt No. 1526; Landrieu-Coats-Shaheen-Franken No. 1338; Landrieu-Cochran No. 1383; Leahy No. 1454; Leahy No. 1455; Murray-Crapo No. 1368; Nelson-Wicker No. 1253; Reed No. 1223; Reed No. 1608; Schatz-Kirk No. 1416; Shaheen-Ayotte No. 1272; Stabenow-Collins No. 1405; Toomey No. 1236; Udall of New Mexico-Heinrich No. 1241; and Udall of New Mexico-Heinrich-Gillibrand No. 1242 be in order and considered en bloc; that the Senate proceed to vote on adoption of the amendments in this package en bloc; that upon disposition of the managers' package, the following amendments be in order to be called up and the clerks be authorized to modify the instruction lines to fit the committee-reported amendment, as amended, where necessary: Sessions No. 1334; Hirono No. 1718; Fischer No. 1594; Blumenthal No. 1636; Vitter No. 1445; Brown No. 1311; Toomey No. 1599; Hagan No. 1386; Coats No. 1563; McCaskill No. 1457; Johnson of Wisconsin No. 1380; Boxer No. 1260; Cruz No. 1580; Feinstein No. 1250; Lee No. 1214; Udall of New Mexico No. 1218; Vitter No. 1577; Tester No. 1459; Vitter No. 1474; Heitkamp No. 1593; Lee No. 1207; Whitehouse No. 1419; Cruz No. 1579; Udall of New Mexico No. 1691; Cruz No. 1583; Heinrich No. 1342; Cruz No. 1585; Reed of Rhode Island No. 1608; Cruz No. 1586; Nelson-Wicker No. 1253; McCain-Cardin No. 1469; and Portman-Tester No. 1634; that at 9 a.m. tomorrow morning, June 27, the Senate proceed to vote in relation to the amendments in the order listed; that the amendments be subject to a 60-affirmative vote threshold; that there be 2 minutes equally divided prior to each vote; and all after the first vote be 10-minute votes; that upon disposition of the Portman-Tester amendment No. 1634, the pending amendments to the underlying bill be withdrawn; the majority leader then be recognized for the purpose of raising points of order against the remaining pending amendments to the substitute amendment; that after the amendments fall, the substitute amendment, as amended, be agreed to; the cloture motion with respect to S. 744 be withdrawn; the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object, and I ask for the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, on behalf of myself and my colleagues—I better say on behalf of myself and some of my colleagues—I have to object. The majority party has offered an agreement from our point of view that is insufficient and clearly not serious, even though I know they consider it a serious offer.

Last night, our side offered a list of amendments that could be voted upon. We asked for votes on 34 amendments and those 34 amendments are less than 10 percent of all of the amendments that are filed, right now about 550. But now the majority wants to limit the number of amendments and, in a sense, limit our rights, because each Senator ought to have an opportunity to put down the amendments they want to offer. It doesn't preclude the majority party from offering any amount of their amendments they want to offer.

It seems to me the majority wants to pick and choose the amendments they like. They don't want to take tough votes so they have chosen just a few of

our amendments to make it look as though it is very accommodating.

I have to say I feel a bit used and abused in this process. For 2½ weeks we have been pushing to get votes on our amendments. We have had a measly 10 votes on amendments. I will remind my colleagues that there were 550 filed. That is pretty embarrassing for the majority after they promised a fair and open debate.

I wish to remind my colleagues about fair and open debate. One Republican Member of the Group of 8 said:

> I am confident that an open and transparent process, one that engages every Senator and the American people, will make it even better. I believe that this kind of open debate is critical in helping the American people understand what is in the bill, what it means for you, and what it means for our future.

That same Senator also wrote to Chairman LEAHY on March 30 before the bill was brought up in committee:

> I wish to express my strong belief that the success of any major legislation depends on the acceptance and support of the American people. That support can only be earned through a full and careful consideration of legislative language and an open process of amendments.

In a letter to me on April 5, that same Senator wrote:

> If the majority does not follow regular order, you can expect that I will continue to defend the rights of every Senator, myself included, to conduct this process in an open and detailed manner.

When the bill was introduced, the senior Senator from New York said:

> One of the things we all agree with is that there ought to be an open process so that people who don't agree can offer their amendments.

So it is very clear the Gang of 8, the authors of the legislation, called for a robust floor debate. They said they supported regular order.

So I ask now: Do they think that having only a few amendments considered, and this list that has just been put before us, is that a robust and open process? Do they think the majority party has used regular order?

After spinning our wheels for a couple of weeks, we had an important vote a couple of days ago. The proponents have been bragging for weeks that they were going to get over 70 votes for their legislation and somehow force the House to take up their bill. Of course, that won't happen if they don't get 70 votes. But I saw the shock of some that they had on their faces when their vote count fell short here a couple of days ago.

So now what are they doing? They need to pick up some votes and they need to make it look as though we have had a more fair process. So after less than the expected vote yesterday, the proponents came to me wanting to strike a deal that would give us votes on amendments. The problem is they still want to limit our amendments, but they want to make sure we include amendments that will help them pick up some votes.

Well, I happen to be a farmer and I am proud to be a farmer, but I want them to know I haven't just fallen off of the hay wagon. It is pretty clear what is going on around here. Regardless of the reasons for the majority now trying to look as though they are accommodating us, I am still willing to negotiate votes, but it needs to be a lot of votes.

Some on my side may be less charitable than I am since they also understand what is going on around here. So in the end, we may very well not be having any more votes on amendments. It is too bad the majority led us down this road and is aiming for the ditch. In other words, we have not had the fair and open process we were promised as we had in committee—a fair and very open process there, but it ended up completely contrary to what the Gang of 8 told us we were going to have when we got to the floor.

In the end they have only themselves to blame. In the end I think the end is right now. We are going to have votes on cloture. We are going to have a vote on final passage. I am telling people on my side of the aisle that if you are going to be against this bill, there is no sense in debating it anymore; we might as well carry our story to the other body because that is where this bill is going to be perfected, if it can be perfected, in a way that is going to be sent to the President and to solve the problems we have and not make the same mistakes we made in 1986.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent to speak at this time, followed by the Senator from Ohio and the Senator from New York.

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

Mr. WARNER. Mr. President, I am disappointed the Senator from Iowa didn't accept the proposal of the majority leader and let us continue making improvements to this bill. But I have watched this debate and I wish to add my voice to those who came out and complimented the good work, the bipartisan work the Gang of 8 has performed in their efforts to forge a bipartisan compromise on an issue that is of remarkable importance to this nation—to our economic growth, to our security and, quite honestly, to who we are as a country.

I look forward to voting in favor of this legislation. I will not recap all of the components and the path of how we got here. Suffice it to say this piece of legislation includes protections for American workers, improves border enforcement, puts in a place a more effective identity verification process, improves our entry exit system, as well provides a reasonable earned pathway to citizenship for the 11 million undocumented immigrants who already live and work in America. Additionally, the Congressional Budget Office has indicated that immigration reform will also help decrease the deficit.

As well, it includes key priorities I have championed in the Senate, including sensible and necessary reforms to our high skill and employment based visa programs. It makes sure that as we continue to train and educate the world's best and brightest—STEM and PhDs from Brazil or the Czech Republic or India—they can stay here in America. Unfortunately, because what happens now is that when they get their degree, we send them home to compete against us. Canada, the U.K., and Australia have changed their laws, so now these high skill individuals don't go home, they simply move across the border to Canada and take those high-paying jobs and support jobs with them.

This legislation will also makes important strides to ensure DREAMers—those young people who were brought to this country at a young age, through no fault or choice of her own, who are caught in this limbo at this point, where many jurisdictions, including unfortunately, my State, sometimes don't allow them to finish their education—have the opportunity to contribute to the only country they know.

As a matter of fact, during this year's State of the Union Address I was proud to invite Ambar Pinto. Ambar is a 19-year-old incredible young woman who was born in Bolivia, has grown up most of her life here in Virginia, and I was proud to invite her to be my guest at the State of the Union Address. I know Ambar will be able to contribute to her community, to Virginia, and to the United States, and this legislation will make sure she gets the same kind of fair shot in this country that I had and other Americans have had.

Let me also say—I know there are other Senators who wish to speak—this legislation is about the character of our country. Senator ALEXANDER from Tennessee said something the other day I have quoted him on a number of times. In this immigration debate, we discuss the character of our country. If I move to China tomorrow, I will never be Chinese. If I move to India tomorrow, I will never be Indian. If I move to France, I will never become French. It is only in America that someone from anywhere around the world, if they play by the rules, accept our democratic principles and our free enterprise system, can come here and get the fair shot and not only can they become Americans, but their children will be Americans for generations to come. Our country is at its best when it welcomes hardworking immigrants into the national fold. That American tradition is reflected in the tenants of this legislation.

This path has been circuitous. We are long overdue. The last immigration reform was more than 20 years ago. Our current system is fundamentally flawed and broken. It is time to pass this legislation with an overwhelming majority, get it to the other body, get

it out, and get this bill to the desk of the President for his signature.

I am proud of the work that has been done by Members from both parties on this important legislation. I look forward to its successful conclusion, I hope, tomorrow, and I look forward to the fact that the Ambar Pintos and so many others who have lived in the shadows for so long, will be able to pursue the American dream.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. 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. PORTMAN. Mr. President, I rise today to talk about the underlying immigration bill, but, more importantly, to talk about an important amendment that I hope can be brought up. I have spoken on the Senate floor about this before and have provided great detail as to why it works to ensure that we have employment verification at the workplace, why it is so important, really, the critical element, I believe, in terms of immigration reform.

I believe strongly if we do not have a stronger employee verification system at the workplace, the rest of this legislation is not going to work. We are not going to have the people come out of the shadows that those who are proponents of this legislation would like to see, and I would like to see. Significantly, we are not going to be able to curtail future flows of illegal immigration.

People come here to work, and it is that magnet of employment that over the years has drawn people to this great country. If we are just going to put up more fences and have more Border Patrol, which I support, we are not going to get at the problem. First, when people want to get here badly enough, they figure out a way to go over or under those fences. They figure out a way to go around them. That has been the story of our country. Every time we have increased enforcement, including some sectors of the border now where there are double fences, people still manage to find their way across in order to find work.

Second, 40 percent of those who are here illegally in this country, we are told, came here legally. They did not come across the border illegally. They overstayed their visas. The only way to get at that problem is to ensure that we have strong workplace verification. Frankly, the underlying bill must be strengthened in order for the legislation to work the way it is promised.

I believe this amendment I am prepared to offer with Senator TESTER, my colleague from Montana, is not just bipartisan, it is not just one that has been worked through with the Gang of 8, with the White House, with the chamber of commerce, with the AFL–CIO, with all the groups—we played by the rules over the last month or so to put together a good amendment—but it is one that will actually ensure to the American people that we can have an enforcement in place both at the border and in the interior at the workplace that will enable the rest of the legislation to work.

I have made it very clear over the last several weeks that I cannot support the underlying bill unless it has those enforcement guarantees because I cannot go to my constituents, look them in the eye, and say this is going to work.

So I agree, our immigration system is broken. The legal system is broken. The illegal immigration system, obviously, is broken. But we have to do the right things to fix it or else the promises we make are simply empty promises.

They say everybody wants to go to Heaven, but not everybody is willing to do the hard things to get there. This is an example of that. It is a hard thing. A lot of people do not want to see a tightening at the workplace. But it has to happen, and I think we all acknowledge that.

I was part of the 1986 immigration reform. That dates me, I know. But I was on the commission that helped come up with that. We proposed employer sanctions—it was called at the time—both in terms of the legislation and how it was implemented. Those employer sanctions were never put in place. That is one, although 3 million people were legalized, millions more came—up to 12 million now.

This is the critical part of this legislation, and I urge my colleagues on both sides of the aisle, let's have a vote on it. If we do not have a vote on it, we will not send the necessary message to the House of Representatives of the importance of this piece of the puzzle.

People said: Well, why didn't you include it in the Corker-Hoeven amendment, which was about a border surge? Because it needs to be and deserves to be drawn out as a separate issue, a separate debate, which we have had on the Senate floor. I have spoken on it before, Senator TESTER has spoken on it, and we need to be sure that we can show through a bipartisan vote that, yes, we are willing to do the hard things to get to ''Heaven,'' the hard things to make sure this legislation actually works; and that is dealing with this at the workplace, which is the magnet, which is the reason people come to this country.

So I would ask any colleagues on both sides of the aisle, please, let us have a vote. There have only been 10 votes out of the over 500 amendments, apparently, that have been filed. There have been only 10 votes on this floor. Let us have a vote. We will be able to do it in a bipartisan way. We will be able to show the American people, as Republicans and Democrats, we can come together to solve big problems—and this is a big one. If it is not solved, I will tell you, it is not going to work.

The pilot program for the kind of E-Verify that is in the underlying bill has been tested. Do you know what the recent report says on it? Fifty-four percent of those who are illegal got through the system and got a job—more than half. Why? Because the verification does not work. Our legislation strengthens it in a half dozen ways.

Again, I have gone into great detail on this on the Senate floor, and it is all in the RECORD, and I have shared this with all my colleagues who are interested.

Again, we have done the right thing in terms of working with both sides of the aisle, playing by the rules in terms of being sure the Gang of 8 signs off on it. It is not perfect, it is not exactly the amendment I initially drafted, nor is the underlying legislation perfect. But it does put in place real enforcement to ensure that the legalization will not occur in the absence of enforcement, which would lead not only to fewer people coming out of the shadows, but more illegal immigration coming, as happened in 1986.

The 1986 bill casts a long shadow in this place, and we have to be sure we do not repeat those mistakes. This will ensure we do that.

I urge my Republican colleagues, including the ranking member who has been terrific in this process trying to work with us, to accept a reasonable list and to accept some time limits that are reasonable.

I will say, last July 4th, a year ago, we were kept in session in this place. I was kept in session, as was every Member. I was happy to do it. But, frankly, it was regarding legislation that was more political than it was real. It never went anywhere because it was viewed as kind of a political exercise. I think both sides of the aisle would agree with that. We stayed on Saturday. As I recall, we stayed that weekend.

Here we have a historic bill before us on immigration and we cannot stay for a couple days to be sure we get through some of these amendments? That makes no sense.

Members in this body know me. I am not a partisan. I am not a guy who normally gets up here and rails against the other party about process. But I would say both parties need to figure out a way to come together and to come up with a list of amendments that make sense to ensure that this legislation we are considering is one that not only goes over to the House with over 60 votes but goes over to the House with the kind of substantive provisions that are going to make the legislation work so we can tell the American people and, frankly, tell our colleagues in the House this is something they ought to take up because our immigration system is broken.

I see my colleague from Montana is here. I would yield to him to see if he has any comments to make.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank my friend from Ohio.

I just want to say this: I am not going to speak a lot about the amendment. I think Senator PORTMAN has laid it out very well. I just want to say that we have immigration problems in this country that need to be fixed, and they have needed to be fixed for some time.

I think the Gang of 8 has done a great job coming forth with a good-faith effort, with a good bill that heads us in that direction. I think this amendment makes a good bill even a better bill.

I thank Senator PORTMAN for his work in a bipartisan way to put forth an amendment that makes the bill better, that makes the bill work better.

I will tell you, at some point in time there will be a unanimous consent request offered on this amendment to get a vote on it, and I will hope that both sides agree that we can get a vote on this amendment. I will tell you why. It makes the bill better, and it will pass. That is what we are here to do.

So I thank my friend from Ohio, and I will encourage, as he did, both sides to come together to make a good bill an even better bill so we can pass it through Congress and get it to the President's desk.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I thank my colleague from Montana. I thank him for his willingness to work on this together. This was not an easy process. Let's be honest, a lot of people would like not to tighten up the workplace requirements. There are people on all sides of this issue. The business community sometimes does not want to. Labor unions sometimes do not want to. Other groups are concerned about this. But the reality is, unless we have strong workplace verification provisions in place, the rest of the legislation does not work. It is a critical piece of the puzzle.

I urge my colleagues to give us a vote. Give us a chance. Let's show we can, on a bipartisan basis, do something that will actually create the enforcement that is needed to have the rest of this legislation work.

Again, I am urging both sides of the aisle to work on this together and to come up with a reasonable list of amendments. I am not suggesting anybody else's amendment should not be offered, but I am saying there is a way to get there. If we have to stay in, I hope Members would be willing to do this on an issue this important to the American people and this important to the future of our country.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, thank you.

I thank the Senator from Ohio for his good work on his piece of legislation. I will talk about that in a minute.

I want to just talk in general about where we are. Obviously, this has been a long hard road, and we are on the edge of passing one of the most significant pieces of legislation that this body will have passed in a very long time.

The good news is we are going to pass it with just about every Democrat voting for it and a very significant number of Republicans voting for it. The reason for that is the vast majority of Members in this body realize that the immigration system is broken and needs fixing, absolutely. We have a dumb system right now. We turn away people who create jobs, and we let people cross the border who take away jobs from Americans.

America is crying out that we fix the system. We have 11 million people in the shadows. They are working for substandard wages, many of them under desperate conditions, and they bring down the wage rates for everybody else, through no fault of their own. We want to bring those people to an earned path to citizenship.

We want to take our immigration system and admit people who are going to create jobs. We have shortages. Google Maps is now in Vancouver, Canada. It is an American company. It is an American idea. But they are in Vancouver, Canada, because they cannot get the employees they need here. They are willing to pay whatever, but Canada's immigration system is much better than ours and they can get the people from all around the globe who are needed to run that part of the company.

We are fair to agriculture, growers. The farm workers have come together on this bill. It is a large improvement over the present system.

Now, I have heard my good friend from Ohio—and I like his amendment. In fact, my staff worked on it with him. But let's make no mistake about it. This is a vast bill, and E-Verify—permanent E-Verify—is in the bill. Maybe it can be improved a little bit, but it is 0.01 percent of the bill. It does not deal with border security. It does not deal with entry-exit. It does not deal with the 11 million. It does not deal with future flow. So I would urge my colleague to reconsider.

Of course, we want this amendment offered, and many of us will support it. But to say that is the only reason—if it does not get in the bill it is not worth voting for—I would have to respectfully and completely disagree with my colleague.

Let's face it, there are Members on his own side of the aisle who will block him from offering it. So that says it all, doesn't it? Why do they do that? Because they do not want a bill to pass. That has been the strategy.

I heard my good friend from Iowa talk about we are not approving enough amendments. Well, I will tell you, the folks on the other side have had a great plan: block votes for 2 weeks and then, in the final hours, complain we have not had enough votes. That is what they have done.

The first week we wanted to move amendments. The able chairman of the Judiciary Committee did. Oh, no. We had to change the rules and change the number of votes it takes to pass a bill around here. Week 2, we proposed many amendments be offered and the pace was painstakingly slow.

That is the plan: Block votes for 2 weeks and then complain.

Finally, last night, we got a list of 35, 36 amendments from the other side. Of course, we have many amendments. That would be 72 amendments because our side would want a one-for-one. That is only logical and fair. Then we heard it was not sufficient, that they wanted more amendments than that.

Furthermore, the Republican steering committee, my own colleagues have told me, sent out word: Get more amendments out there because we want to make sure there are so many amendments that we could never finish this bill.

In fact, even in that list of 36, the majority—not the majority but those who asked for the most amendments—were professed opponents of the bill. They were not interested in improving the bill. The strategy was, at the last hour, create dilatory tactics so the bill could never be approved.

Again, look at the list. One Member—I will not mention his name—offered seven; another offered six. They are two of the five leading opponents of the bill. They are not interested in improving it. Many of the amendments on that list of 35 were debated in committee and defeated by bipartisan votes. The committee was an open process that shows our bona fides. There were 301 committee amendments, more than 130 votes, 49 Republican amendments added into the bill.

Leader REID has just made a reasonable offer. He took 17 amendments from that list of 36. Every one of them was a Republican request. He did not make them up. He did not spin them out of whole cloth. He added 15 Democratic amendments. We have a lot of people on this side who genuinely want to improve the bill. Of course, the other side objected.

So the idea—the idea that we are not allowing amendments. Please. Take the leader's offer. That is half of the amendments you submitted last night.

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

Mr. SCHUMER. I would be happy to yield to my friend from Arizona.

Mr. MCCAIN. My understanding is that there were 17 amendments that were just proposed by the majority leader, and it was opposed by the Senator from Iowa because we were not allowing votes. Did I hear correctly that after a unanimous consent request for 17 Republican amendments—1 of them very critical to the Senator from Montana and the Senator from Ohio because of E-Verify, which is something which is a fundamental key to making

sure that those 40 percent of the people who are in this country illegally, who did not cross our border but came on visas and overstayed—and then it is my understanding that after those 17 votes, with 10 minutes allowed for each side, if I understand the unanimous consent request by the majority leader, then we would do 17 more and even 17 more, if necessary. Yet the Senator from Iowa says we are not allowing amendments.

I have to say, I think in honesty, if I would ask the Senator from New York this, there was a delay of a couple days there that was unnecessary, which frankly was from the other side. But to somehow allege that the rights on this side of the aisle are being abridged, when there is a unanimous consent request to have 17 votes right now with 10 minutes in between—perhaps the Senator from New York can explain to me that logic.

Mr. SCHUMER. It is very hard to explain. It is sort of twisted logic a little bit, it is sort of pretzel-like logic. It is also pretzel-like logic to delay votes for so many weeks and then say all at once we need hundreds and hundreds of amendments. Not right, not fair, particularly, as my good friend from Arizona knows, when so many of those amendments come from sworn opponents of the bill, when so many of those amendments were disposed of in committee. So he is right.

One other point I would make while my good friend from Arizona is here, one of my fellow so-called gang members. We have a lot of disputes in this body because one side is against the other side. One side says one thing and the other side bands together and says no. We get gridlock. We need 60 votes. Neither side has it.

That is not the case here. Every major vote has been bipartisan, with a very significant number from the other side supporting the bill. More than that, the whole process has been bipartisan. The Gang of 8 was four and four. We sat in that room and haggled. We had as many disputes on the Democratic side, which did not want to accept what the Republicans wanted, as disputes on the Republican side, which did not want to accept what Democrats wanted.

But we all met in the middle because we believed in this bill. The sad fact is that while the vast majority of Americans support this proposal—by every poll that is seen, a majority of Republicans support this proposal, a majority of conservative Republicans support this proposal—there is a group in the country and reflected in the Senate that is so opposed to this bill they will go to any length to stop it. But the good news is, when you have a bipartisan majority, that cannot happen. So we get the kind of logic that my good friend from Arizona has pointed out. We get the kind of thing—it is sort of like Houdini. Remember, he tied himself in a straitjacket and then complained he could not get out.

Mr. MCCAIN. Would the Senator yield? The Senator from Iowa may allege that the amendments he wants considered are not in that package. I would ask the Senator from New York, and perhaps the majority leader, would we then agree to have votes on the amendments the Senator from Iowa wants? This is a beginning and something we could continue to vote on as long as it takes.

When we were doing the budget, we stayed up all night. That was another great moment in the history of the Senate. Again, I am not saying all amendments are not equal. But I think it is pretty clear that the Senator from Montana and the Senator from Ohio Mr. PORTMAN have a very important amendment that has to do with E-Verify, a fundamental of this legislation.

We can assure the American people that the magnet disappears because of the certainty of penalties for employers, which is embodied in E-Verify, which the Senator from Ohio has spent weeks on. Only a nerd such as the Senator from Ohio could come up with the absolute detailed and absolute complete and comprehensive approach to E-Verify, a man I admire enormously.

Anybody who could be the Director of the budget has to be a nerd, as we know. But I admire the work of the Senator from Ohio, along with the Senator from Montana. Is there anyone who would disagree that what the Senator from Ohio and the Senator from Montana are proposing would not improve the bill enormously and the confidence of the American people that we can verify whether someone is in this country illegally and applying for a job?

I guess my other question is, if the Senator from Iowa does not like the list that the majority leader read from, why do we not do some of the other amendments or are we not going to do any amendments? Finally, may I say to my friend from Ohio, I have the greatest respect for his intellect and his capabilities. I know he knows I was just joking with my comments.

As a personal aside, when I was practicing for a failed run for the Presidency, the Senator from Ohio played my opponent, and I began to dislike the Senator from Ohio enormously. He did a great job, as he did in the last election.

Mr. SCHUMER. I thank my colleague. Reclaiming my time, I would say, when we get a nerd from Ohio and a farmer from Big Sandy, MT, together, of course we are going to get a very good amendment.

The bottom line, though, is simple. That amendment is in the list that the leader suggested. Every one of the 17 Republican amendments was part of that list of 36. So the bottom line is—and now many more amendments have been filed—just talking about the amendment. Look, E-Verify is in the bill. I would not quite agree with my colleague from Arizona.

E-Verify will work very well without the amendment. I think it will work somewhat better with the amendment. It is a good amendment. I am supportive of the amendment. My staff helped work on the amendment. But let's not say this bill will have no internal enforcement without the amendment. It has very strong internal enforcement. In fact, it has mandatory E-Verify.

My good friend from Alabama has been railing for years that we need mandatory E-Verify in the country. As we work through the process, if the House in its wisdom moves the bill, we can improve things. This is not the last train out of the station. But I say this: If we do not have a bill, we will have no E-Verify, improved, not improved.

So many of the things that many of my colleagues on the other side of the aisle wanted will not be in the bill. Again, to me, having worked in a bipartisan way—and I have taken as many criticisms from my side of the aisle as from the other to get this done, what is happening here—not the Senator from Ohio. He is sincerely eager to improve the bill and I support that improvement. But for many others who are vehemently opposed to the bill, there is a view to delay and delay and delay in hopes—I would say forlorn hopes—that they cannot move the bill.

We have not been on this bill for 1 day. We have been on the bill for 3 weeks. Again, most of the objections, not all but the vast majority, came from the other side when we wanted to move forward. So I would urge that we adopt the leader's motion, 32 amendments, a reasonable amount of time to debate them, 17 from the Republican list, 15 from the Democratic list, and go forward.

I do not think there will be a single objection from our side, I will tell you that much. If you say we want these 32 and then untold more, that is a different story. That is a different story. But, again, let me conclude on a happy note.

We have our differences. But it has been truly amazing to work with the two Senators from Arizona and the Senator from South Carolina and the Senator from Florida and the Senator from Colorado and the Senator from Illinois and the Senator from New Jersey. It has been an amazing journey. On one of the most difficult issues that faces America, we have crafted a proposal that has broad support and strong momentum, momentum that increased with today's vote and will increase further with tomorrow's vote.

Please, one of the things our citizenry objects to is there is always naysaying. It is always easier to say no than to say yes. But as has been pointed out, when you say no, you are keeping the 11 million here under what many have called unstated amnesty. You are keeping a broken system that kicks out of the country people who create jobs and lets into the country people who take away American jobs.

You are preventing the change in our immigration system to make America grow.

CBO said: Wow, because of this bill, GDP would grow by 3 percent this decade and 5 percent next decade. It is obvious. That is the energy of immigrants—poor immigrants, unskilled immigrants, rich immigrants, educated immigrants. Our ancestors, such as James Madison Flake, who my colleague from Arizona once told me about, but all our ancestors, whatever part of the globe they came from, worked so hard and are part of the secret to American success.

This bill restores that energy and that vitality. Again, this bill is not perfect. We never claimed it would be. But I would urge my colleague, my good friend, sincere friend from Ohio, who is very smart—that is what my friend from Arizona said—but has many other great attributes as well, and everyone else in this body, to not say, if I did not get exactly the change I wanted, this bill is no good; I cannot vote for it.

That is what has paralyzed this Nation in the last decade. This is an attempt not only to fix our immigration system but to overcome it. I pray to God we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, because there were some comments made about the amendment that Senator TESTER and I have offered, let me be very clear. This is about making the underlying bill work.

I do not believe it will work if we do not have strong workplace verification, simply, both because as the Senator from Arizona said, 40 percent of the people who are here illegally did not come across the border, they came because they overstayed their visas and they are here illegally now, and because when folks want to come here badly enough to get work, they will go over, under, and around whatever barriers we put on the border.

I am for more border security. It is a good part of the bill. It does not solve the problem. Fifty-four percent—remember that. That is the pilot program for E-Verify. Over half of the people who are illegal who attempt to get work are getting through.

Mr. MCCAIN. Will the gentleman yield?

Mr. PORTMAN. I don't think it is going to affect anybody in this Chamber. I don't think the bill will work. I am not going to vote for it if it doesn't have strong enforcement, because I don't think they are going to come out of the shadows in the way they want to have them, including me. I don't think you are going to be able to stop people from coming in the future. The flows of illegal immigration, as we saw in 1986, cannot be curtailed unless there is strong enforcement at the workplace.

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

Mr. PORTMAN. I yield to my colleague from Arizona.

Mr. MCCAIN. It is my understanding the Senator from Ohio, it is true, worked for weeks, literally consulting industry, consulting labor, the best high-tech people in America, and has come up with these fixes which all of us, no matter how we are on this issue, agree would dramatically improve our capability to make sure if anyone is in this country illegally before they obtain a job.

Maybe it might be helpful to our colleagues if the Senator could describe for a couple of minutes, if he would, what he has been through in this process of coming up with this product to make sure this is a system that can work. I am not sure people are aware of that.

Again, I say only someone with his background, knowledge, and expertise, in my view, could have come up with this amendment, along with the Senator from Montana.

Mr. PORTMAN. I thank my colleague. I have explained this on the floor in some detail as to what is in the legislation and why it is so important, including speeding up the time for E-Verify to apply, including a real trigger that is comprehensive, including having the ability to verify somebody's identity—which is the problem now with E-Verify—by photo match, by doubling the amount that goes to the States for them to provide the data.

It also has privacy protections. It also ensures we don't create a new national database that could have potential negative consequences for all of us as citizens who care about civil liberties. It is a great balance.

We have worked with the chamber, we have worked with the AFL–CIO, we have worked with the White House, we have worked with Republicans and Democrats alike. We have worked with people in the Gang of 8. It is not exactly the amendment we initially drafted. Ours was even tougher, I will say, in some respects, but it is an amendment I believe in my heart if we could get passed would create an E-Verify system that would be strong enough to create a deterrent, and right now the incentive to work is so strong that we can't solve this at the border. Plus, as my colleague from Arizona indicated, folks are coming over and overstaying their visas.

Let me say one more thing more if I could, please.

The Senator from Iowa has 34 amendments he wishes to have offered. I don't know if all 34 of those would actually be offered. Some of them, as my colleague from New York said, are being offered by the same Senator. I imagine there will be some voice votes in there. I know, as I said earlier, there has to be a time agreement that has to be reasonable. I know there has to be a limit. It seems to me there is a way for us to get there. This is, again, to show the American people that on a bill this historic we don't just have 10 amendments on the floor, to show we have the ability to hear not just from our amendment, Senator TESTER and myself—which is critical to me to having this bill succeed—but also other Members, who as Members of the Senate have the right to be heard.

I would hope we could come together. I misspoke earlier and said it was last 4th of July. It was 2 years ago on the 4th of July. I remember missing the 4th of July events back home because we were here voting. Why? Because we wanted to spend some time on the Buffett rule, and that was fine. We all came back and did it. It didn't go anywhere.

I would only suggest this is even more important. If we have to stay through the weekend, if we have to ensure that we stay up late tonight and tomorrow tonight to get this done, I hope we will do it to provide an ability to find a way forward where we have these amendments. Significantly, we would offer an amendment like this one that enables this bill to work, and it enables us to have even more support as this bill goes to the House of Representatives.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senate majority leader.

Mr. REID. I have been very patient today, and I have just about had it on this, all of this pontificating on this amendment, all right?

The Senator from Ohio had an offer to put this in the bill. He turned it down. We are spending all of this time because he has been aggrieved in some way? He had the opportunity to put this amendment in the bill as it is offered.

I wanted to be quiet all day, but this is enough. This is enough. The American people need to know he had the right to put it in the bill. They agreed on it. He said no. I assume this is because he wants a big show out here to have a separate vote. I don't know what it is. That is enough. I have had enough. I know he is a smart man. He has been head of OMB and a lot of good things. I know nothing bad about him, but that is enough of this, enough of this.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I wish to talk a little bit about amendment No. 1634 very quickly. The good Senator from Ohio has talked about it and explained it very well, but I wish to talk about a few things.

This amendment substantially improves privacy protections in the E-Verify Program. That is a good thing. It ensures no Federal database will be created using the Photo tool or other data from a State DMV database. That is a good thing.

It ensures no other Federal Government agency can access information made available under E-Verify. That is a good thing.

It increases privacy protections using established techniques, such as requiring an individual to be notified when

their Social Security number is used for purposes of employment verification in a manner that is potentially fraudulent. That is a good thing.

It requires new regular reporting of suspected fraudulent use of the E-Verify process.

This is a good amendment. It will make a good bill better.

For that reason I ask unanimous consent that amendment No. 1634 be in order for the purpose of a vote on the Senate floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I reserve the right to object, and I will object.

I want the Members of this body to know that I very much am interested in E-Verify, because I have legislation in for mandatory E-Verify. I was involved with several Senators in 2007 as we tried to get an amendment put together in those negotiations. It is a case of something very important. I happen to support this amendment, but it is one of 34 others we sent over to the majority to give us votes on. Our side isn't going to let the other side pick our amendments and choose our amendments that are going to be adopted any more than they would let us decide what Democratic amendments are going to be offered. That applies to the Portman amendment as well and the amendment of which Senator TESTER is a cosponsor.

We had this set up where we were asked to put together amendments. It happens to be that a Republican Senator, somebody who just spoke and was involved in this colloquy, asked me to put together some amendments. I worked hard with a lot of dissenting Republicans about how we should do this process, put together 34 amendments and gave them to that Senator. He was going to negotiate with the leader or the majority.

It seems to me I ended up giving my amendments to an errand boy, didn't do much negotiation. We are here where we are.

Also for that Senator, I wish to tell him that he said we could do 15 vote amendments now, then maybe 15 more, and then maybe 15 more.

The unanimous consent request said after we do those amendments we were asked to do, the bill be read a third time and the Senate proceed to vote on final passage of the bill. There wouldn't have been a tranche of so many and then another tranche.

Here we are, even though I think it is a pretty good amendment. We were promised a free and open process of amendments, and the Group of 8 promised that from day one that they put their bill down, that this bill can be approved.

We have had a chance to improve it by a dozen votes, and that is it. I am sorry for Mr. PORTMAN and for Mr. TESTER that I have to object to their amendment, but I do object.

I think if we had 2½ weeks, we could have been doing a lot of these other things we are going to have to rely on the other body to do to get a decent bill to go to the President of the United States.

I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana has the floor.

Mr. LEAHY. Would the Senator from Montana yield for 1 minute?

Mr. TESTER. I yield to the Senator.

Mr. LEAHY. Mr. President, I think of myself as one of the calmest people around here, but a lot of facts and numbers have been tossed around here. Let's get a few in perspective.

When this bill was before the Judiciary Committee, there were 301 amendments filed. We put them online. Every single person saw a week and a half in advance what the amendments were. We then brought them up. I would bring up one from one party and then one from another. We did this day after day after day into the night until people said we have no more amendments we want to bring up.

We adopted 136 of those amendments, all but 3 of them with Republican and Democratic votes. To say nobody has had a chance to amend this—we had nearly 140 amendments, including amendments from the Senator from Iowa, others, and myself. All but 3 of these 136 were by bipartisan votes.

I well remember the last night of that markup, late in the evening. I said, does any Senator, Republican or Democratic, have another amendment they want? No. There were not any more amendments, and we voted out the bill.

We have offered to have rollcall votes on 15 Democratic amendments, 17 Republican amendments, and then another 29 amendments that everybody agrees should be passed and do them en bloc in the managers' package.

Now I know some—not the Senator from Iowa because he has been here a long time, but I know some Senators are new to this body. I have been here 38 years. I have seen great legislators in the Republican Party and great legislators in the Democratic Party. We always talk about the hundreds of amendments we know we are going to get down to a finite number. Then you agree to vote on those, and you usually have a managers' package where both Republicans and Democrats agree these can be done en bloc. This is what we have done. There are several amendments here on the floor. We have offered 15 Democratic, 17 Republican, and another 29 en bloc.

The objection did not come from the Democratic side. It came from the Republican side, including some who said they would never vote for any immigration bill whatsoever.

The distinguished majority leader has more patience than the Senator from Vermont. I applaud him for his patience.

I have not spoken on this point, and I apologize for taking the time, but it is frustrating to me to hear these numbers when so much work has been done by both Republicans and Democrats on this bill to get to the point we are.

I respect my friend Senator PORTMAN, but he was offered the opportunity to put his amendment in the package which was agreed to. I had amendments. I would love to have the glory of saying: Here is the Leahy amendment passed on the floor. I said: No, I am more interested in getting it passed. I will put it in the package and let it go through. I don't need to have my name on it. I just want to get it to the floor.

I thank the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. TESTER. I thank the Senator. I want to get back to the amendment for a second here since it was objected to.

We wonder why we have a single-digit approval rating in Congress. The people out here that I represent aren't Democrats first, they are not Republicans first, they are Americans first.

This amendment was objected to by somebody who actually agrees with the amendment. If you are home watching this on TV, you are saying what is going on in Washington, DC? We have an amendment that people agree is going to make this bill better, but yet it is objected to. Why? Is it because there will be one or two more votes for this bill in the end? Is that why? If it is, that is not a good reason.

Look, we all live in this country. We all want this country to work. We all want it to continue to be a leader in the world. This amendment makes a good bill better.

I want to kick it to the Senator from Ohio for his closing comments on this amendment.

The PRESIDING OFFICER. Without objection, the Senator from Ohio is recognized.

Mr. PORTMAN. I thank my colleague from Montana. There was some discussion, both by Senator LEAHY—who actually was complimented earlier in his absence about the way he handled this bill in committee, by Senator GRASSLEY, because of the amendments he did offer and allowed Republicans and Democrats to offer.

To my friend, the majority leader, and to the Senator from Vermont, yes, we were offered, Senator TESTER and I were offered the opportunity to put the legislation into the Hoeven-Corker amendment.

By the way, the idea there was that we had to cosponsor that amendment sight unseen, which ended up being about 1,200 pages. We chose not to do that, Senator TESTER and I, for a very simple reason, which is we wanted to have a debate and a vote on this issue.

I have discussed this on the floor now three times, and I will discuss it once more. Apparently the Senator from Nevada wasn't there to hear it.

We believe—and I am passionate about this, as you can tell—that if we don't fix the workplace we cannot have

an immigration system that works. It is as simple as that. And to not have a separate debate and a separate vote on this amendment, on this issue, does not give us the possibility of sending this over to the House with a strong message and maximizing the chance the House of Representatives will see that strong bipartisan vote on this important issue of workplace enforcement to ensure it is part of the final package. It is that simple.

If it had been part of the so-called border surge amendments, rightfully so, Members from the other body and others observing this process would have said it wasn't about E-Verify, it wasn't about the workplace, it was about the border and about the 20,000 new Border Patrol agents, and they would have been right. Let's be honest.

We asked for something simple: Give us an opportunity to have a debate. It is not about us, it is not about politics, it is about the substance of the legislation, to make sure that coming out of the shadows will actually happen because folks will find it more difficult to find jobs if they are illegal, to ensure that we don't have a future flow of illegal immigration because we have, again, an employment verification system that works, and to show that there is bipartisan support for that.

Look, it is, frankly, not a very popular part of the legislation, and over the years it hasn't been. In 1986 it wasn't. That is why it was never implemented, because there is sort of an unholy alliance among employers, among those representing labor union members, among those representing certain constituent groups who feel there might be some discrimination or other issues. That is why we have carefully drafted this amendment to address those concerns, and we wanted to be sure we had a separate debate and vote.

By the way, we are talking about a 5-minute debate, and we still hope we will get it because it makes too much sense. We could not believe—Senator TESTER and I could not believe that couldn't be possible in this body, that the world's greatest deliberative body couldn't spend 10 minutes debating this crucial issue to show, on a bipartisan basis, what kind of support there is for not just dealing with the border but also dealing with the workplace, which, in my view, is the critical element here.

We made a mistake in 1986 by not writing the legislation properly and not implementing what we had in terms of employer sanctions. That is one reason. Although 3 million people were given legal status and amnesty, millions more came, to the point where now 12 million people are living in this country in the shadows. We have to be sure that problem is addressed, and that is why legitimately we thought it would be appropriate for this body to take up that issue and have a vote on it.

I stand by that. I think we made the right decision, although I am very, very discouraged by the fact that it now appears there might be some sort of a roadblock here. Let's get a reasonable list, let's get reasonable time limits, and let's work through these amendments. We could be doing them right now. We could have done them yesterday. We could do them tomorrow. We could be here over the weekend.

Two years ago we stayed in over the July 4th recess to talk about the Buffet rule, which never went anywhere. This is not substantive legislation that we actually hope will become the law of the land and have a major impact on all of us as American citizens and the future of our country, a nation of both immigrants and laws?

I ask again, Mr. President, that Republicans be reasonable, Democrats be reasonable, and let's come together with a list that makes sense, and let's vote on these amendments. Let's start doing our work.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair for allowing me to have the floor.

Look, we were moving—Senator GRASSLEY had a list of 16, 18 amendments Wednesday night. He was prepared to begin the voting on those Thursday, Friday, Saturday if need be, as Senator REID had said we could work on Saturday. Monday, what happened? They had the super-amendment, they had the Corker-Hoeven amendment, and the majority decided to sit on that and not allow any amendments to occur Thursday, not allow any amendments to occur Friday, and only have a cloture vote on Monday. And that vote—I don't think our Members understood fully—gave complete power to the majority to dominate this process, to end the idea that we would have an open, fair process. It ended with the cloture vote Monday.

We were in the process to vote on a series of amendments. Senator GRASSLEY worked and worked, and he got 35 amendments that he said we would agree to, out of the hundreds that were out there, to have votes on. Yet now they come back and say 15 or 17, and now we are going to do this, and we want this amendment and that amendment.

The process, I hate to say—it is pretty obvious to me—on Monday afternoon was altered. We had gone from an open debate process, as Senator LEAHY conducted in the Judiciary Committee—at the end of it, he did say: Anybody else have anything else they want to offer? And there was nothing else to offer, and he voted.

The committee was not a normal committee. We had four of the Gang of 8 on it. So the vote after vote after vote, including two votes on E-Verify that would have strengthened the bill, was voted down. Votes on the earned-income tax credit—fixing and honoring the promise not to provide that welfare payment—were voted down.

So I just want to say that everybody knows what happened. The Republican Members of the Gang of 8 said we would have an open process. Right after the vote Monday afternoon, they told me they were going to work for a process, but I knew then that the deal had been cooked and that this wouldn't result in something that would work and be fair.

Mr. VITTER. Will the Senator yield?

Mr. SESSIONS. I would be pleased to yield to the Senator from Louisiana.

Mr. VITTER. I thank the Senator from Alabama for yielding, and I want to echo these concerns. I, for one, have been filing amendments and trying to get votes on important amendments for weeks, since the very beginning of this process. I started the first day of this debate, and I haven't let up.

The Senator from Alabama is exactly correct. A slow, halting amendment process at the beginning was completely shut down by the proponents of this bill as soon as they identified a path to pass the bill. As soon as they put together the major elements of the Corker-Hoeven amendment, then the amendment process was shut down. Now they are trying to resurrect a little bitsy piece of it at the tail end of the entire debate. For what reason? For the purely cynical reason that they can get a few amendments they want up to try to grow and maximize their vote. Well, that is a purely cynical, one-sided process, and I, for one, won't stand for it.

I have been here urging my amendments from the beginning and consistently. The Senator from New York was on the floor a few minutes ago saying this was some last-minute plea. It hasn't been last-minute on my part. I started on day one, and I continued on day two and continued on day three, all through the process. I was ready with my amendments early on. Friday, I organized a letter expressing this very concern about the shutdown of the amendment process and organized signatures and sent that letter on Monday to the distinguished majority leader.

So my plea for votes on significant amendments didn't start today. It didn't start yesterday. It has been part of the entire floor process, but that process has been completely controlled and manipulated in a one-sided way by the proponents of this bill, and now they just want a few amendments at the end. Why? No. 1, so they are not embarrassed by the complete shutdown they have orchestrated; and No. 2, so they can try to buy a few more votes for the bill on cloture. Well, that is not an open process, that is not a fair process, nor is it fair to be picking and choosing what amendment votes I get. All of the amendments by myself and others are germane.

This is not reasonable in any way. So I proudly join the Senator from Iowa in objecting to that offer, which was completely cynical and one-sided.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Louisiana for his comments, and I thank Senator PORTMAN for providing some good language to improve our situation.

I truly believe what happened Monday afternoon heralded deep trouble. There was deep trouble the week before when a dramatic reversal of enforcement ideas came about to throw money at this problem come Friday. That is what happened, and the process has been shut down essentially since then.

Mr. JOHNSON of Wisconsin. Will the Senator yield?

Mr. SESSIONS. I will yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, first of all, I appreciate the Senator from Alabama yielding the floor.

I came down first of all to express my gratitude to Senator GRASSLEY for fighting for amendments, and I wish to comment on and really affirm what Senator VITTER was talking about—the Senator from Louisiana—about how these amendments were chosen by the other side.

I have not been an abuser of the amendment process in my time in the Senate. I try to pick the amendments and I try to write the amendments I think really have a positive impact on any piece of legislation.

In this case, on the immigration bill, I want to solve the problem. I was looking for a reason to vote for the bill. What prevents me from voting for this bill is the huge cost we are having to pay for it.

Listen, I don't want to divide families. I don't want to deport children's fathers. I don't want to deport husbands and wives. But I also agree with the American people that we cannot—we are already bankrupt in this country. We cannot provide benefits to those people coming here whom we want to welcome into our country, to contribute to our country, but we can't be paying benefits.

So I offered two amendments—first of all, to not allow the Secretary to extend the registration period another 18 months, so we can get this behind us. My other amendment, which I think is more significant and would help me vote for the bill, would be to prevent immigrants from obtaining the earned-income tax credit. The American people by a 77-percent margin do not believe we should be paying benefits, as we are bankrupting this nation, to people who are not citizens.

The amendment, the one I really asked for, if it was going to be narrowed down from two to one, I asked for a vote on the amendment to prevent the earned-income tax credit—a welfare benefit paid through the Tax Code—from being offered to immigrants. That is the one I wanted, but in this package, negotiated apparently by the majority leader, they were going to offer the other amendment. Why? Because I don't believe they want to expose their Members to that vote, basically providing benefits to non-U.S. citizens that they know full well the American people do not support.

So, once again, I appreciate Senator GRASSLEY's efforts. I also fully support Senator PORTMAN's amendment as well. He is exactly right. The way we stop illegal immigration is by reducing the demand for illegal border crossings. We do that by shutting down the demand for that labor.

Again, we want to welcome legal immigrants through a legal process, but we cannot tolerate this lawlessness and this illegal immigration, and we simply cannot afford to pay noncitizens that benefit level. The cost of the bill is $262 billion, which just makes it very difficult for me to support it.

I yield back.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, one more thing. First, I agree with Senator JOHNSON. I offered an amendment on the earned-income tax credit in committee—and four of the Gang of 8 Members are on the committee—and they all voted that down, as I recall, even though they promised there would be no welfare benefit for those in the country illegally who would be given provisional status under this legislation. So that was a breach of one of the key promises they made when the bill was moved forward.

As a result, we know the earned-income tax credit is not a tax deduction; it is a direct check from the U.S. Treasury to people based on a lower income. It is a welfare-type payment. It is not a tax deduction-type situation. So that was a disappointment in committee, that the group's promises were violated, and they have been blocked again on the floor.

There is one more thing I want to say. I don't appreciate the idea expressed that no matter what would happen, Members on this side would not vote for the bill. That is not true. We need, and need badly, an immigration bill that would improve the immigration system of America, put us on a sound course for the future, would provide compassionate status for people who are here illegally and put them in a situation where they do not have to be deported. And I would support that and have said that for years, actually, and have said that through this process.

But let me tell you what the U.S. Citizenship and Immigration Services Association wrote to the Senate just 2 days ago, June 24:

> The . . . immigration bill, if passed, will exacerbate USCIS concerns about threats to national security and public safety.

They go on to say:

> It will further expose the USCIS agency as inept with an already proposed massive increase in case flow that the agency is ill prepared to handle.

They go on to say this about the bill:

> It was deliberately designed to undermine the integrity of our lawful immigration system.

They go on to say:

> This bill should be opposed and reforms should be offered based on consultation with the USCIS adjudicators who actually have to implement it.

Nobody asked them. They met in secret with the special interests, big business interests, the La Raza interests, the agriculture interests, the Immigration Lawyers Association, but they didn't have any of the officers there. I wrote and asked them to meet with them. They still refused to meet with them because they didn't want to hear that.

On June 24, 2013, ICE's union association wrote us and said:

> I urge you to vote no as this bill fails to address the problems which have led to the nation's broken immigration system and in fact will only serve to worsen current immigration problems.

They go on to say:

> Instead of empowering ICE agents to enforce the law, this legislation empowers political appointees to further violate the law and unilaterally stop law enforcement. This at a time like no other in our nation's history, in which political appointees throughout the federal government have proven to Congress their propensity for the lawless abuse of authority. There is no doubt that, if passed, public safety will be endangered and massive amounts of future illegal immigration—especially visa overstays—is ensured.

So all this talk about the greatest bill ever, it is not so. This bill is much weaker than the bill that was voted down in 2007. It was on the way to defeat last week, until they had a desperate claim to throw 20,000 agents at the border and spend a bunch of money without any thought about how it would work.

I am concerned about this. I think a lot is at stake. We know how the situation got here. We know what happened. They voted cloture Monday and the majority leader filled the tree. He, therefore, has complete control over any amendments. The last time in 2007, there were 47 amendments voted on. This time, nine have been voted on. Even with the 35 Senator GRASSLEY proposed, that would be less than last time.

We know what has happened. The Corker-Hoeven amendment was able to rescue a bill that was in deep trouble, and now it looks like we are moving on to final vote, without the ability to have amendments, because the majority will not agree to allow an open process, as was promised, and allow a number of amendments that were offered.

Senator LEAHY said a lot of amendments were offered in committee. Why couldn't they have been offered on the floor? Why couldn't we have voted for amendments on the floor? The majority doesn't get to pick and choose what amendments they are going to allow to come up. We are either going to have an open amendment process or we are not, and it looks like we are not.

I thank the Chair and would yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, before I begin my remarks on immigration reform, I would like to acknowledge the diligence and leadership of my colleague from Alabama Senator SESSIONS, who has spent a lot of hours on this floor and in the committee before this on the issue of immigration. I commend his relentless efforts to bring to light many of the problems and questions surrounding the legislation before us, some he has been talking about in the past few minutes.

As a Member of the House of Representatives in 1986, I opposed the Simpson-Mazzoli Act, which granted amnesty to nearly 3 million illegal immigrants. Supporters of that law then promised that it constituted a one-time fix to our Nation's broken immigration system. Instead, the promise itself was broken. At least four times as many illegal immigrants now reside in the United States some 27 years later.

Despite this failure, the Senate now tonight is considering legislation that repeats the mistakes of Simpson-Mazzoli. The provisions are different, but I believe the results will be the same. Still, supporters of this legislation before us promise border security in return for amnesty, just as proponents of Simpson-Mazzoli did.

In light of these facts, here is a more credible promise: I believe the child of Simpson-Mazzoli will become the mother of all amnesties. You can call it what you want.

Compounding the mistakes made a generation ago will ensure that the problem of illegal immigration revisits generations to come on a much grander scale. Therefore, I rise to urge my colleagues to reject this deeply flawed legislation.

The subject of border security has been talked about in the Senate. During consideration of the Simpson-Mazzoli Act in 1986 in the Senate, my former Senate colleague and coauthor of that legislation stated the following: ''The American people, in my mind, will never accept a legalization program unless they can be assured this is a one-shot deal.''

The assurances to which he referred were border security and tough enforcement of immigration laws. Specifically, Simpson-Mazzoli called for 50 percent more Border Patrol personnel for 2 years and new penalties for employers who hired illegal immigrants. Unfortunately, as we know, the former proved insufficient and the latter was hollow. But it was too late. Nearly 3 million illegal immigrants had already been granted amnesty by the time most lawmakers figured out that the assurances were basically a sham.

Despite the drastic increase in illegal immigration in the intervening years, supporters of the bill now before the Senate make similar assurances of border security in return for a form of amnesty. They say there will be a surge in Border Patrol and a fence along the southern border. We have heard it before, but they claim two main distinctions between their promise and the one we heard in 1986.

First, the supporters of this bill say this bill does not contain amnesty but a tough path to citizenship. Second, they say this bill will secure the border before legalization occurs. But will it? I believe neither claim holds water.

Under this legislation, once the Secretary of Homeland Security notifies Congress that the Department has begun to implement a so-called comprehensive southern border security strategy and a southern border fencing strategy, she can commence processing applications for registered provisional immigrant status. In addition, the Secretary must begin implementing these plans within 180 days of enactment of this legislation.

I will clarify the legal talk: No later than 6 months after this bill becomes law, those who came here illegally will be allowed to stay legally.

I will clarify that further: That is amnesty.

The sequence is also noteworthy. No fence must be built before amnesty is granted. No surge in Border Patrol must occur either. Those things come after, not before.

So I return to the fundamental question: Will these measures as structured stop illegal immigration? The Congressional Budget Office, CBO, says no. Instead, CBO provides only a vague and uninspiring assessment that the legislation will slow illegal immigration by some amount greater than 25 percent—if, and only if, the dubious promises of this legislation are fulfilled.

Perhaps that is the more salient point: We don't know what the impact of this will be. We don't know what we are doing. We only know that even the best outcome will not be nearly enough.

I believe we should know what we are doing. We should know the border is secure before any discussion of legalization begins in the Senate.

But there are economic consequences to all of this too that people need to think of. What we do know is that the economic consequences of this massive amnesty will make struggling Americans struggle even harder. By some estimates, this legislation will produce a surge of more than 30 million immigrants in just the first decade after enactment. Some people believe more.

CBO projects that passing this legislation brings grim news about what this will mean for working Americans as well as those looking for work.

For example, the unemployment rate, according to CBO, will accelerate over the next 6 years; average wages for Americans will drop over the next 10 years; meanwhile, average wages will rise for those granted amnesty or legalization; economic output per capita will decrease over the next 10 years; and the on-budget deficit will increase by more than $14 billion over the next 10 years.

In short, this legislation is projected to increase Americans' difficulty in finding a job and then reduce their paycheck when they get one. In my judgment, that is reason enough to oppose any legislation like this.

I understand that supporters of this legislation point to better economic projections in the so-called outyears. However, even if those projections prove accurate—which we don't know—we should never put the economic well-being of Americans on hold.

Finally, I am deeply concerned that this legislation will further strain our overcommitted entitlement and welfare programs. Our Nation, as we all know, is over $17 trillion in debt. We should be working on a long-term plan to put our Nation back on sound fiscal footing, not adding to the burden.

There is also the issue of competitiveness. Long-term thinking would also aggressively promote American competitiveness. Real immigration reform presents a golden opportunity to advance that cause. Unfortunately, this legislation misses the mark.

By some estimates, China and India together graduate nearly 1 million engineers each year from their universities. The United States, by comparison, graduates approximately 120,000 engineers. In addition, the Manhattan Institute estimates that 51 percent of engineering Ph.D.s and 41 percent of physical sciences Ph.D.s who are foreign born are forced to leave the United States once they get their degree.

I believe if we care about immigration reform, if we want to continue to lead the world, we must attract and retain the best and the brightest minds. Yet this legislation would cause a tectonic population and labor market shift in the opposite direction.

Specifically, CBO projects that among the tens of millions of immigrants who will come to America under this legislation, there will be seven low-skilled workers for each high-skilled worker. It is little wonder then that CBO projects that Americans' wages will fall.

Two provisions in the legislation will effect this change. First, the current cap on family-based visas will be removed. This will create an unlimited influx of low-skilled workers. Second, the cap on visas for high-skilled workers will be increased, though not nearly enough to meet the demand.

The legislation will also impose onerous new restrictions on employers seeking to hire such workers. The authors of this legislation claimed that it contains a merit-based approach, which will ensure that more high-skilled immigrants receive visas. They emphasize that their point system emphasizes higher education, consistent employment, and English proficiency. Yet closer examination of the details reveals that points would also be awarded on the basis of nonmerit factors,

such as family ties and civic involvement. In effect, this dilutes not only the point system but also claims of a merit-based approach that will promote American competitiveness.

I think we have some of the best universities in the world. They attract a lot of the most gifted individuals from around the globe, deepening our country's vast pool of talent. This, in turn, attracts companies here and abroad, seeking the brightest minds in math, science, and engineering. Graduates will go onto attain high-paying jobs or even create jobs themselves if they are allowed to stay here.

I believe we must do more to allow such talent to stay, especially in light of an increasingly global and competitive economy.

In closing, I would quote Mark Twain, who once cleverly observed: ''History does not repeat itself but it does rhyme.''

In the context of immigration reform, the promises we hear today sound a lot like those we heard in 1986, but this time the amnesty will be much bigger. I believe the consequences will be many: undermining the rule of law, failing to secure the border, increasing economic difficulties for American workers and job seekers, eroding our Nation's finances, and weakening our competitive position internationally.

I believe one of our fundamental responsibilities as lawmakers is to support policies that foster the conditions for job creation and economic prosperity in America. I believe we must remain a welcoming nation, but we must always put Americans first.

In my judgment this legislation fails in many corners, and it fails most tests. Accordingly, I will respectfully but firmly oppose it, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I want to speak to the underlying legislation that we are debating in the Senate today. I want to acknowledge that, like many of my colleagues in the Senate, I am a descendant of immigrants. Only one generation separates me from a grandfather who was born in Norway but came to America with his brother in hopes of making a better life. My grandfather and great-uncle, when they came through Ellis Island, their given name was not the name I have today. It was Gjelsvik, and when they got to Ellis Island the immigration officials there asked them to change their name because they thought it would be difficult to spell and pronounce for people in this country. So they picked the name of the farm near where they worked near Bergen, Norway, which was the Thune farm. So Nicolai Gjelsvik became Nick Thune, my grandfather.

When they got here they worked on the railroad, saved up enough money to buy a merchandizing store, which eventually became a hardware store, and there is to this day on the streets of Mitchell, SD, a Thune Hardware. The family is not associated with it anymore, but that is an example, like so many other cases, of people in this Chamber as well as those all across the country who came here in search of the American dream, in search of a better life for their children and grandchildren.

My grandfather raised three sons in the middle of the Great Depression. The middle son, my father Harold, became an accomplished basketball player, went on to star at the University of Minnesota, and when World War II broke out he defended his country in combat. He became a naval aviator, flew off the aircraft carrier Intrepid during World War II. When he returned to South Dakota he started raising his family in the small town of Murdo, which is where I grew up.

This country was built by immigrants like my grandfather, and our future both economically and as a continued example of freedom throughout the world will be maintained by future generations of immigrants who come here with the respect for the rule of law and hopes of starting a better life.

A lot has changed in the world since my grandfather came to the United States. We face new threats from abroad that attempt to use our porous borders to harm this Nation and to destroy our way of life. In addition to these new national security challenges, we depend on a more dynamic system of commerce, trade, transportation, and communication. Our government is also larger and now offers a broad social safety net to a growing and aging population. To maintain our system of government, while encouraging future generations of immigrants to come here, our immigration policy must provide a clear path for those who wish to come legally while enforcing the rule of law. As lawmakers, we have to look at each piece of legislation that comes to the Senate floor based on its own merits and the impacts that it will have on our Nation.

The immigration bill before the Senate has many aspects of it that I can support, but there are elements of this legislation that cause me concern. I appreciate the effort of those who have worked in drafting this bill to find a way to address the 12 million undocumented workers who are currently living in this country. However, if we are going to fix the problem, we need to do so in a way that doesn't result in the Senate having the same discussion again and again in years to come.

The solution to the problem of illegal immigration is not Congress passing new laws every few years that provide for legalization without securing our borders. That sends the wrong message to natural-born citizens and those waiting outside of our country to enter legally.

What legalization before enforcement communicates is if they want to come to America, don't play by the rules; it takes too long. Instead, find a way to sneak in and wait for the next round of amnesty.

Before we get to the point of talking about what a path to legalization might look like, as a country we first need to be at the place where we can, No. 1, confirm our borders are secure; No. 2, know when people have overstayed their visas; and, No. 3, have a system in place where employment is limited to those who have played by the rules.

Once we have these tools in place, then we can look at a path to legalization. The bill before us today is legalization first and enforcement second. That is a promise the American people have heard before.

Last week I spoke several times on an amendment that I had offered to this legislation for a border fence which, at the time, was voted down by a majority in the Senate. I would prefer if we lived in a world where a border fence was not necessary, but, unfortunately, we do not. When I introduced that amendment I was surprised to learn from some of my colleagues on both sides of the aisle that in their view it was a waste of money and unnecessary. In fact, one of my colleagues even called it a dumb fence. Yet the substitute amendment agreed to this week now calls for 700 miles of fencing along the southern border.

With this new compromise, instead of the fence being a bad idea, now all of a sudden—and I guess it is not unlike some of the evolutions that occur around here—it is a good idea. I appreciate that some of my colleagues appreciate that good fencing is a key component of border security.

I would like to make clear that this 700 miles of fencing is not a trigger that is a precursor to legalization. The amendment agreed to in the Senate is still legalization first and the promise of border security down the road.

What the amendment I offered called for was 350 miles of fence to be completed prior to RPI status being granted. That would have meant border security first, then legalization. Additionally, I had proposed a double-layered fence to prohibit pedestrian traffic, which is different than the single-layered fence in the current legislation.

It would be insincere to claim we want to discourage illegal immigration and yet have a border that anyone can walk across, in some places without even knowing that a border has been crossed. No border fence will ever be 100 percent effective, we know that. But a physical barrier along with increased use of technology will stem the flow of pedestrian traffic. On the few sections of our border where a double-layered fence is already in place, this is verifiably the case.

Another provision being touted as part of the compromise version of this legislation is the inclusion of 20,000 additional Border Patrol agents to secure

our southern border. Prior to this compromise, our colleague from Texas Senator CORNYN was criticized for proposing 10,000 new agents. I would hear people coming down on the floor saying: We can't have that. How are we going to pay for it? We don't have the money to pay for this in the bill.

Now the increase of 20,000—double the number proposed by the Senator from Texas—is being defended and even celebrated by my colleagues who were criticizing the increase only a week ago. I am still not sure how these additional Border Patrol agents will be paid for, nor am I sure how Customs and Border Patrol will be able to double in size in a short period of time.

I want to point out that those who are proposing this—and, again, when this was originally proposed, the underlying bill had about $8.3 billion in it for infrastructure and other things that were called for in the bill. But adding 20,000 Border Patrol agents now, with all the other spending in the bill, has driven the cost of this up from about $8.3 billion, which was going to be paid for in the form of fees, to now about $50 billion in costs. The argument is, that is OK because it is going to be paid for. The CBO has said this is going to generate a surplus over the next 20 years.

How is that surplus? How did they come up with that estimate? Of course, first of all, it is a payroll tax number. They are assuming that people who come here are going to start paying payroll taxes into the Social Security trust fund and into the Medicare trust fund—all probably fair assumptions. The only thing about that is when those payroll taxes come into those trust funds, at some point their assumption is they are going to be paid out in the form of benefits. So they took payroll tax surpluses and counted those as the way in which they would pay for the spending in the bill.

However, if we actually look at what the CBO said, if we take out those Social Security and Medicare trust fund surpluses, the general fund—or I guess you would say excluding the FICA payroll tax surpluses amount on this—is a $70 billion deficit. If you back out Medicare, it is only a $14 billion on-budget deficit, but it is still a deficit under the bill.

To suggest this is all going to be paid for by savings that are going to occur because of additional payroll taxes misses the point that those are payroll taxes that go into those trust funds on the assumption they are going to pay benefits at some point in the future. These are temporary savings; these are not savings we can count. In fact, when we do the on-budget analysis, we come up, again, with a deficit of $14 billion. If we take out the Medicare surplus, payroll tax surplus, we end up with a $70 billion deficit.

While I appreciate, again, the work of my colleagues to improve the bill, the final product is still legalization first and promises of border security down the road. The drafters of the legislation could point to many specifics that they hope to see in place, but these promises of additional fencing, E-Verify, electronic entry-exit, and more Border Patrol agents could be years away—if they ever happen at all. There are virtually no border security or interior enforcement border security measures in place prior to the initial legalization of 12 million undocumented workers.

I would like to see a border security package that brings real border security prior to legalization. Unfortunately, this bill is not it.

We are a nation of immigrants, but we are also a nation of laws. It is important that these laws are respected and enforced in accordance with the Constitution and with respect to our immigrant heritage. We must have an immigration system that rewards those who play by the rules and come to the United States through legal means. In considering changes to our laws, we need to promote and reward lawful behavior rather than providing incentives that would encourage even more illegal immigration.

In 1986 Congress passed the Immigration Reform and Control Act offering amnesty to roughly 3 million people. Today the population of illegal immigrants in the United States is estimated to be around 12 million.

Did the 1986 amnesty legislation solve the problem? No, it did not. Yet today here we are again proposing a very similar package which repeats the same mistakes made in the past. Lawful immigration makes our communities, our economy and our country stronger. Our current immigration system needs to be fixed in a manner that continues America's great heritage as a nation of immigrants. Unfortunately, as this bill currently stands it will not solve the problem. Unless we see changes that emphasize border security and the rule of law before legalization, I will not be able to support this bill. And that is not because I oppose immigration reform. It is because this is not a piece of legislation that will help our country in the long run. This legislation will provide instant legalization, leaving in place many of the same problems which led to the situation, while exacerbating other problems.

I filed an amendment that would take many of the triggers being touted as part of this latest substitute amendment and make them prelegalization. If this amendment were to be accepted, the bill would become enforcement first and legalization later. We may not get to the point in the Senate where that type of change is going to be considered.

As we wind up this debate and move to the finish line in terms of final passage, it sounds as though additional amendments are probably unlikely to be considered, which is unfortunate. We have a lot of colleagues, as was talked about earlier, who have lots of good ideas that would improve and strengthen this bill. We will not have an opportunity to debate or vote on those amendments.

I am hopeful that as this bill moves out of the Senate sometime tomorrow and gets to the House of Representatives it will be strengthened in ways I can support. It is time we keep our promises to the American people by securing our borders as we seek to reform our immigration system. I hope before this is all said and done and this process reaches the final finish line, which would be the President's desk, it has the right types of enforcement that put border security first and addresses what I think are the broken promises that have been made to the American people too many times in the past.

The American people need to be assured once and for all that we are serious about the issue of enforcement and the issue of border security, and that the past promises and assurances which have been given in the past are not all empty rhetoric and hollow talk and mean something. We can do that, but unfortunately this bill fails to get the job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know many of my colleagues are very talented attorneys. I am reminded of the adage that when you are a lawyer, if you have the law on your side, you argue the law. If you have the facts on your side, you argue the facts. But if you have neither the law nor the facts on your side, you bang on the table and create a diversion.

What I have heard a lot about here today is clearly a diversion because it is not either the law we are promoting or the facts, which seem to be pretty stubborn, but sometimes for people in this Chamber I guess the facts are not an impediment toward their arguments.

I will try to get to what this law is and what the facts are. My colleague from Alabama Senator SESSIONS likes to whip out the phrase ''welfare benefits.'' Let's make it clear to the American people we have not permitted welfare benefits for anyone under existing law who is undocumented in this country. We extend that and actually to some degree enlarge it in this law we are promoting. So to throw that out carelessly and suggest: Oh, there are welfare benefits—there are no welfare benefits. The existing law stops welfare benefits for anyone who is undocumented in the country, and we extend it in this law.

I must say I am chagrined when I hear my colleagues speak about certain Americans who are part of civil society, part of our civic fabric, part of national organizations such as La Raza and somehow are spoken of as if they are second-class citizens and that I should bend at the altar of some others who Senator SESSIONS believes are somehow superior. They have every right, as a U.S. citizen, to voice their opinions about what our government

should do in this question of immigration reform. I don't care for the categorization of people who are engaged as ordinary citizens of this country to be treated as if they were some second-class citizen.

Only in Washington could we hear an argument that somehow public safety will be ''endangered'' as a result of this legislation. There are 20,000 additional border agents and more resources are going to immigration enforcement than all other Federal criminal enforcement agencies, and somehow that creates greater endangerment of the public safety? So 20,000 more Border Patrol agents will somehow make the Nation less secure? Only in Washington could some of the detractors of this legislation suggest that 20,000 additional border agents and doubling the Border Patrol makes us less secure. Only in Washington could 700 miles of fencing make the Nation less secure. Only in Washington could the suggestion be made that an entrance-exit visa program to check who is coming in and making sure they leave or else they can be pursued is making us less secure. Only in Washington could we think about a mandatory universal E-Verify Program that has been enhanced under this legislation and somehow that makes the public less secure.

This comes from some of the very voices that for so long have said, we need more Border Patrol agents and more fencing. When they finally get the Border Patrol agents, fencing, and E-Verify system nationally mandated so everybody who gets a job or seeks to get a job is going to have to go through the system, as well as an entrance-exit visa program that is going to be implemented, and they still say: Oh, no, it is either not what we wanted or it is not enough.

And triggers—my God. Personally, from my perspective, we are trigger happy in this bill. We have more triggers in this bill than I have seen in virtually any other legislation. I believe we have up to five triggers. We have five triggers that have to be pulled, which means they have to be achieved before they can move forward to citizenship. That is a pretty significant period of time.

Now to the suggestion about costs. Well, this is one of the elements of where facts are a stubborn thing to overcome. Truth crushed to the ground still springs back. So what does it say? Well, let's start off with what it says about the deficit. This isn't me saying it as a proponent of the bill, as the Gang of 8. The Congressional Budget Office—the nonpartisan entity of the Congress that both Democrats and Republicans rely on for an analysis of whether a piece of legislation will cost money, what sort of economic impact it will have, and what the consequences will be—came to their own independent conclusion.

They said the gross domestic product would ultimately grow by 3.3 percent in the first 10 years after enactment. What does that mean? That means from all the output of this Nation, gross domestic product would grow dramatically. When we see growth at that additional rate, it means every American prospers as a result of it.

Then it went on to say an additional 5.4 percent of gross domestic product increase would exist in the second 10 years. That means even greater growth, which means greater opportunities for all Americans here at home. It also means the bipartisan immigration reform we have been debating in the Senate will actually grow our economy, not harm it, as some of the most ardent opponents have tried to argue. I have been saying that, as well as many others, all along.

What else did the Congressional Budget Office tell us? It told us we are going to reduce the deficit. We are going to reduce the deficit by—I think I have the wrong chart. Let me look. This is actually taxes paid. We had a chart, but basically what it says is that it is going to reduce the deficit by $197 billion over the first 10 years, and an additional $700 billion over the second 10 years. That is $900 billion of deficit reduction.

We will have nearly $1 trillion of deficit reduction as a result of this legislation. That deficit reduction is critical for the Nation's economic growth, prosperity, and to make sure the next generation doesn't bear that burden. According to the Congressional Budget Office, that is what we are going to get from achieving passage of this legislation and ultimately moving it into law.

The report went on to say revenue will come in a whole host of ways, such as payroll taxes, income taxes, fees, and fines estimated to be about $459 billion in the first 10 years and $1.5 trillion in the second 10 years. It also found there were fewer unauthorized individuals coming into the United States under the bill.

One of the things the CBO said was: Well, there will be those whom we are concerned will overstay future visas. Two things on that score, and one point my colleagues have used consistently: No. 1, which visas are they talking about? Are they talking about the visas our Republican colleagues have largely championed for businesses in this country they want to see grow? Some have amendments to grow it even more. Those are the visas CBO talked about ultimately having the concern that people may overstay. That is why the entrance-exit visa program is so important to ensure that doesn't happen.

It is ironic, again, how they can argue all sides here. Because if we look at what CBO said, they said the potential for overstay of those new visas would be the issue. That is why this employment verification system and the entrance-exit visa program is so important.

The bottom line of the Congressional Budget Office report is pretty clear. It tells us the 11 million people who are living in fear in the shadows are not, as some would have us believe, part of America's problem, but by bringing them out of the shadows will be part of our solution. It is the key to economic growth.

Also, immigration reform, according to their views, will also save Medicare and Social Security trust funds. In so many ways these are so incredibly important.

I heard that somehow this will create challenges on the question of wages. Well, as I listened to some of my colleagues make their remarks about the CBO's reports on wages, I don't think the numbers say what they believe they say. They were talking about how American families' wages would go down. The report explicitly says that is not the case. In fact, Ezra Klein wrote in the Washington Post that the idea that immigration would lower wages of already-working Americans is ''actually a bit misleading.''

As for folks who are already here, the Congressional Budget Office is careful to note that their estimates ''do not necessarily imply the current U.S. resident would be worse off in the first 10 years.'' And in the second 10 years they estimate the average American wages will actually rise as a result of immigration reform to the tune of about $470 billion, an average annual increase in jobs of 121,000 per year for 10 years. That is 1.2 million additional jobs to the United States. It is $470 billion in increased wages of all Americans.

The truth is stubborn. Crush it to the ground and it springs back.

In addition to that, I have to remind my colleagues as they come closer to having to cast a vote—and I hear some voices who say: Oh, I would be open to vote for the bill if this or that. Immigrants constituted 12 percent of the population in the year 2000, but they accounted for 26 percent of the Nobel Prize winners based in the United States. Twelve percent of the population, immigrants; 26 percent Nobel Prize winners. They made up 25 percent of public venture-backed companies that started between 1990 and 2005. The fact is immigrants receive patents in our country at twice the rate of native-born populations.

So the bill's overall effect on the overall economy is unambiguously positive. One can try to distort it any way one wants, but that is simply the case.

Those are the economic benefits refuting some of the things I have heard here. Wages go up for all Americans, jobs get increased, GDP growth takes place, the deficit is reduced. How many things will we do in the Senate that can bring all of those elements together? Maybe some pieces of legislation might be about job growth. Maybe some pieces of legislation might be about GDP growth. Maybe some pieces of legislation might be about how to reduce our deficit. But what singular piece of legislation, according to the

Congressional Budget Office, brings all of those elements together? I would suggest not one that I have seen in the last 7 years.

I know there is a lot of thrashing and gnashing and banging on the table because when a person doesn't have the law on their side and when a person doesn't have the facts on their side, they create a diversion. There have been a lot of crocodile tears related to the request for amendments.

Let me just say, first of all, this whole process began with a bipartisan group of Senators who had input from their colleagues. They did not, in and of themselves, the Gang of 8, just say this is my view of what needs to be done. They went back to their caucuses. They asked: What are the foundations, what are the principles we need? There was a lot of input during that whole period of time. I constantly heard from my four Republican colleagues of the Gang of 8 how they had spoken to X or Y Senator and how they believed this was necessary, what were some of the essential elements, and those got incorporated through the process. They got incorporated through the process in which the legislation was ultimately devised and put forth. They got incorporated, unlike the 2007 bill referred to by several of my colleagues. The 2007 bill on immigration did not go through the process of the Judiciary Committee. It didn't go through the Judiciary Committee process. This bill did. It went through that regular order. Over 212 amendments—212 amendments—were considered. Over 136 changes, amendments, were accepted; 43 Republican amendments were adopted, and all but 3 of those 212 votes, from what I understand, were bipartisan votes.

So we had 136 changes to the law that the Gang of 8 proposed. Then we came to the floor. What happened on the floor? This bill, which has been on the floor for 20 days—this didn't just pop up. It has been on the floor for 20 days, which is nearly 3 weeks of Senate floor time. What happened at the beginning is that every time there was an effort to offer unanimous consent requests on the question of amendments, there were objections by the other side. There were objections against amendments offered by their own Members because those who oppose this legislation, no matter what, did not want to give Members an opportunity for a vote on their side, because they believed if their amendments were adopted, the Member would agree to vote for the bill because they had made the improvement they sought to the underlying bill they otherwise could support but with the change they were offering.

So, strategically, they decided not to allow their Members to ultimately have amendments because they were afraid they would join in the growing cadre of Members who were supporting the bill. It wasn't about who gets to pick or choose amendments; it was a strategic decision and that took the better part of the first 2 weeks.

We did have nine amendments; overwhelmingly, they were Republican. Then we had the Corker-Hoeven amendment, which of course had the most dramatic, significant impact on border security. But there were an additional nine amendments that were included in Corker-Hoeven. All of them, I understand, were Republican. We would have had a 10th amendment because, I understand, as has been said here—and I was asked as part of the Gang of 8, can you accept this. The Portman amendment on E-Verify would have been part of that package, and we wouldn't be debating about whether that is here; it would have been part of that package.

Then we had an offer by the majority leader of 17 additional Republican amendments and that was rejected. A whole host of those amendments were from some of the most ardent opponents of this legislation.

So this thrashing and gnashing about process—look, I understand if one doesn't want to get to a final judgment and they want to do everything possible not to get there; they want to do everything possible not to see the legislation move forward because they fundamentally disagree. Let's be honest. Let me make my final point. There is a universe of our colleagues in which no pathway to citizenship would ever be accepted. That is the unseen elephant in the room, but there is a universe of our colleagues—as a matter of fact, some of them are more overt about it. They show it by virtue of even some of the amendments they wanted to offer in which there would be no pathway for citizenship whatsoever—trigger, no trigger, any set of circumstances. We have seen the consequences of that in Europe. The consequence of that is that we create unrest in the community.

It is not OK to exploit 10 or 11 million people and not let them have the chance to make themselves right and earn their way into citizenship in the United States. It is not OK to say there can never be a pathway to citizenship when they are the ones who are bending their backs over, picking up the crops my colleagues and I get to eat every day for dinner or for breakfast. It is not OK to have that immigrant who is taking care of a loved one with a tender heart and warm hand, helping with their daily necessities, and say they can never get a pathway to citizenship. It is not OK to have had chicken for dinner tonight and not understand that this is from the cut-up hands of an immigrant worker. It is not OK to say the country is somehow less secure by virtue of what we are doing.

I have said it many times: I don't know who is here to pursue the American dream versus who might be here to do it harm unless I bring people out of the shadows and into the light. They go through a criminal background check which they have to pass, and if they don't, they get deported right away. If they do, then they have an opportunity to earn their way after a decade in this country toward permanent residency and then later on to U.S. citizenship.

So let's say it as it is. If you don't want a pathway to citizenship, then stand in the Chamber and make a case, if a Member doesn't want a pathway to citizenship under any circumstances. My colleagues have the right to have that opinion. I would strongly disagree but don't hide behind procedures and amendments. Tell me what legislation has come before the floor grows GDP in our country, grows jobs in our country, increases wages of all Americans, and reduces the debt by nearly $1 trillion. I haven't seen it.

That is what the opportunity is before the Senate. That is why no diversion will ultimately sell with the American people. In poll after poll after poll across the landscape of this country, Americans have said across the political spectrum—Republicans, Democrats, and Independents—they want to see our broken system fixed. When the elements of this legislation—all of its elements—have been tested, they have overwhelmingly won support.

That is why I am proud of our colleagues, both Democratic and Republican, who have chosen to finally tackle a tough challenge and actually do something to fix this problem and to show America this institution can actually work. That is the other side benefit of everything I have just talked about in terms of economics, of security, of promoting our future, of creating greater jobs, of creating growth and prosperity, of having the best and the brightest in the world be able to help us continue to be a global economic leader, which is that the Senate can actually function.

That is the opportunity before us: fixing our broken immigration system, showing this institution can function in a bipartisan process, and ultimately preserving our legacy as a nation of immigrants.

I always say that the greatest experiment in the history of mankind is the United States, the greatest country on the face of the Earth. A part of American exceptionalism is that experiment we have had, to bring from different lands different people who have contributed enormously to this country.

Tomorrow, I hope to show a series of Americans whom we have proudly held up as examples of greatness, who, in fact, would not be here today but for the opportunities—sometimes under a legal immigration system and sometimes not through a legal immigration system—who have served this country greatly, whom we admire and, at the end of the day, we show as examples to our children of what a person can do for one's country, what a person can achieve for one's Nation, and models to hold up to the world. I can't wait to share that with the rest of my colleagues in the Senate.

With that, I yield the floor.

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

Mr. CHAMBLISS. Mr. President, I am going to begin my comments, but I am told by the majority leader he may want to come in and do wrapup, and I am perfectly comfortable with him coming in and interrupting me if he does get to the floor to do that.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would ask my friend from Georgia, through the Chair, if I could do the closing script. It will take about 2 or 3 minutes.

Mr. CHAMBLISS. Certainly.

Mr. REID. Mr. President, I do appreciate the Senator's courtesy very much.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11:30 a.m. tomorrow morning, Thursday, June 27, the Senate proceed to executive session to consider Calendar No. 179, Anthony Renard Foxx, to be Secretary of Transportation; that there be 2 minutes for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that tomorrow, June 27, upon disposition of the Foxx nomination and the resumption of legislative session, all postcloture time be considered expired with respect to the committee-reported amendment, as amended; that the pending amendments to the underlying bill be withdrawn; that I be recognized for the purpose of raising points of order against the remaining pending amendments to the substitute amendment; that after the amendments fall, the Senate proceed to vote on the adoption of the committee-reported substitute amendment, as amended; that upon disposition of the committee-reported substitute amendment, the Senate proceed to vote on the motion to invoke cloture on S. 744, as amended; finally, if cloture is invoked, it be considered as if cloture had been invoked at 7 a.m., Thursday, June 27.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period of morning business now?

The PRESIDING OFFICER. No. We are on S. 744.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

## TRIBUTE TO ALBERT CAREY CASWELL

Mr. REID. Mr. President, I rise to recognize a man, Albert Carey Caswell, who has dedicated his life to recounting the stories of our Nation's history to the visitors of the U.S. Capitol, as well as many others who have participated in Albert's tours.

Albert's poetic talent and upbeat attitude has enriched the lives of his colleagues, Senators, staff and visitors during his nearly 30-year career in the U.S. Capitol.

Albert is known for his gift of words, in poetry and in prose, which have left an indelible mark on the CONGRESSIONAL RECORD, as more than 150 of his poems are included in the RECORD. More recently, Albert wrote a poem to honor the late Senator Lautenberg from New Jersey.

Albert got to know Senator Lautenberg from years of escorting veterans around the U.S. Capitol. Albert had immense respect for Senator Lautenberg's military record as well as for his enduring commitment to public service.

Mr. President, I share Albert's ''Let's Be Frank'' poem for all to read.

LET'S BE FRANK

Let's!
Let's be Frank!
Of how his long fine life upon this earth so ranks!
Now, that's a Laut . . . En . . . Berg
For he was but a public servant,
Who our Nation all so Heard!
A Jersey Boy
Who so lived The Great American Dream
Who so looked as if he would live forever,
As so it seemed!
In his 80's
he looked like he was in his 60's . . .
Because, hard work was but his life's dignity!
Give me your tired and your poor!
As American opened up her arms and her doors . . .
To a family who came from far across the dark deep shores!
When,
at the edge . . .
as Mankind bled!
He volunteered to join the Army
As he so raised his hand and his life so pledged
To Save The World
In a World War!
While, Fighting in The Big One . . .
So far across those most distant shores!
And came back home,
and yet still to more greatness his heart of courage roamed!
As he took that GI Bill
And climbed another hill . . .
With now a great education he so owned
ADP,
as him and his friends built a great American Company!
But deep down inside . . .
something far much more important out to him so cried!
To serve his country and beloved New Jersey,
his heart would decide!
Like his favorite band Bon Jovi,
''like a cowboy'' he wanted it ''dead or alive!''
Until, finally rising all the way to the top,
To The Senate Floor where he would so stop as he so strived!
In thirty years,
It became oh so very clear!
The title of a United States Senator,
He was so meant to own!
Upon the Senate floor,
where his great shadow would be so cast for evermore!
Now Let's Be Frank,
you were one hell of a public servant and that's for sure!
For yours was a life of standing tall
To somehow,
someway make it a better world for one and all!
For you had a style and a grace!
And a look and a smile upon your face!
And a presence and a command
That so said that you so belonged in this place!
And even though you retired,
you went home and still you had the fire!
So you came back,
To ever one her to so inspire!
Let's Be Frank,
one could not have lived a life much more higher!
Right up to the end,
What you did Frank but so meant so very much!
But as a family man,
as where your greatest accomplishments would stand as such!
For Frank,
you were a giver . . . not a taker!
And it's clear a better world on your life's journey,
You would so make here!
But there's more debates,
Byrd, Stevens, and Teddy up in Heaven you now await!
And all of your GI buddies,
Who the trip home with you never made
Let's Be Frank,
wouldn't we all want to live a long life so great!
Because all in the end,
it's far . . . far . . . far better to give, than to take!
Let's Be Frank!

## TRIBUTE TO WILBURN K. ROSS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an honorable Kentuckian and decorated World War II veteran, Mr. Wilburn K. Ross of Strunk, KY. Ross, who turned 91 in May, celebrated his birthday by making a trip to Kentucky from his current home in Dupont, WA. Ross has not only served his country but continues to serve his childhood home by coming back each year to spend time with his family and fellow veterans of McCreary County.

Ross, who is also known as ''Wib,'' was raised in Strunk, KY, and joined the U.S. Army here to begin his extraordinary service to our country. Every year for his birthday, Ross makes the visit back to Kentucky. ''Everybody here treats me well,'' Ross said. ''I like coming back here because

I was raised here.'' Ross's son Greg is the eldest of his six children and travels with his father.

On October 30, 1944, Ross served as a private in Company G, 30th Infantry Regiment, 3rd Infantry Division. This day Ross fought courageously, and 6 months later he received the highest decoration in the U.S. military, the Medal of Honor. After 55 out of the 88 men were lost in his company, Ross manned a machine gun alone holding off six German attacks.

Mr. Ross's bravery and courage while in service to his Nation is an inspiration to his fellow Kentuckians. His story is one that is told again and again to remind McCreary County residents of his dedication and liberty to our country. A local newspaper published an article on May 23, 2013, to celebrate 91 years of life for Mr. Ross and to retell his story while in uniform. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to appear in the RECORD, as follows:

[From the McCreary County Voice, May 23, 2013]

COURAGE UNDER FIRE

STORY OF NATIVE CONGRESSIONAL MEDAL OF HONOR RECIPIENT IS WORTH REPEATING

(By Eugenia Jones)

As he does each year on his birthday, Wilburn K. ''Wib'' Ross makes the journey back from his current home in Dupont, Washington to the Bear Creek community in Strunk, Kentucky, to visit his birthplace and childhood home and to celebrate and reminisce with family and friends.

This year, with Ross turning 91 on May 12, was no exception. Arriving in McCreary County on the day prior to his birthday, the spry 91-year-old clearly was not weary from his cross-country travels. After spending the remainder of his McCreary County arrival day visiting with his brothers and other family members, ''Wib'' found time to visit the American Legion Post 115 for a night filled with jokes and conversation with fellow veterans.

On the following day, ''Wib'' once again visited the American Legion, where he was honored at a special luncheon with an American flag birthday cake.

The story of Congressional Medal of Honor recipient and McCreary County native Wilburn K. Ross, who was a member of the 2nd Battalion, 30th Infantry Division, and his bravery under fire during World War II has been told many times, yet it remains a story that is worth repeating, not only to remind us of the individual courage and bravery needed to protect the freedom we cherish but also to share, with our young people, the historical legacy surrounding a McCreary Countian's inclusion into the elite group of Congressional Medal of Honor recipients.

It is from McCreary County that Ross, as a young man, entered the U.S. Army during World War II. His service led him to be cited for ''conspicuous gallantry and intrepidity at risk of life above and beyond the call of duty near St. Jacques, France'' and to be awarded the Congressional Medal of Honor.

According to the ''U.S. Army Center of Military History,'' Ross's extraordinary feat of courage began at 11:30 a.m. on October 30, 1944, after his company had lost 55 of 88 men in an attack on elite German mountain troops.

Risking his own safety in order to absorb the beginning impact of the enemy counter-attack, Private Ross placed his machine gun 10 yards in front of his leading support riflemen. With machine gun and small-arms fire whizzing around him, Ross fired with deadly accuracy and managed to fend off the enemy force.

Surrounded by automatic fire and exploding rifle grenades, Private Ross, by himself, continued to man his machine gun and bravely held off six more German attacks. By the eighth attack, most of Ross's supporting riflemen were out of ammunition. As the American riflemen took positions supporting Ross from behind, they crawled, during battle, to Private Ross in order to slip a few rounds of ammunition from his belt. Throughout it all, Ross continued to fight on with basically no help, successfully pushing the enemy back despite the fact that enemy grenadiers crawled to within four yards of his position in attempts to kill him with hand grenades.

Finally, having used his last rounds of ammunition, Private Ross was directed to withdraw to the command post with the eight surviving riflemen. Instead, Ross, anticipating more ammunition, stood his ground. The Germans, realizing that Ross and his machine gun were all that stood between them and a major breakthrough, embarked on their last attack, bringing their fire and wrath together on Private Ross in an effort to destroy him. Just as the enemy was about to rush over Ross's position, he received fresh ammunition, allowing him to open fire on the enemy, killing 40 and wounding 10 of the attacking force.

Single-handedly breaking the attack, Ross killed or wounded at least 58 Germans in more than five hours of continuous combat, saving the last members of his company from devastation.

''I didn't really get tired,'' Ross commented when asked about the battle. ''But they got awfully close to killing me.''

Remaining on his post that night and the following day for a total of 36 hours, Ross proved that his upbringing in McCreary County, Kentucky, had served him well in preparing him to exhibit extraordinary courage and fortitude in protecting his comrades and his country under fire.

Six months later, on April 14, 1945, Ross proved that the same McCreary County upbringing had prepared him to receive the Congressional Medal of Honor, the highest military decoration given by the United States government to a member of the armed forces.

Years later, that same McCreary County man, who as a young adult worked in the local coal mines at Stearns, received congratulations from and shook the hand of President John F. Kennedy, just a few months prior to Kennedy's assassination.

In continuing his career with the Army, Ross reached the rank of Master Sergeant and received the Purple Heart, Bronze Star, Oak Leaf Clusters, Combat Infantry Badge, Good Conduct Medal, and the French Croix De Guerre. He was wounded four times and also served in Korea.

Today, at 91 years old, Ross will quickly tell everyone how much he enjoys his birthday visits home to McCreary County.

''Everybody here treats me well,'' Ross smiled. ''They've named the highway [Private Wilburn K. Ross Highway] after me. I like coming back her because I was raised here.''

Ross's son Greg, the eldest of six children, travels with his father and truly admires his father. ''He's been a super man all his life,'' Greg commented as he smiled at his father. ''He's always been helpful to everybody. It's fun to travel with him.''

''Wib'' says his life is ''pretty good'' now. With his son close by, Ross still lives by himself in Dupont and mows his own grass. He enjoys going out for his weekly visit to a local gathering spot to listen to music and sings along when the lyrics, ''Put your sweet lips a little closer to the phone,'' ring out from the stage.

The Congressional Medal of Honor recipient is straightforward and direct when asked for his advice to the younger generation.

''I think the best thing is to always do what you think is right,'' Ross declared. ''If you do that, you'll have nothing to worry about.''

## COLUMBIA FALLS, MAINE

Ms. COLLINS. Mr. President, it is a great pleasure to wish the Town of Columbia Falls a very happy 150th birthday. Throughout this year, Columbia Falls will celebrate the generations of hard-working and caring people who have made it such a wonderful place to live, work, and raise families.

While this sesquicentennial marks Columbia Falls' incorporation, the year 1863 was but one milestone in a long journey of progress. It is a journey that began eons earlier, when the receding glaciers carved out the river known to Native Americans as the Wescogus and to those who came later as the Pleasant. In the decades before America won its freedom, the Pleasant River provided the wildlife that sustained the first settlers. In the years that followed, it became a great avenue of commerce in products from field and forest and a great shipbuilding industry thrived along its banks.

Natural resources are only the background for Columbia Falls' story. Such names as Judge Thomas Ruggles, Daniel Carleton, Elijah Hamlin, Henry Bucknam, and Mary Ruggles Chandler remind us of the determination, ingenuity, and hard work that built the town. The impressive representation of Columbia Falls landmarks on the National Registry of Historic Places and the town's ongoing effort to restore Union Hall demonstrate the high regard the residents of today have for those who came before.

In the year of Columbia Falls' incorporation, America was engaged in the Civil War. Many brave patriots from this community stepped forward to preserve our Nation and to secure the blessing of freedom for all, and they were remembered at the Columbia Falls Civil War Ball in April that launched this 150th anniversary celebration. Through their longstanding commitment to the inspiring Wreaths Across America Project, the people of Columbia Falls honor the heroes who have served our country throughout our history and bring distinction to our State.

This celebration is not just about something that is measured in calendar years. It is about human accomplishment. We celebrate the people who for more than a century and a half have pulled together, cared for one another, and built a great community. Thanks to those who came before, Columbia Falls has a wonderful history. Thanks

to those who are here today, it has a bright future.

## RECOGNIZING WESTVIEW ORCHARDS

Ms. STABENOW. Mr. President, I rise today to congratulate Westview Orchards of Romeo, MI on its 200th anniversary.

Since its founding in 1813, the orchard has been a part of Michigan's way of life. It is where families go to pick their own peaches and strawberries in the summer, and where they go to pick apples, take wagon rides and enjoy the cider mill in the fall. It has been a source of fresh food since the War of 1812 was being waged from Michigan to New England to New Orleans.

Michigan was a prime battleground during the War of 1812, and the British were winning every major engagement. The Union Jack flew over settlements in Michigan from Mackinac Island to Detroit. By the summer of 1813, it seemed likely that when the war ended, the Michigan Territory would belong to the British Empire.

That all changed with the Battle of Lake Erie, when American forces defeated the British Navy and changed the tide of the war. One of the heroes of the battle was Michael Bowerman, who had come from New York to fight for his country. In gratitude for his service, the United States offered him a plot of land in Michigan.

And so it was that Michael Bowerman packed up his belongings and set out to start a new life for himself and an enduring legacy for his family. In his pockets, he carried a few peach pits from his father's farm in New York. He found his homestead in present-day Romeo, built a cabin and founded the farm that is today known as Westview Orchards.

It started with a small garden and orchard, with the family transporting the fruit by horse and wagon to Port Huron to sell at the farmers market. He later expanded the farm to include livestock and field crops. When a bear attacked one of his pigs, he came to the rescue and fought off the bear, earning him the nickname ''Fearless Mike.'' As the years passed, his farm and his family grew, and in 1880, his son, Byron, planted 10 acres of peach trees that laid the foundation for Romeo's famous peach festival that is held every Labor Day Weekend.

For the last 200 years, the descendants of ''Fearless Mike'' have carried on his legacy. His sons, daughters, grandsons, granddaughters, great-grandsons, great-granddaughters and more—have worked tirelessly to build the wonderful orchard that serves thousands of families in Michigan every year.

One great-grandson in particular made critical innovations on the farm. Harvey Bowerman took over the farm from his father, Byron, and his brother, George. Harvey modernized the farm and built the foundation on which it stands today. He built the white clapboard house that the family still calls home. He and his son, Armand, transitioned the farm from using workhorses to using tractors. Harvey sold the hog and dairy operations, focusing the business on growing fruits and vegetables. He also added a grading room and built a custom peach grader and de-fuzzer machine to improve efficiency. His greatest innovation, though, was forced upon him in August of 1930.

It was a typical August day in an unusually good harvest year, and Harvey was loading his truck full of peaches from his record harvest to sell at Detroit's Eastern Market 40 miles to the south. Harvey was not the only grower having a record year, though. As he was preparing to leave, he received a call from Eastern Market that said, ''Don't come down, Harvey. The market is flooded with so many peaches we can't sell 'em all.''

As every farmer knows, once you harvest your crops you have to get them to the market quickly before they spoil. In desperation, Harvey tried something different: knowing that the Detroit Urban Railroad trolley had a stop just down the street, he turned his truck around so the back was facing the road in front of the farmhouse. His success selling the peaches to passengers forever changed the way he and his descendants marketed their fruit.

Harvey passed the farm to his son, Armand, and when Armand suddenly passed away in 1981, Westview's fifth and sixth generations took over. Today, the family farm is in the hands of Katherine Bowerman Roy, her daughters Katrina Roy Schumacher and Abigail Jacobson, and Abigail's husband, Bill.

Westview Orchards is the oldest farm in Macomb County. It is a place where families from across the county and beyond visit to pick their own fruit, take wagon rides around the farm, and enjoy the corn maze, ice cream shop, cider mill and farmers market.

Westview Orchards is a true Michigan success story, born of hard work, dedication and a commitment to innovation. I congratulate the entire family—from ''Fearless Mike'' Bowerman to Katherine, Katrina, Abigail and Bill—on 200 wonderful years.

## RECOGNIZING THE 90TH MISSILE WING

Mr. BARRASSO. Mr. President, today I wish to honor the 50th anniversary of the 90th Missile Wing stationed at Frances E. Warren Air Force Base in Cheyenne, WY.

For the past half century, the dedicated men and women of the 90th Missile Wing have served with unwavering dedication to the security of our Nation. Known to their fellow airmen as the ''Mighty Ninety,'' this wing, with its five groups, displays excellence and commitment to the mission.

On July 1, 1963, the 90th Strategic Wing came into existence amid growing tensions with the Soviet Union. Protecting our national security throughout the Cold War and into present day, the 90th Missile Wing provides our Nation's best, most reliable, most accurate strategic deterrent. Tasked with deterring an attack, the missile wing has worked extensively with the Minuteman I and Minuteman III systems, as well as encompassing the full lifecycle of the Peacekeeper Missile. Today, these men and women maintain and protect our Minuteman III resources 24 hours a day, 7 days a week, 365 days a year—truly placing service to our country above all else.

The 90th Missile Wing has been named the best Intercontinental Ballistic Missile Wing the past 2 years, earning the Blanchard Trophy in 2011 from U.S. Strategic Command and the Williams Trophy in 2010 and 2012 from Air Force Global Strike Command. The men and women who serve in the Mighty Ninety are second to none. Airmen from the 90th have gone on to serve our Nation in the Pentagon and international conflict zones. Additionally, just this month, the wing was turned over to its first female commander, Col. Tracey Hayes. Colonel Hayes has committed to continuing the standard of excellence.

At this very moment, there are crewmen out in the missile fields, security teams on patrol, and support personnel of the 90th Missile Wing standing watch, ready to execute. They focus exclusively on their mission to ''provide preeminent combat capability across the spectrum of conflict.'' The Mighty Ninety continue to be an integral part of America's national defense.

Congratulations and a profound thank you to the members of the 90th Missile Wing and their families.

## TRIBUTE TO DOMNELIA ''NELLEN'' BUDD

Mr. BEGICH. Mr. President, today I wish to recognize Nellen Budd, my longtime office manager and dedicated staffer whose patience, organizational skills and kindness have served the people of Alaska very well for many years. She has listened to thousands of Alaskans on the phone and in person, and directed many people toward help when they needed it most.

Nearly 40 years ago, a young professional named Domnelia ''Nellen'' Regal, traveled from the Philippines to the United States to realize a dream. Nellen married Larry Budd and raised three sons in Alaska: Earl, Don and Evan Budd. All three of her sons currently serve in the U.S. military, as does her daughter-in-law Kay. As a working mother, Nellen balanced home, social, church and career responsibilities with finesse and gained an excellent reputation as an esteemed professional.

For 25 years, Nellen greeted the people of Anchorage and kept city hall

running smoothly while working in the mayor's office. Between 2003 and 2009, during my tenure as mayor, Nellen was there for me every day. After I was elected to the Senate, Nellen moved across downtown Anchorage from city hall to the Senate. She managed my Anchorage regional office, and she continued to be a dedicated public servant and valuable part of my staff.

Nellen is known as ''Lola'' to her grandchildren and to a few others who are lucky enough to know her well. For years she has served as an articulate emcee and featured dancer at Maharlika, an annual cultural celebration of the Filipino community of Anchorage.

Nellen Budd is kind, considerate and gracious. She has a keen fashion sense and has modeled professional decorum for many interns and young staffers. Nellen is the example of courtesy, style and conduct and has mentored many people including, I am certain, a few future executives and legislators.

While Nellen is retiring from official public service, I know she will stay busy as a volunteer and grandmother. I encourage her to relax and enjoy Alaska and all of her friends and family—and to not work too hard. Nellen is a bright shining star in our community, and my wife Deborah and I thank her for all of her years of hard work and dedication. Salamat, Nellen.

## ADDITIONAL STATEMENTS

### WOODSTOCK, NEW HAMPSHIRE

● Ms. AYOTTE. Mr. President, today I wish to honor Woodstock, NH—a town in Grafton County that is celebrating the 250th anniversary of its founding. I am proud to join citizens across the Granite State in recognizing this special milestone.

The land that would become Woodstock was granted in a charter by Governor Benning Wentworth on September 23, 1763, and was subsequently named after the English town of Peeling. Governor Wentworth's nephew, John Wentworth, would later rename the town Fairfield, after Fairfield, CT. In 1840, the town would receive a final name change to Woodstock, for Blenheim Palace in Woodstock, England.

The population has grown to include over 1,300 residents. The patriotism and commitment of the people of Woodstock is reflected in part by their record of service in defense of our Nation.

Frank Merrill, a notable summer resident of Woodstock, was the commander of the special World War II unit known as Merrill's Marauders. General Merrill commanded the 5307th Composite Unit during combat operations in Burma throughout the spring of 1944. He later served as the New Hampshire commissioner of highways.

Woodstock remains largely forested and is home to the world renowned Hubbard Brook Experimental Forest, where in the 1960s acid rain was first discovered. Also within Woodstock is the famous Lost River Reservation, a portion of the White Mountain National Forest, and a segment of the Appalachian Trail.

The abundant timber and access to the power of the Pemigewasset River established logging as the principal early industry in Woodstock. The entrance of the railroad in the 19th century opened the wilderness to development and expansion. This expansion attracted tourists to the town, and tourism remains a vital part of Woodstock's economy—with visitors from near and far traveling to savor the peace and solitude of this special part of New Hampshire.

Woodstock is a place that has contributed much to the life and spirit of the State of the Granite State. I am pleased to extend my warm regards to the people of Woodstock as they celebrate the town's 250th anniversary.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 2:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1092. An act to designate the air route traffic control center located in Nashua, New Hampshire, as the ''Patricia Clark Boston Air Route Traffic Control Center''.

H.R. 2289. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.

H.R. 2383. An act to designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the ''Stan Musial Veterans Memorial Bridge''.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2289. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Finance.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1092. An act to designate the air route traffic control center located in Nashua, New Hampshire, as the ''Patricia Clark Boston Air Route Traffic Control Center''.

## 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–2100. A communication from the Executive Director, Defense Science Board, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to research budgets and plans for cyberwarfare and cybersecurity of the military services and the defense agencies; to the Committee on Armed Services.

EC–2101. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Requirements for Acquisitions Pursuant to Multiple Award Contracts'' ((RIN0750–AH91) (DFARS Case 2012–D047)) received in the Office of the President of the Senate on June 24, 2013; to the Committee on Armed Services.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–33. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing the Congress of the United States to prevent unnecessary and unintended harm to coastal communities, individuals, and businesses by immediately amending the Biggert-Waters Act and mandating revision of Federal Emergency Management Agency flood-risk maps; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 91

Whereas, in 2012 Congress re-authorized the National Flood Insurance Program in the Biggert-Waters Act; and

Whereas, language in the Biggert-Waters Act phases out certain subsidized flood insurance rates, thereby allowing rate increases to the costs of obtaining such flood insurance of either twenty or twenty-five percent a year, depending upon on the property, until properties reach actuarial status; and

Whereas, at the same time the Federal Emergency Management Agency (''FEMA'') issued new flood-risk maps showing that properties not protected by one hundred year flood federal levees would be considered as inadequately safeguarded against floods, with the result that such properties became significantly higher-risk property for the purpose of flood insurance rate premium calculation and elevation requirements; and

Whereas, the confluence of these two events has resulted in potential economic disaster for coastal communities, businesses, and individuals now faced not only with unaffordable flood insurance premiums but also with the inability to transfer or sell property deemed by FEMA to be at higher risk of flooding; and

Whereas, legislation and amendments are pending in Congress to delay the premium increases authorized by the Biggert-Waters Act for one year to determine the effects of such changes upon the availability, affordability, and sustainability of flood insurance; and

Whereas, the Federal Emergency Management Agency is also now in discussions to reconsider and revise its flood-risk maps to include the effects of locally built levees, pumping stations and floodgates, all of which have been funded, designed and built to provide substantial protection from flooding, and also to develop new maps that more accurately reflect actual area flood risk; and

Whereas, it is necessary for both Congress and FEMA to take immediate action to prevent pending and unintended economic catastrophe for coastal communities, individuals, and businesses; and

Whereas, without action by both Congress and FEMA it has been estimated that at least half a million homes and businesses in Louisiana could be severely impacted, and that other coastal communities outside of Louisiana could face similar economic devastation, including communities, individuals, and businesses in New York, New Jersey and other states severely damaged by Hurricane Sandy in 2012: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to prevent unnecessary and unintended harm to coastal communities, individuals, and businesses by immediately amending the Biggert-Waters Act and mandating revision of Federal Emergency Management Agency flood-risk maps; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress, and to the Administrator of the Federal Emergency Management Agency.

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POM–34. A resolution adopted by the Senate of the State of Louisiana memorializing the Congress of the United States to prevent unnecessary and unintended harm to coastal communities, individuals, and businesses by immediately amending the Biggert-Waters Act and mandating revision of Federal Emergency Management Agency flood-risk maps; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 114

Whereas, in 2012 Congress re-authorized the National Flood Insurance Program in the Biggert-Waters Act; and

Whereas, language in the Biggert-Waters Act phases out certain subsidized flood insurance rates, thereby allowing rate increases to the costs of obtaining such flood insurance of either twenty or twenty-five percent a year, depending upon the property, until rates reach actuarial status; and

Whereas, at the same time the Federal Emergency Management Agency (FEMA) issued new flood-risk maps showing that properties not protected by one hundred year flood federal levees would be considered as inadequately safeguarded against floods, with the result that such properties became significantly higher-risk property for the purpose of flood insurance rate premium calculation and elevation requirements; and

Whereas, the confluence of these two events has resulted in potential economic disaster for coastal communities, businesses, and individuals now faced not only with unaffordable flood insurance premiums but also with the inability to transfer or sell property deemed by FEMA to be at higher risk of flooding; and

Whereas, legislation and amendments are pending in Congress to delay the premium increases authorized by the Biggert-Waters Act for one year to determine the effects of such changes upon the availability, affordability, and sustainability of flood insurance; and

Whereas, FEMA is also now in discussions to reconsider and revise its flood-risk maps to include the effects of locally-built levees, pumping stations, and floodgates, all of which have been funded, designed, and built to provide substantial protection from flooding, and also to develop new maps that more accurately reflect actual area flood risk; and

Whereas, it is necessary for both Congress and FEMA to take immediate action to prevent pending and unintended economic catastrophe for coastal communities, individuals, and businesses; and

Whereas, without action by both Congress and FEMA, it has been estimated that at least half a million homes and businesses in Louisiana could be severely impacted, and that other coastal communities outside of Louisiana could face similar economic devastation, including communities, individuals, and businesses in New York, New Jersey, and other states severely damaged by Hurricane Sandy in 2012: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to prevent unnecessary and unintended harm to coastal communities, individuals, and businesses by immediately amending the Biggert-Waters Act and mandating revision of Federal Emergency Management Agency flood-risk maps; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress, and to the administrator of the Federal Emergency Management Agency.

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POM–35. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to take certain actions concerning federal public lands in Nevada; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION NO. 5

Whereas, The Federal Government manages and controls over 85 percent of the land in Nevada; and

Whereas, Nevada has an abundance of natural resources, including vast areas of land suitable for raising livestock and for conservation and general recreational use, large deposits of gold, silver, copper and other minerals, and plentiful renewable resources, including, without limitation, sun, wind and geothermal resources that may be used to generate electricity; and

Whereas, Many of those renewable resources are located on public lands managed and controlled by the Federal Government; and

Whereas, Activities that occur on those public lands increase the demand for services provided by the State of Nevada and local governments in Nevada; and

Whereas, The State of Nevada and local governments in Nevada are limited in their ability to collect taxes or other fees from the Federal Government or from the users of public lands to fund services provided by the State and local governments; and

Whereas, The Federal Government receives revenue from the licensing and permitting of activities that occur on those public lands, including mining, grazing livestock, general recreational use and generating electricity from renewable resources; and

Whereas, In recent years, efforts have been made to curtail the practice by the Federal Government of sharing a portion of that revenue with the State of Nevada and local governments, including curtailing the practice of sharing with the counties a portion of the revenue derived from the lease of public lands and royalties from the generation of electricity from geothermal resources; and

Whereas, Recent legislation introduced in the 111th and 112th United States Congress would have, if enacted, required the Secretary of the Interior to establish a leasing program for wind and solar energy development on federal public lands; and

Whereas, Such legislation would also have required the sharing of a portion of the revenue from the competitive leasing program with the counties from which the revenue is derived, thereby creating a beneficial and meaningful role for counties in Nevada; and

Whereas, The members of the 113th Congress are now considering the budget submitted by the United States Department of the Interior for federal Fiscal Year 2014, and its possible effects on the counties' share of royalties derived from the generation of electricity from geothermal resources: Now therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the members of the 77th Session of the Nevada Legislature hereby urge Congress:

1. To ensure that the public lands in Nevada that are managed and controlled by the Federal Government remain open and accessible to multiple uses, such as raising livestock, mining, conservation, general recreational use and the use of renewable resources, including, without limitation, sun, wind and geothermal resources that may be used to generate electricity; and

2. To enact legislation ensuring that the State of Nevada and the affected local governments in Nevada receive a portion of the revenue received by the Federal Government for activities conducted on the federal public lands in Nevada and ensuring that such sharing includes, without limitation, the continuation of federal laws and policies whereby local governments receive appropriate rents and royalties for activities which generate electricity from geothermal resources; and be it further

*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage.

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POM–36. A resolution adopted by the Senate of the State of Louisiana expressing support for the Nagorno Karabakh Republic's efforts to develop as a free and independent nation; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 151

Whereas, Nagorno Karabakh, also known as Artsakh, has historically been Armenian territory, populated by an overwhelming majority of Armenians, which was illegally severed from Armenia by the Soviet Union in 1921 and placed under the newly created Soviet Azerbaijani administration; and

Whereas, February 20, 1988, marked the beginning of the national liberation movement in Nagorno Karabakh, which inspired people throughout the Soviet Union to stand up against tyranny and for their rights and freedoms, helping to bring democracy to millions and contributing to world peace; and

Whereas, the United States Congress has repeatedly expressed support for the legitimate freedom aspirations of the people of Nagorno Karabakh; and

Whereas, on September 2, 1991, the legislature of Nagorno Karabakh declared formation of the Nagorno Karabakh Republic, in accordance with then acting legislation; and

Whereas, on December 10, 1991, the people of the Nagorno Karabakh Republic voted in favor of the independence, and on January 6, 1992, the democratically elected legislature of the Republic formally declared independence; and

Whereas, since proclaiming independence, the Nagorno Karabakh Republic has registered significant progress in democracy building, which has been most recently demonstrated during the July 19, 2012, presidential elections that were assessed by international observers as free and transparent: Now, therefore, be it

*Resolved,* That the Senate of the Legislature of Louisiana hereby encourages and supports the Nagorno Karabakh Republic's continuing efforts to develop as a free and independent nation in order to guarantee its citizens those rights inherent in a free and independent society; and be it further

*Revolved,* That the president and Congress of the United States of America are hereby urged to support the self-determination and democratic independence of the Nagorno Karabakh Republic and its constructive involvement with the international community's efforts to reach a just and lasting solution to security issues in that strategically important region; and be it further

*Resolved,* That a copy of this Resolution be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

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POM–37. A concurrent resolution adopted by the Senate of the State of Louisiana urging and requesting the Department of Health and Hospitals examine the benefits of routine nutritional screening and therapeutic nutrition treatment for those who are malnourished or at risk for malnutrition; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 41

Whereas, the National Black Caucus of State Legislators (NBCSL) has established policy promoting the importance of quality nutrition for all Americans in order to maintain healthy, active, independent lifestyles; and

Whereas, the NBCSL adopted policy supporting increased access to quality nutrition and support for infants and children, as passed by the United States Congress in Resolution HHS–11–19; and

Whereas, leading health and nutrition experts agree that nutrition status is a direct measure of patient health and that good nutrition and good patient health can keep people healthy and out of institutionalized health care facilities, thus reducing healthcare costs; and

Whereas, inadequate or unbalanced nutrition, known as malnutrition, is not routinely viewed as a medical concern in this nation, and that malnutrition is particularly prevalent in vulnerable populations, such as older adults, hospitalized patients, or minority populations that statistically shoulder the highest incidences of the most severe chronic illnesses such as diabetes, kidney disease, and cardiovascular disease; and

Whereas, illness, injury, and malnutrition can result in the loss of lean body mass, leading to complications that impact good patient health outcomes, including recovery from surgery, illness, or disease; the elderly lose lean body mass more quickly and to a greater extent than younger adults and weight assessment (body weight and body mass index) can overlook accurate indicators of lean body mass; and

Whereas, the American Nursing Association defines therapeutic nutrition as the administration of food and fluids to support the metabolic processes of a patient who is malnourished or at high risk of becoming malnourished; and

Whereas, access to therapeutic nutrition is critical in restoring lean body mass such that it resolves malnutrition challenges and, in turn, improves clinical outcomes, reduces health care costs, and can keep people and our communities healthy; and

Whereas, despite the recognized link between good nutrition and good health, nutritional screening and therapeutic nutrition treatment have not been incorporated as routine medical treatments across the spectrum of health care: Now, therefore, be it

*Resolved,* That the Legislature of Louisiana urges and requests that the Department of Health and Hospitals examine the benefits of routine nutritional screening and therapeutic nutrition treatment for those who are malnourished or at risk for malnutrition, as well as examine the benefits of nutrition screening and therapeutic nutrition treatment as part of the standard for evidenced-based hospital care; and be it further

*Resolved,* That the Legislature of Louisiana supports an increased emphasis on nutrition through the reauthorization of the Older Americans Act, as well as for Medicare beneficiaries, to improve their disease management and health outcomes; and be it further

*Resolved,* That the Legislature of Louisiana is encouraged that preventive and wellness services, such as counseling for obesity and chronic disease management, are part of the Essential Health Benefits package included in the Patient Protection and Affordable Care Act; and be it further

*Resolved,* That a copy of this resolution be transmitted to the president of the United States, the vice president of the United States, the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the secretary of the Department of Health and Hospitals.

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POM–38. A concurrent resolution adopted by the Legislative Assembly of Puerto Rico relative to requesting the President and the Congress of the United States begin the process to admit Puerto Rico to the Union as a State; to the Committee on Energy and Natural Resources.

POM–39. A resolution adopted by the Council of the City of Santa Ana, California expressing support for comprehensive federal immigration reform and urging the 113th Congress to enact reforms that secure our borders, ensure economic strength, and promote stronger communities; to the Committee on the Judiciary.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Frank Gorenc, to be General.

Navy nomination of Rear Adm. Philip S. Davidson, to be Vice Admiral.

Army nomination of Maj. Gen. Michael S. Linnington, to be Lieutenant General.

Navy nomination of Capt. Stephen M. Pachuta, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Daisy Y. Eng, to be Major.

Air Force nominations beginning with Joseph N. Kenan and ending with Sirpa T. Autio, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Air Force nominations beginning with Scott M. Sheflin and ending with Eric J. Turney, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Air Force nominations beginning with Christopher E. Cieurzo and ending with Vinh Q. Tran, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Air Force nominations beginning with Andrew G. Boston and ending with Valerie G. Sams, which nominations were received by the Senate and appeared in the Congressional Record on June 20, 2013.

Air Force nominations beginning with Louis A. Barton and ending with Earlyne L. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record on June 20, 2013.

Air Force nominations beginning with Craig S. Berg and ending with Jonathan D. Tidwell, which nominations were received by the Senate and appeared in the Congressional Record on June 20, 2013.

Army nominations beginning with Thomas R. Bouchard and ending with John A. Zenker, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Army nominations beginning with George T. Barido and ending with Charles J. Sizemore, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Army nominations beginning with Timothy Barnard and ending with Kevin D. Vaughn, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Army nominations beginning with Jeffrey S. Acree and ending with Vicky L. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Army nominations beginning with Mazen Abbas and ending with Gary H. Wynn, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Army nominations beginning with Edward T. Breecher and ending with Edward M. Wise, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Army nomination of Michael D. Payne, to be Colonel.

Army nomination of Marlon E. Lewis, to be Colonel.

Army nomination of David R. Maxwell, to be Major.

Army nomination of Thomas A. Jarrett, to be Major.

Navy nomination of Kimberly K. Yeager, to be Commander.

Navy nomination of James D. Harrison, to be Lieutenant Commander.

Navy nominations beginning with Kerrie L. Adams and ending with Antonia J. Henry,

which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2013.

Navy nomination of Brent E. Havey, to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. UDALL of New Mexico (for himself and Mr. HEINRICH):

S. 1223. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning cavernous angioma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Ms. COLLINS):

S. 1224. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado:

S. 1225. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

By Mr. BROWN (for himself and Ms. COLLINS):

S. 1226. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Mr. COCHRAN):

S. 1227. A bill to authorize a national grant program for on-the-job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. PORTMAN):

S. 1228. A bill to establish a program to provide incentive payments to participating Medicare beneficiaries who voluntarily establish and maintain better health; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Ms. WARREN):

S. 1229. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself and Ms. STABENOW):

S. 1230. A bill to reduce oil consumption and improve energy security, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MANCHIN (for himself and Ms. AYOTTE):

S. 1231. A bill to amend the Pay-As-You-Go-Act of 2010 to create an expedited procedure to enact recommendations of the Government Accountability Office for consolidation and elimination to reduce duplication; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself, Mr. KIRK, Ms. STABENOW, Ms. KLOBUCHAR, Mr. BROWN, Mr. DURBIN, Mr. FRANKEN, Mr. SCHUMER, and Ms. BALDWIN):

S. 1232. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. VITTER, Mr. PAUL, Mr. COBURN, Mr. CRAPO, Mr. CRUZ, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. HOEVEN, Mr. RUBIO, Mr. CORNYN, Mr. RISCH, Mr. ISAKSON, and Mr. HATCH):

S. 1233. A bill to achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. VITTER, Mr. PORTMAN, Mr. ROBERTS, Mr. SESSIONS, Mr. PAUL, Mr. COBURN, Mr. CRAPO, Mr. RISCH, Mr. SCOTT, Mr. CRUZ, Mr. HATCH, Mr. JOHNSON of Wisconsin, Mr. WICKER, Mr. LEE, Mr. BOOZMAN, Mr. HOEVEN, and Mr. CORNYN):

S. 1234. A bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. TOOMEY, Mr. PRYOR, Mr. RUBIO, Mr. HELLER, Ms. AYOTTE, and Mrs. SHAHEEN):

S. 1235. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Ms. BALDWIN, Mr. BAUCUS, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. COWAN, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1236. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. KIRK):

S. Res. 187. A resolution congratulating the Chicago Blackhawks on winning the 2013 Stanley Cup; considered and agreed to.

By Mr. JOHANNS (for himself, Mrs. FISCHER, and Mr. KIRK):

S. Res. 188. A resolution recognizing June 30, 2013, as the centennial of the Lincoln Highway, the first transcontinental highway, which originally spanned 3,389 miles through 13 states, including the great State of Nebraska; considered and agreed to.

By Mr. KING (for himself, Ms. COLLINS, Mr. REID, Mr. MCCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. CHIESA, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COWAN, Mr. CRAPO, Mr. CRUZ, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. KIRK, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 189. A resolution relative to the death of the Honorable William Dodd Hathaway, former United States Senator for the State of Maine; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 183

At the request of Mr. COBURN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 183, a bill to amend title XVIII of the Social Security Act to provide for fairness in hospital payments under the Medicare program.

S. 327

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 327, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S. 373

At the request of Mrs. SHAHEEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 373, a bill to amend titles 10, 32, 37, and 38 of the United States Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse.

S. 403

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to

address and take action to prevent bullying and harassment of students.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 430

At the request of Mr. HELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 430, a bill to amend title 38, United States Code, to enhance treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes.

S. 462

At the request of Mrs. BOXER, the names of the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. RISCH) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 535

At the request of Mr. RUBIO, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 535, a bill to require a study and report by the Small Business Administration regarding the costs to small business concerns of Federal regulations.

S. 647

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 647, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 717

At the request of Ms. KLOBUCHAR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 717, a bill to direct the Secretary of Energy to establish a pilot program to award grants to nonprofit organizations for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

S. 734

At the request of Mr. NELSON, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Hampshire (Ms. AYOTTE), the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. CORNYN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Virginia (Mr. KAINE), the Senator from Maine (Mr. KING), the Senator from Rhode Island (Mr. REED), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Hawaii (Mr. SCHATZ), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. MERKLEY) 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. 868

At the request of Mr. HELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 868, a bill to require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the Missouri List, and for other purposes.

S. 892

At the request of Mr. KIRK, the name of the Senator from Iowa (Mr. GRASSLEY) 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. 897

At the request of Ms. WARREN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 897, a bill to prevent the doubling of the interest rate for Federal subsidized student loans for the 2013–2014 academic year by providing funds for such loans through the Federal Reserve System, to ensure that such loans are available at interest rates that are equivalent to the interest rates at which the Federal Government provides loans to banks through the discount window operated by the Federal Reserve System, and for other purposes.

S. 916

At the request of Mr. KAINE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 916, a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

S. 1009

At the request of Mr. VITTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1009, a bill to reauthorize and modernize the Toxic Substances Control Act, and for other purposes.

S. 1029

At the request of Mr. PORTMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1029, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1032

At the request of Mrs. MCCASKILL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1032, a bill to amend title 10, United States Code, to make certain improvements in the Uniform Code of Military Justice related to sex-related offenses committed by members of the Armed Forces, and for other purposes.

S. 1039

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1039, a bill to amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty, and for other purposes.

S. 1046

At the request of Mr. SCHATZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1046, a bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

S. 1096

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1096, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 1114

At the request of Mr. BROWN, the name of the Senator from Indiana (Mr. DONNELLY) 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. 1195

At the request of Mr. BARRASSO, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1195, a bill to repeal the renewable fuel standard.

S. 1204

At the request of Mr. COBURN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. RES. 165

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) 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.

AMENDMENT NO. 1223

At the request of Mr. REED, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 1223 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1236

At the request of Mr. TOOMEY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 1236 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1348

At the request of Mrs. FISCHER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1348 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1381

At the request of Mr. JOHNSON of Wisconsin, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 1381 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1416

At the request of Mr. SCHATZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1416 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1558

At the request of Mr. CARPER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1558 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1580

At the request of Mr. CRUZ, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1580 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1594

At the request of Mrs. FISCHER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1594 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1636

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1636 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1714

At the request of Mr. BROWN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1714 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1718

At the request of Ms. HIRONO, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Illinois (Mr. DURBIN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 1718 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. PORTMAN):

S. 1228. A bill to establish a program to provide incentive payments to participating Medicare beneficiaries who voluntarily establish and maintain better health; to the Committee on Finance.

Mr. WYDEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1228

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Medicare Better Health Rewards Program Act of 2013''.

**SEC. 2. MEDICARE BETTER HEALTH REWARDS PROGRAM.**

Part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) is amended by adding at the end the following new section:

''MEDICARE BETTER HEALTH REWARDS PROGRAM

''SEC. 1849. (a) IN GENERAL.—The Secretary shall establish a Better Health Rewards Program (in this section referred to as the 'Program') under which incentives are provided to Medicare beneficiaries who voluntarily agree to participate in the Program.

''(b) ENROLLMENT.—A health professional participating in the Program shall provide their patients who are Medicare beneficiaries with a description of and an opportunity to enroll in the Program on a voluntary basis. If a Medicare beneficiary elects to enroll in the Program, the health professional shall inform the Secretary of the individual's enrollment through a process established by the Secretary, which does not impose additional administrative requirements on the participating health professional.

''(c) ESTABLISHMENT OF BETTER HEALTH TARGET STANDARDS.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary shall establish standards for measuring better health targets and points for achieving such standards for participating Medicare beneficiaries, including such standards and points with respect to the following:

''(i) Annual wellness visit.

''(ii) Tobacco cessation.

''(iii) Body Mass Index (BMI).

''(iv) Diabetes screening test.

''(v) Cardiovascular disease screening.

''(vi) Cholesterol level screening.

''(vii) Screening tests and specified vaccinations.

''(B) CONSULTATION.—In establishing standards and points for achieving such standards under this subsection, the Secretary—

''(i) shall consult with 1 or more nationally recognized health care quality organizations, as determined appropriate by the Secretary; and

''(ii) may consult with physicians and other professionals experienced with wellness programs.

''(C) POINTS.—The number of points awarded for a year for achieving standards with respect to each of the targets described in clauses (i) through (vii) of subparagraph (A) shall not exceed 5. Such points may be awarded on a sliding scale, based on standards established under this subsection, as determined appropriate by the Secretary.

''(2) MODIFICATION OF BETTER HEALTH TARGET STANDARDS AND ASSIGNED POINTS.—

''(A) IN GENERAL.—The Secretary may modify standards for measuring better health targets and, subject to paragraph (1)(C), points for achieving such standards for participating Medicare beneficiaries under this subsection.

''(B) CONSULTATION.—In modifying standards and points for achieving such standards under this paragraph, the Secretary—

''(i) shall consult with 1 or more nationally recognized health care quality organizations, as determined appropriate by the Secretary; and

''(ii) may consult with physicians and other professionals experienced with wellness programs.

''(d) CONDUCT OF PROGRAM.—

''(1) DURATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Program shall be conducted for not less than a 3-year period.

''(B) EXPANSION.—The Secretary shall expand the duration and scope of the Program, to the extent determined appropriate by the Secretary, if—

''(i) the Secretary determines that such expansion is expected to—

''(I) reduce spending under this title without reducing the quality of care; or

''(II) improve the quality of care and reduce spending;

''(ii) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce program spending under this title; and

''(iii) the Secretary determines that such expansion would not deny or limit the coverage or provision of benefits under this title for individuals.

''(2) COLLECTION AND USE OF BASELINE DATA.—During the first year of the Program, a health professional shall establish and report to the Secretary baseline information for each participating Medicare beneficiary who is a patient of the health professional as part of that beneficiary's first year assessment under paragraph (3)(A). The health professional shall use such data to aid in the determination of whether and to what extent the participating Medicare beneficiary is meeting the target standards under subsection (c) in each of years 2 and 3 of the Program.

''(3) REQUIRED ASSESSMENTS FOR PARTICIPATING MEDICARE BENEFICIARIES.—

''(A) FIRST YEAR.—During year 1 of the Program, a health professional shall furnish to each participating Medicare beneficiary that is a patient of the health professional either an annual wellness visit or an initial preventive physical examination.

''(B) SECOND AND THIRD YEARS.—During each of years 2 and 3 of the Program, a health professional shall furnish to each participating Medicare beneficiary that is a patient of the health professional an annual wellness visit to determine whether and to what extent the participating Medicare beneficiary has met the target standards under subsection (c).

''(e) DETERMINATION OF POINTS AND PAYMENT OF INCENTIVES.—

''(1) DETERMINATION OF POINTS.—During each of years 2 and 3 of the Program, a health professional shall—

''(A) evaluate and report to the Secretary whether each participating Medicare beneficiary that is a patient of the health professional has achieved the target standards under subsection (c); and

''(B) determine the total amount of points that each such participating Medicare beneficiary has achieved for the year based on the points assigned for achieving such standards under subsection (c).

''(2) INCENTIVE PAYMENT.—

''(A) IN GENERAL.—The Secretary shall pay to each participating Medicare beneficiary who achieves at least 20 points under paragraph (1)(B) for the year an incentive payment. Such payment shall be equal to an amount determined appropriate by the Secretary, but no case shall such amount exceed the following:

| ''Points | Year 2 Payment Amount | Year 3 or a Subsequent Year Payment Amount |
|---|---|---|
| 20–24 points .. | $100 | $200 |
| 25 or more points .. | $200 | $400. |

''(B) INFLATION ADJUSTMENT.—The dollar amounts specified in this paragraph shall be increased, beginning with 2017, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest $1.

''(3) FINAL DETERMINATION OF STANDARDS ACHIEVEMENT MADE BY PARTICIPATING HEALTH PROFESSIONAL.—Under the Program, a participating health professional shall make the final determination as to whether or not a participating Medicare beneficiary has met the target standards under subsection (c) and what screening tests and specified vaccinations, or other services, are necessary for purposes of making such determination.

''(f) SPENDING BENCHMARKS.—

''(1) IN GENERAL.—The Secretary shall collect relevant data, including data on claims paid under this title for services furnished to participating Medicare beneficiaries during the Program, for purposes of determining the aggregate estimated savings achieved under this title for participating Medicare beneficiaries during each of years 2 and 3 of the Program in accordance with paragraph (2) (and for a subsequent year if the Program is expanded under subsection (d)(1)(B)).

''(2) DETERMINATION OF AGGREGATE ESTIMATED SAVINGS.—

''(A) IN GENERAL.—The amount of the aggregate estimated savings under this title for participating Medicare beneficiaries under paragraph (1), with respect to a year, shall be equal to—

''(i) the estimated savings determined under subparagraph (B) for the year; minus

''(ii) the aggregate incentive payments made under the Program during the year.

''(B) DETERMINATION OF ESTIMATED SAVINGS.—For purposes of subparagraph (A)(i), the estimated savings determined under this subparagraph for a year shall be equal to—

''(i) the estimated aggregate expenditures under this title (as projected under subparagraph (C)) for the year; minus

''(ii) the actual aggregate expenditures under this title (as determined by the Secretary and taking into account any reduction in specific health risks of the participating Medicare beneficiaries) for the year.

''(C) PROJECTION OF ESTIMATED AGGREGATE CLAIMS COST.—

''(i) BENCHMARK BASE YEAR.—The Secretary shall establish a benchmark base year amount of expenditures under this title for participating Medicare beneficiaries during year 1 of the Program.

''(ii) PROJECTION.—The Secretary shall use the benchmark base year amount established under clause (i) to project the estimated aggregate expenditures for all participating Medicare beneficiaries during each of years 2 and 3 of the Program as if the beneficiaries were not participating in the Program. In making such projection, the Secretary may include adjustments for health status or other specific risk factors and geographic variation for the participating Medicare beneficiaries.

''(D) PUBLIC REPORT OF DETERMINATION AND OTHER PROGRAM INFORMATION.—Not later than 90 days after determining the aggregate estimated savings (if any) under subparagraph (A) with respect to a year, the Secretary shall make available to the public a report containing a description of the amount of the savings determined, including the methodology and any other calculations or determinations involved in the determination of such amount. Such report shall include—

''(i) a description of any reduction in specific health risks of participating Medicare beneficiaries identified by the Secretary;

''(ii) a description of—

''(I) standards for measuring better health targets under subsection (c); and

''(II) the points available for achieving each such standard under that subsection; and

''(iii) recommendations for such legislation and administrative action as the Secretary determines appropriate.

''(3) MONITORING OF PROGRAM COSTS.—During the operation of the Program, the Chief Actuary of the Centers for Medicare & Medicaid Services shall—

''(A) monitor the Program to determine whether or not the Program is reducing aggregate expenditures under this title; and

''(B) submit to the Secretary an annual report on the results of such monitoring.

''(4) REQUIRED ACTION IF AGGREGATE INCENTIVE PAYMENTS EXCEED SAVINGS.—If the Secretary, taking into account the reports under paragraph (3)(B), determines that the aggregate expenditures under this title exceed the aggregate expenditures under this title that would have been made if the Program had not been implemented, the Secretary shall provide for changes to the provisions of the program in order to eliminate such excess.

''(g) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII as may be necessary to carry out the purposes of the Program established under this section.

''(h) DEFINITIONS.—In this section:

''(1) ANNUAL WELLNESS VISIT.—The term 'annual wellness visit' includes personalized prevention plan services (as defined in section 1861(hhh)(1)).

''(2) HEALTH PROFESSIONAL.—The term 'health professional' includes a physician (as defined in section 1861(r)(1)) and a practitioner described in clause (i) of section 1842(b)(18)(C).

''(3) INITIAL PREVENTIVE PHYSICAL EXAMINATION.—The term 'initial preventive physical examination' has the meaning given that term in section 1861(ww)(1).

''(4) MEDICARE BENEFICIARY.—The term 'Medicare beneficiary' means an individual enrolled in part B.

''(5) PARTICIPATING MEDICARE BENEFICIARY.—The term 'participating Medicare beneficiary' means a Medicare beneficiary who enrolls in the Program under subsection (b).

''(6) SCREENING TESTS.—The term 'screening tests' means any of the following that are determined by a health professional to be appropriate for a participating Medicare beneficiary:

''(A) Colorectal cancer screening tests (as defined in section 1861(pp)).

''(B) Screening mammography (as described in section 1861(jj)).

''(C) Screening pap smear and screening pelvic exam (as defined in section 1861(nn)).

''(D) Screening for glaucoma (as defined in section 1861(uu)).

''(E) Bone mass measurement (as defined in section 1861(rr)) for qualified individuals described in paragraph (2)(A) of such section.

''(F) HIV screening for high-risk groups (as identified by the Secretary).

''(7) SPECIFIED VACCINATIONS.—The term 'specified vaccinations' means the vaccinations described in section 1861(ww)(1) that are determined by a health professional to be appropriate for a participating Medicare beneficiary.''.

**SEC. 3. PARTICIPATION BY MEDICARE ADVANTAGE PLANS.**

Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

''(h) PROVIDING INCENTIVES FOR VOLUNTARY PARTICIPATION IN A BETTER HEALTH REWARDS PROGRAM.—

''(1) IN GENERAL.—Effective for plan years beginning on or after the date of enactment of the Medicare Better Health Rewards Program Act of 2013, a Medicare Advantage organization may provide to individuals enrolled in an MA plan offered by the organization incentive payments, including cash, cash-equivalent, or other types of incentives, for voluntary participation in a Better Health Rewards Program (in this subsection referred to as the 'Program') that rewards individuals for meeting certain health targets established by the Secretary.

''(2) LIMITATION.—In no case shall the monthly bid amount submitted by a Medicare Advantage organization under section 1834(a)(6) (or the monthly premium charged by the organization under section 1854(b)) with respect to an MA plan offered by the organization take into account any incentive payments made to enrollees under the Program.

''(3) IMPLEMENTATION.—The Program under this subsection shall be conducted in a similar manner to the manner in which the program under section 1849 is conducted, in accordance with standards established by the Secretary.

''(4) NOTIFICATION AND PROVISION OF INFORMATION.—A Medicare Advantage organization seeking to participate in the Program shall—

''(A) notify the Secretary of the organization's intent to participate in the Program; and

''(B) agree to provide to the Secretary—

''(i) information regarding—

''(I) which enrollees participate in the Program;

''(II) the scores of those enrollees with respect to applicable health targets under the Program; and

''(III) the incentives enrollees receive for meeting such health targets; and

''(ii) any other information specified by the Secretary for purposes of this subsection.

''(5) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII as may be necessary to carry out the purposes of the Program established under this subsection.''.

**SEC. 4. PARTICIPATION OF SECTION 1876 COST PLANS.**

Section 1876 of the Social Security Act (42 U.S.C. 1395mm) is amended by inserting at the end the following:

''(l) PROVIDING INCENTIVES FOR VOLUNTARY PARTICIPATION IN A BETTER HEALTH REWARDS PROGRAM.—

''(1) IN GENERAL.—Effective for contract periods beginning on or after the date of enactment of the Medicare Better Health Rewards Program Act of 2013, an eligible organization may provide to members enrolled under this section with the organization incentive payments, including cash, cash-equivalent, or other types of incentives, for voluntary participation in a Better Health Rewards Program (in this subsection referred to as the 'Program') that rewards members for meeting certain health targets established by the Secretary.

''(2) LIMITATION.—In no case shall the payment to an eligible organization under this section (or the premium rate charged by the organization under this section) with respect to members enrolled with the organization take into account any incentive payments made to members under the Program.

''(3) IMPLEMENTATION.—The Program under this subsection shall be conducted in a similar manner to the manner in which the program under section 1849 is conducted, in accordance with standards established by the Secretary.

''(4) NOTIFICATION AND PROVISION OF INFORMATION.—An eligible organization seeking to participate in the Program shall—

''(A) notify the Secretary of the organization's intent to participate in the Program; and

''(B) agree to provide to the Secretary—

''(i) information regarding—

''(I) which members participate in the Program;

''(II) the scores of those members with respect to applicable health targets under the Program; and

''(III) the incentives members receive for meeting such health targets; and

''(ii) any other information specified by the Secretary for purposes of this subsection.

''(5) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII as may be necessary to carry out the purposes of the Program established under this subsection.''.

**SEC. 5. PARTICIPATION OF PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE).**

(a) MEDICARE.—Section 1894 of the Social Security Act (42 U.S.C. 1395eee) is amended by inserting at the end the following:

''(j) PROVIDING INCENTIVES FOR VOLUNTARY PARTICIPATION IN A BETTER HEALTH REWARDS PROGRAM.—

''(1) IN GENERAL.—Effective for PACE program agreements entered into on or after the date of enactment of the Medicare Better Health Rewards Program Act of 2013, a PACE provider may provide to PACE program eligible individuals enrolled under this section with the PACE provider incentive payments, including cash, cash-equivalent, or other types of incentives, for voluntary participation in a Better Health Rewards Program (in this subsection referred to as the 'Program') that rewards enrollees for meeting certain health targets established by the Secretary.

''(2) LIMITATION.—In no case shall the payment to a PACE provider under this section (or any premium charged by the provider under this section) with respect to PACE program eligible individuals enrolled with the PACE provider take into account any incentive payments made to individuals under the Program.

''(3) IMPLEMENTATION.—The Program under this subsection shall be conducted in a similar manner to the manner in which the program under section 1849 is conducted, in accordance with standards established by the Secretary.

''(4) NOTIFICATION AND PROVISION OF INFORMATION.—A PACE provider seeking to participate in the Program shall—

''(A) notify the Secretary of the PACE provider's intent to participate in the Program; and

''(B) agree to provide to the Secretary—

''(i) information regarding—

''(I) which PACE program eligible individuals enrolled with the PACE provider participate in the Program;

''(II) the scores of those individuals with respect to applicable health targets under the Program; and

''(III) the incentives individuals receive for meeting such health targets; and

''(ii) any other information specified by the Secretary for purposes of this subsection.

''(5) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI, XVIII, and XIX as may be necessary to carry out the purposes of the Program established under this subsection.''.

(b) MEDICAID.—Section 1934 of the Social Security Act (42 U.S.C. 1396u–4) is amended by adding at the end the following new subsection:

''(k) PROVIDING INCENTIVES FOR VOLUNTARY PARTICIPATION IN A BETTER HEALTH REWARDS PROGRAM.—

''(1) IN GENERAL.—Effective for PACE program agreements entered into on or after the date of enactment of the Medicare Better Health Rewards Program Act of 2013, a PACE provider may provide to PACE program eligible individuals enrolled under this section with the PACE provider incentive payments, including cash, cash-equivalent, or other types of incentives, for voluntary participation in a Better Health Rewards Program (in this subsection referred to as the 'Program') that rewards enrollees for meeting certain health targets established by the Secretary.

''(2) LIMITATION.—In no case shall the payment to a PACE provider under this section (or any premium charged by the provider under this section) with respect to PACE program eligible individuals enrolled with the PACE provider take into account any incentive payments made to individuals under the Program.

''(3) IMPLEMENTATION.—The Program under this subsection shall be conducted in a similar manner to the manner in which the program under section 1849 is conducted, in accordance with standards established by the Secretary.

''(4) NOTIFICATION AND PROVISION OF INFORMATION.—A PACE provider seeking to participate in the Program shall—

''(A) notify the Secretary of the PACE provider's intent to participate in the Program; and

''(B) agree to provide to the Secretary—

''(i) information regarding—

''(I) which PACE program eligible individuals enrolled with the PACE provider participate in the Program;

''(II) the scores of those individuals with respect to applicable health targets under the Program; and

''(III) the incentives individuals receive for meeting such health targets; and

''(ii) any other information specified by the Secretary for purposes of this subsection.

''(5) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI, XVIII, and XIX as may be necessary to carry out the purposes of the Program established under this subsection.''.

**SEC. 6. EXCLUSION OF INCENTIVE PAYMENTS.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139D the following new section:

**''SEC. 139E. MEDICARE BETTER HEALTH REWARDS PAYMENTS.**

''Gross income shall not include any payment made under the following programs:

''(1) The Medicare Better Health Rewards Program established under section 1849 of the Social Security Act.

''(2) A Better Health Rewards Program established pursuant to section 1859(h), 1876(l), 1894(j), or 1934(k) of the Social Security Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139D the following new item:

''Sec. 139E. Medicare Better Health Rewards payments.''.

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By Mr. WHITEHOUSE (for himself and Ms. WARREN):

S. 1229. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WHITEHOUSE. Mr. President, I am very pleased to be joined on the floor of the Senate by Senator WARREN to introduce legislation we have been working on since 2008.

Astute observers of this body will recognize that was before Senator WARREN was even Senator WARREN. She has been, for years, a renowned expert in consumer law and a leading advocate of reforms to protect families from predatory lending. It has been a pleasure working with her on this bill, and I am delighted to be working with her as Senate colleagues now.

A little history. During President Obama's first 2 years in office and before the Republicans took control of the House in 2011, Democrats passed two significant landmark bills to protect ordinary consumers from credit card company abuses.

The Credit CARD Act of 2009 outlawed some of the worst tricks and traps that lenders used to squeeze money out of their customers. After that law, big banks can no longer hike interest rates on preexisting balances just because they feel like it, and they can no longer declare that the day ends at lunchtime in order to impose late fees on payments that arrive in the afternoon. As absurd as it sounds, credit card companies routinely engage in those sort of shenanigans, but the Credit CARD Act of 2009 put an end to a lot of it.

A second bill, the Dodd-Frank Wall Street Reform Act, established the Consumer Financial Protection Bureau, an essential agency first proposed by Senator WARREN when she was a law professor. That body will be for mortgages and credit cards what the Consumer Product Safety Commission is

for toasters and swimming pools. In an age when the fine print in a financial agreement can be the door to a family bankruptcy, this new agency is long overdue.

While the Consumer Financial Protection Board is working to protect American families from many types of unfair and deceptive financial practices, including ones that involve credit card fees, the Board is barred from regulating credit card interest rates. In the final negotiations on Dodd-Frank, the allies of the big credit card companies kept interest rates beyond the reach of this consumer agency.

That is a shame, because unfair interest rates are a big problem for families in Rhode Island and across the Nation. I have heard from so many constituents enticed to sign up for a credit card with an attractive teaser rate of 0 or 1 percent, and eventually the teaser period ends and the rate goes up to 12 or 15 percent, and if the cardholder slips up and misses a couple of payments, the rate can jump to 30 percent or higher.

I think when most of us in this body were growing up, a 30-percent interest rate was a matter you could usually take to the police because it violated State law. A rate at 30 percent would have been illegal under the laws of most, if not all, of the 50 States. But the Supreme Court in 1978 ruled the Civil War-era National Bank Act only required a lender, the credit card issuer, to abide by the law of the State that is their home State and allowed them to ignore the law of the State their customer called their home State. Well, it didn't take too long for the big credit card companies to see the loophole. This meant if they moved their legal home to States with no interest rate limits, with lousy consumer protections, even dealing with those States to reduce consumer protections as a consequence of moving there, well, from these new havens they could lend to people in all 50 States at any interest rate they wanted.

Since that Supreme Court decision, which is called the Marquette ruling, high interest rate credit cards have mushroomed and consumer debt has soared. According to the Federal Reserve, in the year before the Marquette decision, 1977, only 38 percent of families had a bank-issued credit card. By 2010, over 65 percent had credit cards, with about one-third of all families holding four or more credit cards. And the debt numbers coming off those credit cards are even worse. Revolving consumer debt, which is mainly credit card debt, has exploded over twentyfold in the 35 years since the Marquette decision. This little bull's-eye represents the debt beforehand, the giant red circle the debt afterward.

The credit card companies are taking full advantage. Interest rates, as we know, are generally low right now. Banks are lending to one another at less than one-quarter of 1 percent, and 30-year fixed mortgage rates are near 4 percent. Savings bonds pay a paltry 1 percent. The Stafford loans we are discussing will move from 3.4 percent to 6.8 percent if we don't act. But credit cards? According to bankrate.com, which tracks lending statistics, the average variable rate credit card now charges over 15 percent, and many consumers pay much higher rates.

At 15-percent interest, it would take a family, paying the monthly minimum, which is often equal to 1 percent of the balance plus the accrued interest, more than 22 years to pay off a $5,000 balance. An emergency comes to your family, and you need to go to your credit card to pay for it, so you have to run up $5,000. It will take you 22 years to dig out from that at a 15-percent rate. Over those 20 years, the total you would pay would be almost $11,000, meaning interest rate charges would be more than the actual balance you owe. That is bad enough, but imagine a family paying 30 percent. For them, it is much worse. It would take 25 years to pay off a $5,000 balance making minimum payments, and the total payments the family would have to make would add up to $17,000, more than the original $5,000 that was borrowed.

Families may turn to credit cards in times of emergency, and then, when they get back on their feet, find the next quarter of a century dedicated to paying off that debt. We should act to ensure that families don't suffer lost decades to unnecessarily—and what would once have been illegally—high interest rates.

The bill we introduce today, the Restoring States' Rights to Protect Consumers Act, would not set a Federal interest rate cap but it would restore to our sovereign 50 States their historic right—a right that dated back to their status as colonies before the Revolution—to determine what interest rate limits should apply and protect their own citizens. This bill is 2 pages long. It is simple. It is a States rights bill. It received bipartisan support when I offered it as an amendment to the Dodd-Frank bill, and I hope Senators of both parties will consider supporting it now.

I will now yield the floor to my lead cosponsor, Senator WARREN of Massachusetts, with my thanks to her for her leadership in protecting American consumers and for her help in drafting this measure. It is a privilege to serve with Senator WARREN in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I want to start by commending Senator WHITEHOUSE for his extraordinary leadership. For 5 years he has worked on this issue. He proved from the very beginning that he was open to consumer groups that came to talk to him about a problem, and he has been committed to helping working families and that has been his central goal. It is a great honor to stand this afternoon with Senator WHITEHOUSE and to talk about a bill that can advance that goal—helping working families.

For more than two centuries a State could pass a usury law and enforce it against anyone who was lending money in the State. Congress and Federal agencies played a central role in our banking policies, but our system allowed States to play an important role too. The States decided locally what were the highest interest rates they wanted their citizens to be charged. We honored the traditions of federalism, and things worked pretty well. The States protected their citizens. Consumer financial products, such as credit cards, were easy to understand and they were safe for consumers. They were not loaded with tricks and traps.

That changed starting in 1978, when the Supreme Court issued its decision in Marquette National Bank of Minneapolis v. First of Omaha Service Corp. In that decision, the Court interpreted a banking law that Congress had passed back in 1863, and they decided the statute meant the States could not keep an out-of-State lender from charging high rates within the State.

That all sounds pretty technical, but the result was that credit card companies flocked to move their headquarters to States that had little consumer protection. Then other States raced to the bottom, repealing their consumer protection laws, hoping to attract more business to their State. The basic idea that States could protect their citizens from whatever tricks or traps the banks wanted to try simply disappeared.

So I rise today to join my colleague from Rhode Island, Senator WHITEHOUSE, to introduce the Empowering States' Rights to Protect Consumers Act. This bill will restore the ability of States to enforce their own rules against all lenders that do business within the State. It does not tell States what rules to put in place, it lets States decide for themselves.

The Credit CARD Act, enacted in 2009, and the new Consumer Financial Protection Bureau, created by the Dodd-Frank act in 2010, were critical steps in the right direction, and they are doing a good deal to help protect consumers. But we need to recognize the value of State partnerships by empowering our States to play a role too and by restoring their ability to serve as a laboratory of democracy. If and when credit card companies develop the next generation of tricks and traps, buried in fine print and legalese, States ought to be able to respond with their own rules and protections if they deem it necessary.

I ask my colleagues to carefully consider this bill.

I again thank Senator WHITEHOUSE for his extraordinary leadership on this. It is a great honor to stand today and cosponsor this bill with him.

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By Mr. WYDEN (for himself and Ms. STABENOW):

S. 1230. A bill to reduce oil consumption and improve energy security, and

for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today Senator STABENOW and I are introducing legislation designed to reduce our dependence on oil in the transportation sector by replacing it with cleaner, domestic sources of energy to power our cars, trucks, buses, tractors, and ships. Until very recently, our nation was dependent upon foreign, often unstable governments for its energy supply—particularly for the oil that fuels our transport—70 percent of which was imported from overseas. Now, recent advances in drilling technologies have uncovered abundant domestic energy resources and it is predicted that the U.S. will be a net oil and gas exporter in the near future. Today, we are introducing legislation that builds on our introduction of a similar bill last Congress which was approved by Committee, our continual work with a broad array of stakeholders and the feedback received during the series of natural gas forums held by the Energy and Natural Resources Committee. Those forums served as a reminder of the great opportunity no one imagined we'd have even a few years ago, of being able to chart our own energy future rather than relying on other countries or single technologies to drive our economy forward.

While the natural gas forums served as a reminder, it is crucial that we don't just supplant reliance on oil for reliance on another single resource or technology. At the end of the day, different fuels are going to work better in different types of vehicles and in different parts of the country. For that reason, our bill does not pick technology winners and losers. It is ''technology neutral,'' ''geography neutral'' and ''market neutral.'' An alternative fuel that is readily available in one part of the country may not be readily available in every part of the country, or it may not work as well in an 18 wheel tractor-trailer as in the family car. Our bill does not choose which fuel is used where, or for what kinds of vehicles. We leave that up to the free market so that fuel providers and vehicle manufacturers can compete for what works best for their customers. This bill brings us closer to the day when conventional gas stations give way to the ''Fueling Station of the Future'' where consumers will have the option to choose between whichever fuel serves their needs.

Energy legislation, including the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007, have instituted a number of programs at the Department of Energy and the Environmental Protection Agency to address the need to strengthen our energy security by replacing a significant portion of the oil Americans use for transportation with alternative fuels such as electricity, natural gas, propane, biofuels, and hydrogen. However, these programs currently fail to provide workable solutions for many of the obstacles alternative fuels suppliers and alternative fuel vehicles manufacturers face when attempting to get their technologies to market.

Modifying these existing programs—and bolstering them with cohesive policies enshrined in law to make them more useful for potential applicants—will help our nation exploit our newfound abundant energy resources, target climate change by incentivizing more widespread use of cleaner transportation fuels, and create jobs by catalyzing new businesses in the diverse alternative fuel and alternative fuel vehicles sector.

Our bottom line goal is to help American businesses, which build vehicles and supply fuel, provide genuine alternatives to conventional fuels and engine technologies so that Americans can reduce our dependence on oil as a transportation fuel. The bill does this by providing a set of tools to promote the deployment of these technologies. In several instances, the bill modifies existing programs, rather than creating new ones.

First, the bill takes the existing advanced vehicle manufacturing support program at the Department of Energy, which is now focused on providing financial support to major manufacturers of light duty vehicles, and opens it up to alternative fuel technologies. It also expands the program to component manufacturers further down the supply chain and to the production of medium and heavy trucks, buses, and transit vehicles and lifts the cap on the amount of loans that can be made to American manufacturers and their suppliers.

Alternative fuel vehicles need alternative fuel. So the next major initiative in the bill is to provide financial support for the production and distribution of those alternative fuels. Again, instead of creating a whole new program to support this alternative fuel infrastructure, the bill modifies the existing clean energy Department of Energy loan guarantee program created in section 1703 of the Energy Policy Act of 2005. This loan program was aimed at financing new, innovative low-carbon electricity generation technologies. That is all well and good, but those investments do not address the very real energy security challenge facing our country from oil imports, especially since so little electricity in the U.S. is actually generated using oil. Our bill would allow this already existing program to be used for alternative fuel infrastructure.

The bill includes additional measures to provide technical assistance to States, local and tribal governments, public-private partnerships, and utility companies and utility commissions to help overcome barriers to the deployment of these alternative fuel vehicles. The bill further provides worker training provisions to ensure our nation has a skilled workforce capable of making the goals of this bill a reality. Taken altogether, these provisions are designed to provide the tools for manufacturers, parts suppliers, fuel providers, transportation planners, utility regulators, and State, local, and tribal officials to deploy alternative fuel vehicles, and the fuels to power them, in numbers that make a difference and truly reduce our dependence on imported oil.

Our bill has broad support from industry groups and has been endorsed by the Alliance for Automobile Manufacturers, Natural Gas Vehicles for America, Global Automakers, the American Public Gas Association, Drive Oregon, the National Electrical Manufacturers Association, and the Electric Drive Transportation Association. We ask our colleagues to stand with us in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1230

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Fueled Vehicles Competitiveness and Energy Security Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:



**SEC. 2. DEFINITIONS.**

In this Act:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(2) ALTERNATIVE FUELED VEHICLE.—The term ''alternative fueled vehicle'' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(3) COMMUNITY COLLEGE.—The term ''community college'' has the meaning given the term ''junior or community college'' in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058).

(4) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(5) NONROAD VEHICLE.—

(A) IN GENERAL.—The term ''nonroad vehicle'' means a vehicle that is not licensed for onroad use.

(B) INCLUSIONS.—The term ''nonroad vehicle'' includes a vehicle described in subparagraph (A) that is used principally—

(i) for industrial, farming, or commercial use;

(ii) for rail transportation;

(iii) at an airport; or

(iv) for marine purposes.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

**SEC. 3. LOAN GUARANTEES FOR ALTERNATIVE FUEL INFRASTRUCTURE.**

Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

''(11) Infrastructure for provision and distribution of alternative fuels.''.

**SEC. 4. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.**

Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as redesignated by clause (i)), by striking ''means an ultra efficient vehicle or a light duty vehicle that meets—'' and inserting ''means—

''(A) an ultra efficient vehicle or a light duty vehicle that meets—'';

(iii) in clause (iii) (as redesignated by clause (i)), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(B) a vehicle (such as a medium-duty or heavy-duty work truck, bus, or rail transit vehicle) that—

''(i) is used on a public street, road, highway, or transitway;

''(ii) meets each applicable emission standard that is established as of the date of the application; and

''(iii) will reduce consumption of conventional motor fuel by 25 percent or more, as compared to existing surface transportation technologies that perform a similar function, unless the Secretary determines that—

''(I) the percentage is not achievable for a vehicle type or class; and

''(II) an alternative percentage for that vehicle type or class will result in substantial reductions in motor fuel consumption within the United States.'';

(B) in paragraph (3)(B)—

(i) by striking ''equipment and'' and inserting ''equipment,''; and

(ii) by inserting '', and manufacturing process equipment'' after ''suppliers''; and

(C) by striking paragraph (4) and inserting the following:

''(4) QUALIFYING COMPONENTS.—The term 'qualifying components' means components, systems, or groups of subsystems that the Secretary determines—

''(A) to be designed to improve fuel economy or otherwise substantially reduce consumption of conventional motor fuel; or

''(B) to contribute measurably to the overall improved fuel use of an advanced technology vehicle, including idle reduction technologies.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''to automobile'' and inserting ''to advanced technology vehicle'';

(3) in subsection (d)(1), in the first sentence, by striking ''a total of not more than $25,000,000,000 in'';

(4) in subsection (h)—

(A) in the subsection heading, by striking ''AUTOMOBILE'' and inserting ''ADVANCED TECHNOLOGY VEHICLE''; and

(B) in paragraph (1)(B), by striking ''automobiles'' each place it appears and inserting ''advanced technology vehicles''; and

(5) in subsection (i), by striking ''2012'' and inserting ''2018''.

**SEC. 5. CONVENTIONAL FUEL REPLACEMENT CALCULATION AND ASSESSMENT.**

(a) METHODOLOGY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by rule, develop a methodology for calculating the equivalent volumes of conventional fuel displaced by use of each alternative fuel to assess the effectiveness of alternative fuel and alternative fueled vehicles in reducing oil imports.

(b) NATIONAL ASSESSMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) conduct a national assessment (using the methodology developed under subsection (a)) of the effectiveness of alternative fuel and alternative fueled vehicles in reducing oil imports into the United States, including as assessment of—

(A) market penetration of alternative fuel and alternative fueled vehicles in the United States;

(B) successes and barriers to deployment identified by the programs established under this Act; and

(C) the maximum feasible deployment of alternative fuel and alternative fueled vehicles by 2020 and 2030; and

(2) report to Congress the results of the assessment.

**SEC. 6. TECHNICAL ASSISTANCE AND COORDINATION.**

(a) TECHNICAL ASSISTANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—In carrying out this title, the Secretary shall provide, at the request of the Governor, mayor, county executive, public utility commissioner, or other appropriate official or designee, technical assistance to State, local, and tribal governments or to a public-private partnership described in paragraph (2) to assist with the deployment of alternative fuel and alternative fueled vehicles and infrastructure.

(2) PUBLIC-PRIVATE PARTNERSHIP.—Technical assistance under this section may be awarded to a public-private partnership, comprised of State, local or tribal governments and nongovernmental entities, including—

(A) electric or natural gas utilities or other alternative fuel distributors;

(B) vehicle manufacturers;

(C) alternative fueled vehicle or alternative fuel technology providers;

(D) vehicle fleet owners;

(E) transportation and freight service providers; or

(F) other appropriate non-Federal entities, as determined by the Secretary.

(3) ASSISTANCE.—The technical assistance described in paragraph (1) may include—

(A) coordination in the selection, location, and timing of alternative fuel recharging and refueling equipment and distribution infrastructure, including the identification of transportation corridors and specific alternative fuels that would be made available;

(B) development of protocols and communication standards that facilitate vehicle refueling and recharging into electric, natural gas, and other alternative fuel distribution systems;

(C) development of codes and standards for the installation of alternative fuel distribution and recharging and refueling equipment;

(D) education and outreach for the deployment of alternative fuel and alternative fueled vehicles; and

(E) utility rate design and integration of alternative fueled vehicles into electric and natural gas utility distribution systems.

(b) COST SHARING.—Cost sharing for assistance awarded under this section shall be consistent with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2014 through 2018.

**SEC. 7. WORKFORCE TRAINING.**

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, shall award grants to community colleges, other institutions of higher education, and other qualified training and education institutions for the establishment or expansion of programs to provide training and education for vocational workforce development for—

(1) the manufacture and maintenance of alternative fueled vehicles; and

(2) the manufacture, installation, support, and inspection of alternative fuel recharging, refueling, and distribution infrastructure.

(b) PURPOSE.—Training funded under this section shall be intended to ensure that the workforce has the necessary skills needed to manufacture, install, and maintain alternative fuel infrastructure and alternative fueled vehicles.

(c) SCOPE.—Training funded under this section shall include training for—

(1) electricians, plumbers, pipefitters, and other trades and contractors who will be installing, maintaining, or providing safety support for alternative fuel recharging, refueling, and distribution infrastructure;

(2) building code inspection officials;

(3) vehicle, engine, and powertrain dealers and mechanics; and

(4) others positions as the Secretary determines necessary to successfully deploy alternative fuels and vehicles.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2014 through 2018.

**SEC. 8. REDUCTION OF ENGINE IDLING AND CONVENTIONAL FUEL CONSUMPTION.**

(a) DEFINITION OF IDLE REDUCTION TECHNOLOGY.—Section 756(a) of the Energy Policy Act of 2005 (42 U.S.C. 16104(a)) is amended by striking paragraph (5) and inserting the following:

''(5) IDLE REDUCTION TECHNOLOGY.—The term 'idle reduction technology' means an advanced truck stop electrification system, auxiliary power unit, or other technology that—

''(A)(i) is used to reduce long-duration idling; and

''(ii) allows for the main drive engine or auxiliary refrigeration engine to be shut down; or

''(B) uses an alternative fuel to reduce consumption of conventional fuel and environmental emissions.''.

(b) FUNDING.—Section 756(b)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16104(b)(4)(B)) is amended in clauses (i) and (ii) by striking ''fiscal year 2008'' each place it appears and inserting ''each of fiscal years 2008 through 2018''.

**SEC. 9. ELECTRIC, HYDROGEN, AND NATURAL GAS UTILITY AND OIL PIPELINE PARTICIPATION.**

(a) IN GENERAL.—The Secretary shall identify barriers and remedies in existing electric and natural gas and oil pipeline transmission and distribution systems to the distribution of alternative fuels and the deployment of alternative fuel recharging and refueling capability, at economically competitive costs of alternative fuel for consumers, including—

(1) model regulatory rate design and billing for recharging and refueling alternative fueled vehicles;

(2) electric grid load management and applications that will allow batteries in plug-in electric drive vehicles to be used for grid storage, ancillary services provision, and backup power;

(3) integration of plug-in electric drive vehicles with smart grid technology, including protocols and standards, necessary equipment, and information technology systems;

(4) technical and economic barriers to transshipment of biofuels by oil pipelines, or distribution of hydrogen; and

(5) any other barriers to installing sufficient and appropriate alternative fuel recharging and refueling infrastructure.

(b) CONSULTATION.—The Secretary shall carry out this section in consultation with—

(1) the Federal Energy Regulatory Commission;

(2) State public utility commissions;

(3) State consumer advocates;

(4) electric and natural gas utility and transmission owners and operators;

(5) oil pipeline owners and operators;

(6) hydrogen suppliers; and

(7) other affected entities.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing actions taken to carry out this section.

**SEC. 10. FEDERAL FLEETS.**

(a) IN GENERAL.—The Secretary (in consultation with the Administrator of General Services, the Secretary of Defense, the Postmaster General, and the Director of the Office of Management and Budget) shall establish an interagency coordination council for the development and procurement of alternative fueled vehicles by Federal agencies.

(b) ELECTRICITY AND NATURAL GAS.—Electricity and natural gas consumed by Federal agencies to fuel alternative fueled vehicles shall be—

(1) considered an alternative fuel; and

(2) accounted for under Federal fleet management reporting requirements, rather than under Federal building management reporting requirements.

(c) ASSESSMENT AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary (in consultation with the Administrator of General Services, the Secretary of Defense, the Postmaster General, and the Director of the Office of Management and Budget) shall complete an assessment of Federal Government fleets (including the United States Postal Service and the Department of Defense) and submit to Congress a report that describes—

(1) for each Federal agency with a fleet of more than 200 vehicles, which types of vehicles the agency uses that would or would not be suitable for alternative fuel use either through the procurement of new alternative fueled vehicles, or the conversion to alternative fuel, taking into account the types of vehicles for which alternative fuel could provide comparable functionality and lifecycle costs;

(2) the quantity of alternative fueled vehicles that could be deployed by the Federal Government in 5 years and in 10 years, assuming that the vehicles are available and are purchased when new vehicles are needed or existing vehicles are replaced; and

(3) the estimated cost and benefits to the Federal Government for vehicle purchases or conversions described in this subsection.

**SEC. 11. HOV LANE ACCESS EXTENSION.**

Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''Before September 30, 2017, the State'' and inserting ''The State''; and

(2) in subparagraph (B), by striking ''Before September 30, 2017, the State'' and inserting ''The State''.

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By Mr. LEVIN (for himself, Mr. KIRK, Ms. STABENOW, Ms. KLOBUCHAR, Mr. BROWN, Mr. DURBIN, Mr. FRANKEN, Mr. SCHUMER, and Ms. BALDWIN):

S. 1232. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, the Great Lakes are a magnificent resource and unique in the world. These water bodies, formed during the last ten thousand years, are the largest source of surface freshwater on the planet. The lakes shaped how people settled and secured resources for their survival. Native Americans, French explorers, early European settlers, immigrants flocking to new industrial cities, along with the current populations of today all rely on the lakes for their survival—providing food and drinking water, transportation, power, recreation, and magnificent beauty. However, the vast resources the Great Lakes provide must not be taken for granted. We must do all we can to protect these waters and clean up the areas that have been harmed by toxic contaminants, polluted runoff, untreated wastewater, and destructive invasive species. That is why as co-chairs of the Senate Great Lakes Task Force, Senator KIRK and I, along with several of our colleagues, are introducing today the Great Lakes Ecological and Economic Protection Act of 2013, or GLEEPA.

This bill builds upon the work of a multitude of stakeholders—environmental organizations, business associations, tribal governments, community leaders, and Federal, State and local officials—who worked together to craft the Great Lakes Regional Collaboration Strategy, a 2005 plan to guide restoration and protection for the Great Lakes. The legislation we are introducing today would formally authorize the Great Lakes Restoration Initiative, GLRI, an inter-agency program designed to implement the plan articulated in the Collaboration Strategy. The GLRI is an action-oriented, results-driven initiative targeting the most significant problems in the Great Lakes, including aquatic invasive species, toxics and contaminated sediment, nonpoint source pollution, and habitat and wildlife protection and restoration. While broadly authorized under the Clean Water Act, the GLRI should be specifically authorized in law to clarify its purpose and objectives and to demonstrate support from Congress. Since the GLRI was launched in fiscal year 2010 with $475 million in funding, real progress has been made to restore the health of the Great Lakes: More than a million cubic yards of contaminated sediments have been cleaned up. More than 20,000 acres of wetland, coastal, upland and island habitat have been restored or enhanced. New technologies are being developed to combat the sea lamprey. Asian carp have been prevented from establishing a sustaining population in the Great Lakes. Hundreds of river miles have been restored to enable free fish passage from the Great Lakes to their spawning grounds. Reduction of nutrient loading from agriculture runoff has lessened occurrences of harmful algal blooms.

In addition to authorization of the GLRI, this legislation would reauthorize two existing programs: the Great Lakes Legacy program, which supports the removal of contaminated sediments at more than thirty Areas of Concern, AOCs, across the Great Lakes; and the Great Lakes National Program Office, which handles Great Lakes matters for the EPA.

The health and vitality of the Great Lakes not only provide immense public health and environmental benefits, but they are also critical to the economic health of the region. For example, in Muskegon Lake, which is directly connected to Lake Michigan, cleanup of 430,000 cubic yards of sediment contaminated with mercury and polycyclic aromatic hydrocarbons, or PAHs, also provided jobs to barge and dredge operators, truck drivers, biologists, chemists, toxicologists, and general laborers. The cleanup will help lift fish consumption advisories and restore fish habitat, which is vital to this area that is a popular fishing and boating destination. Reports find a two to three dollar return for every dollar invested in cleanup and restoration activity. And preventing future damage to the lakes—from aquatic invasive species for example—could easily save the public hundreds of millions of dollars in future expenditures. With a $7 billion fishery, $16 billion in annual expenditures related to recreational boating, and about 37 million hunters, anglers and bird watchers enjoying the Great Lakes each year, we cannot afford to not protect and restore this precious resource.

The legislation we are introducing today includes important safeguards to ensure that tax dollars are wisely spent on activities that actually achieve results. Projects are directed to be selected so that they achieve strategic and measurable outcomes and which can be promptly implemented through leveraging additional non-Federal resources. The bill would also authorize an inter-agency task force to coordinate Federal resources in a way that most efficiently uses taxpayer funds, focusing on measurable outcomes such as cleaner water, improved public health, and sustainable fisheries in the Great Lakes.

Finally, State and local officials, tribal governments, business organizations, environmental organizations, and other stakeholders need an avenue to communicate on matters pertaining to Great Lakes restoration. Recently, the EPA created a board that advises the EPA and other Federal agencies on Great Lakes cleanup and protection activities. This bill would make the advisory board permanent to ensure that the many voices across the Great Lakes region can have a direct conduit to the Federal Government.

The Great Lakes are home to more than 3,500 species of plants and animals and support 1.5 million direct jobs, $62 billion in wages and a $7 billion fishery. This legislation is needed to address

the threat of invasive species such as Asian carp, polluted runoff that can harm aquatic and public health, toxic sediments, and harmful algal blooms that kill fish, foul coastlines, and threaten public health. The legislation will also help the United States implement its commitment to the bi-national 2012 Great Lakes Water Quality Agreement. We hope the Senate Committee on Environment and Public Works will promptly act on this important legislation, as it did in 2010 when it approved similar legislation.

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By Mrs. FEINSTEIN (for herself, Ms. BALDWIN, Mr. BAUCUS, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. COWAN, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1236. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce the Respect for Marriage Act.

Today is an historic day. The Supreme Court issued two decisions that are major victories for the cause of equality for same-sex couples in this nation.

In United States v. Windsor, the Court struck down Section 3 of the Defense of Marriage Act, or DOMA, which denies the federal benefits and obligations of marriage to legally married same-sex couples. I was one of 14 members of this body to vote against DOMA in 1996, and I am pleased a major part of the law has been declared unconstitutional.

In Hollingsworth v. Perry, the Court left in place a trial court injunction finding Proposition 8 unconstitutional—which will bring marriage equality back to my home State of California.

I am thrilled by these decisions, which will mean a great deal for same-sex couples in California and across the Nation.

Our work, however, is not done. It remains critical that Congress act to fully repeal DOMA. That is what the Respect for Marriage Act will do.

This legislation is cosponsored by 40 members of the Senate—Senators BALDWIN, BAUCUS, BENNET, BLUMENTHAL, BOXER, BROWN, CANTWELL, CARDIN, CARPER, CASEY, COONS, COWAN, DURBIN, FRANKEN, GILLIBRAND, HARKIN, HEINRICH, HIRONO, KAINE, KING, KLOBUCHAR, LEAHY, LEVIN, MCCASKILL, MENENDEZ, MERKLEY, MIKULSKI, MURPHY, MURRAY, REED, SANDERS, SCHATZ, SCHUMER, SHAHEEN, STABENOW, MARK UDALL, TOM UDALL, WARREN, WHITEHOUSE, and WYDEN.

I want to thank them for their strong support of this legislation. I would also like to thank Representative JERRY NADLER for his staunch leadership on this issue in the House of Representatives.

Today, 12 States: Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont, Washington, and the District of Columbia allow same-sex couples to marry.

Because of today's decision in Hollingsworth v. Perry, which left, in effect, a trial court order finding Proposition 8 unconstitutional, my home State of California will soon once again recognize the freedom to marry for same-sex couples. I am thrilled about that result.

According to the 2010 Census, there are over 131,000 same-sex married couples in this Nation—a number that is sure to grow.

I think most Americans have come to recognize that same-sex couples live their lives like other married couples. They raise children together. They care for each other in good times and in bad. They take the same vows and make the same commitments as straight couples.

Simply put, they are families. Like other families, they reap life's joys and bear the brunt of life's hardships together.

Until the Supreme Court's decision today in United States v. Windsor, DOMA turned these families into second-class families.

Under over 1,100 Federal laws, DOMA prohibited the Federal Government from recognizing the equal dignity and commitment of legally married same-sex couples.

These couples were barred from filing joint tax returns, forced to pay much higher taxes on employer-provided health benefits, and stripped of protections for married couples from the estate tax.

They could not receive Social Security survivor benefits, which protect a surviving spouse from becoming destitute when the other spouse passes away.

Critical protections and benefits for service members and veterans were also denied. According to the Servicemembers Legal Defense Network, well over 100 statutory protections granted by Congress to servicemembers turn on marital status.

Today's decision in United States v. Windsor is a major victory for equality. It says that Section 3 of DOMA—which denies Federal recognition to legally married same-sex couples—is unconstitutional because it is a denial of equal protection.

The Windsor case had to do with two women—Edie Windsor and Thea Spyer—who met in 1963 and were together for over 40 years. They married in 2007. Yet when Thea died in 2009, Edie was forced to pay over $360,000 in estate taxes because of DOMA. Had her spouse been a man, Edie would not have had to pay those taxes.

Even after the Court decision, which hinged on a bare 5–4 majority, the Respect for Marriage Act remains critically important legislation, for several reasons.

First, DOMA is a discriminatory law—all of it should be fully stricken from the books. It was wrong when it was passed, and it should be repealed.

Second, even after the Windsor decision, there will remain inconsistencies in how certain Federal programs are administered.

For example, the Social Security Act provides Survivors' Benefits—which are critical for families after a spouse dies—based on the law of the state where the deceased spouse was domiciled at the time of death.

So, a married couple could live together for 40 years, contribute equally to the system, and then be stripped of what they have earned—just because they moved to another state for medical reasons before one spouse passed. That's just not right.

Veterans benefits are based on the law of the state where the parties resided at the time of the marriage, or when the right to benefits accrued.

So, different veterans benefits might be granted or denied, depending on where a couple lived at different times, without any rhyme or reason. That is not fair to former servicemembers who may have moved around as part of their military service.

This bill is simple. It would strike all of DOMA, a discriminatory law, from the U.S. Code.

It would provide a clear rule that the Federal Government would recognize a marriage if that marriage is valid in the State where it was entered into.

This rule will provide clarity and predictability for legally married same-sex couples, and it will be easy to administer for federal agencies tasked with ending DOMA in the programs they administer.

The bill would not require any state to issue a marriage license it does not wish to issue, nor would it require any religious institution to perform any marriage.

In 2011, after I first introduced this bill, I gave a press conference about it at the National Press Club. I said I was not faint-hearted about this, and that I was in it for the long march.

Today, I remain committed to that cause and determined to see it through. Our work is not finished until DOMA is fully off the books, which is what this bill will do.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 187—CONGRATULATING THE CHICAGO BLACKHAWKS ON WINNING THE 2013 STANLEY CUP

Mr. DURBIN (for himself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 187

Whereas, on June 24, 2013, the Chicago Blackhawks hockey team won the Stanley Cup;

Whereas the 2013 Stanley Cup title is the first Stanley Cup title for the Blackhawks since 2010;

Whereas the Blackhawks joined the National Hockey League in 1926 and have a rich history in the league;

Whereas the Blackhawks were 1 of the original 6 teams in the National Hockey League;

Whereas the Blackhawks have won 15 divisional titles, and 3 conference championships in 1992, 2010, and 2013;

Whereas the Blackhawks won the Stanley Cup in 1934, 1938, 1961, and 2010;

Whereas the Blackhawks posted a regular season record of 36–7–5, and won the President's Trophy for earning the most points in the National Hockey League;

Whereas, during the playoffs, the Blackhawks defeated the Minnesota Wild in the conference quarterfinals, earning their first series win since their Stanley Cup win in 2010;

Whereas the Blackhawks outlasted the Detroit Red Wings in a thrilling overtime win during game 7 of the conference semifinals;

Whereas the Blackhawks advanced to the Stanley Cup finals with a 4–1 series win over the defending Stanley Cup champions, the Los Angeles Kings, in the conference finals;

Whereas the Blackhawks won the Stanley Cup by scoring 2 goals in 17 seconds during the final 2 minutes of game 6 to defeat the Boston Bruins and return the Stanley Cup back to Chicago;

Whereas the Blackhawks won their 5th Stanley Cup, tying the Edmonton Oilers at 5th place on the franchise list for most titles won;

Whereas General Manager Stan Bowman, Head Coach Joel Quenneville, President John F. McDonough, and owner Rocky Wirtz have put together and led a great organization;

Whereas all 27 active players, including Bryan Bickell, Dave Bolland, Brandon Bollig, Daniel Carcillo, Michael Frolik, Michael Handzus, Marian Hossa, Patrick Kane, Marcus Kruger, Jamal Mayers, Brandon Saad, Patrick Sharp, Andrew Shaw, Ben Smith, Viktor Stalberg, Jonathan Toews, Sheldon Brookbank, Niklas Hjalmarsson, Duncan Keith, Nick Leddy, Johnny Oduya, Michal Rozsival, Brent Seabrook, Ryan Stanton, Corey Crawford, Ray Emery, and Henrik Karlsson, whose shared goal was to win the Stanley Cup, collectively contributed to a victorious season;

Whereas the 2013 Blackhawks players follow in the footsteps of the great players in the Blackhawks history who have had their numbers retired, including Glenn Hall (#1), Keith Magnuson (#3), Pierre Pilote (#3), Bobby Hull (#9), Denis Savard (#18), Stan Mikita (#21), and Tony Esposito (#35);

Whereas the Stanley Cup returns to the City of Chicago and gives fans across the State of Illinois a chance to celebrate championship hockey twice in the last 4 seasons; and

Whereas the Minnesota Wild, Detroit Red Wings, Los Angeles Kings, and Boston Bruins proved to be worthy and honorable adversaries and also deserve recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Chicago Blackhawks on winning the 2013 Stanley Cup;

(2) commends the fans, players, and management of the Boston Bruins for allowing the Chicago Blackhawks and the many supporters of the Chicago Blackhawks to celebrate at the TD Bank Garden; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an official copy of this resolution to—

(A) the 2013 Chicago Blackhawks hockey organization; and

(B) the Blackhawks owner Rocky Wirtz.

### SENATE RESOLUTION 188—RECOGNIZING JUNE 30, 2013, AS THE CENTENNIAL OF THE LINCOLN HIGHWAY, THE FIRST TRANSCONTINENTAL HIGHWAY, WHICH ORGINALLY SPANNED 3,389 MILES THROUGH 13 STATES, INCLUDING THE GREAT STATE OF NEBRASKA

Mr. JOHANNS (for himself, Mrs. FISCHER, and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas Carl G. Fisher, creator of the Lincoln Highway, believed this project would ''stimulate as nothing else could the building of enduring highways everywhere that will not only be a credit to the American people but that will also mean much to American agriculture and American commerce;''

Whereas, on October 31, 1913, this great highway became the first national memorial to the 16th President of the United States, Abraham Lincoln;

Whereas the Lincoln Highway brought economic development, tourism, and adventure to every community it touched;

Whereas, on June 22, 2013, hundreds of motorists will participate in the Lincoln Highway Centennial Auto Tour, which will start simultaneously from the bustling streets of New York's Time Square in the East and from San Francisco's serene Lincoln Park in the West;

Whereas a centennial celebration will take place from June 30, 2013, through July 1, 2013, when Lincoln Highway tour motorists will join at the central meeting place of Kearney, Nebraska, which is precisely 1,733 miles from both the Atlantic and the Pacific coasts;

Whereas the Lincoln Highway served as a model and an inspiration for President Dwight D. Eisenhower's grand initiative for a national highway system to connect every person in the United States; and

Whereas the Lincoln Highway, more affectionately known as ''America's Main Street'', will continue to be a symbol of Americana and the sense of freedom that comes from driving on the open road: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes June 30, 2013, as the centennial of the Lincoln Highway;

(2) commemorates the important role that the Lincoln Highway has played in significant historical and cultural events in the United States; and

(3) recognizes the economic growth, modernization in infrastructure, and rural development that resulted from the Lincoln Highway.

### SENATE RESOLUTION 189—RELATIVE TO THE DEATH OF THE HONORABLE WILLIAM DODD HATHAWAY, FORMER UNITED STATES SENATOR FOR THE STATE OF MAINE

Mr. KING (for himself, Ms. COLLINS, Mr. REID, Mr. MCCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. CHIESA, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COWAN, Mr. CRAPO, Mr. CRUZ, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. KIRK, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas William Dodd Hathaway served in the Army Air Corps during World War II from 1942 to 1946, during which time he was held as a prisoner of war for 2 months after being shot down over Romania;

Whereas William Dodd Hathaway achieved the rank of Captain and received a Decorated Air Medal, a Purple Heart, a Presidential citation, and a Prisoner of War Medal for his military service;

Whereas, following his military service, William Dodd Hathaway graduated from Harvard University in 1949 and Harvard Law School in 1953;

Whereas William Dodd Hathaway began his legal career in the State of Maine, working in both private practice and government service;

Whereas William Dodd Hathaway was first elected to the United States House of Representatives in 1964 and served 4 terms as a Representative from the State of Maine before running for the United States Senate in 1972;

Whereas, as a Senator, William Dodd Hathaway served on the Committee on Agriculture and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Labor and Public Welfare, the Committee on Finance, the Select Committee on Small Business, and the Select Committee on Intelligence of the Senate;

Whereas, as Chairman of the Subcommittee on Alcoholism and Drug Abuse of

the Committee on Labor and Public Welfare, William Dodd Hathaway crafted numerous legislative measures that addressed health problems related to substance abuse and worked to ensure that the Federal and State governments responded effectively to those problems;

Whereas, in 1978, William Dodd Hathaway was recognized by Majority Leader Robert C. Byrd for his efforts to address health problems related to substance abuse; and

Whereas, following his service as a Senator, William Dodd Hathaway resumed the private practice of law in Washington, D.C., until President George H.W. Bush appointed him to the Federal Maritime Commission in 1990: Now, therefore, be it

*Resolved*, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable William Dodd Hathaway, former member of the United States Senate;

(2) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of the Honorable William Dodd Hathaway; and

(3) the Senate respectfully requests the Secretary of the Senate—

(A) to communicate this resolution to the House of Representatives; and

(B) to transmit an enrolled copy of this resolution to the family of the Honorable William Dodd Hathaway.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1721. 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.

SA 1722. 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 1723. 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 1724. Mr. JOHNSON of Wisconsin (for himself, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1725. Mr. JOHNSON of Wisconsin (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 1726. Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1320 proposed by Mr. CRUZ to the bill S. 744, supra; which was ordered to lie on the table.

SA 1727. Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1224 proposed by Mr. REED to the bill S. 744, supra; which was ordered to lie on the table.

SA 1728. Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1240 proposed by Mrs. BOXER (for herself and Ms. LANDRIEU) to the bill S. 744, supra; which was ordered to lie on the table.

SA 1729. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1705 submitted by Ms. COLLINS (for herself and Mr. KING) and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1730. Mr. REID submitted an amendment intended to be proposed to amendment SA 1664 submitted by Mr. REID and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1731. Mr. REID submitted an amendment intended to be proposed to amendment SA 1664 submitted by Mr. REID and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1732. Mr. REID submitted an amendment intended to be proposed to amendment SA 1664 submitted by Mr. REID and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1733. Ms. LANDRIEU (for herself, Ms. HIRONO, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1734. Ms. LANDRIEU (for herself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1735. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Mr. FRANKEN, and Mr. COATS) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1736. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1737. Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

SA 1738. Ms. LANDRIEU (for herself, Mr. CARPER, Mr. BEGICH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1721.** 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 ''3 days'' and insert ''10 days''.

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**SA 1722.** 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 ''3 days'' and insert ''11 days''.

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**SA 1723.** 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 ''3 days'' and insert ''12 days''.

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**SA 1724.** Mr. JOHNSON of Wisconsin (for himself, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. DISALLOWANCE OF EARNED INCOME TAX CREDIT FOR REGISTERED PROVISIONAL IMMIGRANTS.**

(a) IN GENERAL.—Subparagraph (D) of section 32(c)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(D) LIMITATION ON ELIGIBILITY OF CERTAIN ALIENS.—

''(i) REGISTERED PROVISIONAL IMMIGRANT STATUS.—The term 'eligible individual' shall not include an individual who is in registered provisional immigrant status under section 245B of the Immigration and Nationality Act during any portion of the taxable year.

''(ii) NONRESIDENT ALIENS.—The term 'eligible individual' shall not include any individual who is a nonresident alien individual for any portion of the taxable year unless such individual is treated for such taxable year as a resident of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

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**SA 1725.** Mr. JOHNSON of Wisconsin (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. ___. APPLICATION PERIOD FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.**

Notwithstanding paragraph (3) of section 245B(c) of the Immigration and Nationality Act, as added by section 2101(a), 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) of such section 245B(c).

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**SA 1726.** Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1320 proposed by Mr. CRUZ 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.

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**SA 1727.** Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1224 proposed by Mr. REED 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.

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**SA 1728.** Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1240 proposed by Mrs. BOXER (for herself and Ms. LANDRIEU) 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.

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**SA 1729.** Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 1705 submitted by Ms. COLLINS (for herself and Mr. KING) and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike lines 2 through 8 and insert the following:

**SEC. ___. LOGGING EMPLOYMENT.**

(a) DEFINITION OF AGRICULTURAL 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.

(b) JOB CATEGORIES.—Section 218A(f)(2)(A) of the Immigration and Nationality Act, as added by section 2232, shall be implemented as if it included at the end the following:

''(vii) Logging Workers (45-4020).''.

(c) DETERMINATION OF WAGE RATE.—Section 218A(f)(3)(C) of the Immigration and Nationality Act, as added by section 2232, shall be administered as to require the Secretary, in consultation with the Secretary of Labor, to establish the required wage for the next calendar year for Logging Workers (45-4020).

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**SA 1730.** Mr. REID submitted an amendment intended to be proposed to amendment SA 1664 submitted by Mr. REID and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike ''8 days'' and insert ''13 days''

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**SA 1731.** Mr. REID submitted an amendment intended to be proposed to amendment SA 1664 submitted by Mr. REID and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike ''8 days'' and insert ''15 days''

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**SA 1732.** Mr. REID submitted an amendment intended to be proposed to amendment SA 1664 submitted by Mr. REID and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike ''8 days'' and insert ''14 days''

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**SA 1733.** Ms. LANDRIEU (for herself, Ms. HIRONO, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. BEST INTEREST OF THE CHILD.**

(a) IN GENERAL.—In all procedures and decisions concerning unaccompanied alien children that are made by a Federal agency or a Federal court pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or regulations implementing the Act, the best interests of the child shall be a primary consideration.

(b) DETERMINATIONS RELATED TO SECTION 101(A)(27)(J) OF THE IMMIGRATION AND NATIONALITY ACT.—Best interests determinations made in administrative or judicial proceedings described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) shall be conclusive in assessing the best interests of the child under this section.

(c) FACTORS.—In assessing the best interests of the child, the entities referred to in subsection (a) shall consider, in the context of the child's age and maturity, the following factors:

(1) The views of the child.

(2) The safety and security considerations of the child.

(3) The mental and physical health of the child.

(4) The parent-child relationship and family unity, and the potential effect of separating the child from the child's parent or legal guardian, siblings, and other members of the child's extended biological family.

(5) The child's sense of security, familiarity, and attachments.

(6) The child's well-being, including the need of the child for education and support related to child development.

(7) The child's ethnic, religious, and cultural and linguistic background.

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**SA 1734.** Ms. LANDRIEU (for herself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 4225. SMALL BUSINESS EXPRESS LANE.**

Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by section 4231, is amended by adding at the end the following:

''(8)(A) The Secretary shall establish a small business express lane for the H-1B visa application process, under which the Secretary—

''(i) may waive the fee for premium processing under section 286(u) for a business that—

''(I) is considered a small business with not more than 25 employees;

''(II) is not considered an H-1B dependent employer; and

''(III) reports a business income on the tax filings for the previous year of not more than $250,000; and

''(ii) shall, to the extent practicable, create or modify an online interface capable of providing real time feedback and error mitigation technology that can be used by small businesses and other employers with the purpose of increasing employer access in streamlining the H-1B visa application process.

''(B) The total amount of fees waived during a fiscal year by the Secretary under subparagraph (A)(i) shall be added to the projected cost for the service in the following fiscal year and a revised fee shall be established based on the projected cost.

''(C) The Secretary shall, to the extent practicable, create an online interface and mobile application that can be used by small businesses and other employers with the purpose of increasing employer access in streamlining the H-1B visa application process.

''(D)(i) The Secretary, in coordination with the Administrator of the Small Business Administration, shall set a goal of not less than 30 percent of H-1B visas being awarded to small businesses.

''(ii) Of the goal amount described in clause (i)—

''(I) ⅓ of the goal shall be reserved for businesses with not more than 25 employees; and

''(II) ⅔ of the goal may be used by businesses with not more than 500 employees.

''(iii) The goal described in clause (i) may be modified by the Secretary, in consultation with the Administrator of the Small Business Administration, based on any feedback provided by the Office of Advocacy of the Small Business Administration.

''(E) The Bureau of Immigration and Labor Market Research shall submit a report, on an annual basis, to the Committee on the Judiciary of the Senate, the Small Business and Entrepreneurship Committee of the Senate, the Committee on the Judiciary of the House of Representatives, and the Small Business and Entrepreneurship Committee of the House of Representatives that contains—

''(i) the total number of H-1B visa applications broken down by business size category and expressed as a percentage of the total—

''(I) 0–25 employees;

''(II) 26–50 employees;

''(III) 50–100 employees;

''(IV) 100–500 employees; or

''(V) more than 500 employees;

''(ii) the total number of H-1B visa applications broken down by North American Industry Classification System (NAICS) Code and expressed as a percentage of the total; and

''(iii) the percentage and number of—

''(I) small businesses to apply for H-1B visas;

''(II) small businesses awarded H-1B visas;

''(III) small businesses that used the premium processing service;

''(IV) all businesses that used the premium processing service and were awarded H-1B visas; and

''(V) all businesses that did not use the premium processing service and were awarded H-1B visas; and

''(iv) a longitudinal and graphical view of the small business percentages described in subparagraph (D) and this subparagraph.

''(F) Beginning 4 years after the date of enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, and every 4 years thereafter, as part of the report submitted under subparagraph (E), the Bureau of Immigration and Labor Market Research shall include description of the impact of the application process on the on small business, which shall take into consideration—

''(i) the cost to apply for the visas;

''(ii) the impact of the fee waiver under subparagraph (A)(i) on small businesses; and

''(iii) recommendations for streamlining the application process, including recommended modifications and updates to the online user interface and mobile application.''.

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**SA 1735.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Mr. FRANKEN, and Mr. COATS) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(c) REPORT ON IMPACT OF THE SYSTEM ON EMPLOYERS.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration, shall submit to Congress a report that assesses—

(1) the implementation of the Employment Verification System established under section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), by employers;

(2) any adverse impact on the revenues, business processes, or profitability of employers required to use such System; and

(3) the economic impact of such System on small businesses.

(d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF THE EFFECTS OF DOCUMENT REQUIREMENTS ON EMPLOYMENT AUTHORIZED PERSONS AND EMPLOYERS.—

(1) STUDY.—The Comptroller General of the United States shall carry out a study of—

(A) the effects of the documentary requirements of section 274A of the Immigration and Nationality Act, as amended by subsection (a), on employers, naturalized United States citizens, nationals of the United States, and individuals with employment authorized status; and

(B) the challenges such employers, citizens, nationals, or individuals may face in obtaining the documentation required under that section.

(2) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under paragraph (1). Such report shall include, at a minimum, the following:

(A) An assessment of available information regarding the number of working age nationals of the United States and individuals who have employment authorized status who lack documents required for employment by such section 274A.

(B) A description of the additional steps required for individuals who have employment authorized status and do not possess the documents required by such section 274A to obtain such documents.

(C) A general assessment of the average financial costs for individuals who have employment authorized status who do not possess the documents required by such section 274A to obtain such documents.

(D) A general assessment, conducted in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration, of the average financial costs and challenges for employers who have been required to participate in the Employment Verification System established by subsection (d) of such section 274A.

(E) A description of the barriers to individuals who have employment authorized status in obtaining the documents required by such section 274A, including barriers imposed by the executive branch of the Government.

(F) Any particular challenges facing individuals who have employment authorized status who are members of a federally recognized Indian tribe in complying with the provisions of such section 274A.

(e) EARLY ADOPTION FOR SMALL EMPLOYERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall create a mobile application and utilize other available smart-phone technology for employers utilizing the System, to encourage small employers to utilize the System prior to the time at which utilization becomes mandatory for all employers.

(2) MARKETING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator of the Small Business Administration, make available marketing and other incentives to small business concerns to encourage small employers to utilize the System prior to the time at which utilization of the System becomes mandatory for all employers.

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**SA 1736.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 3717. COST EFFECTIVENESS IN DETENTION FACILITY CONTRACTING.**

The Director of U.S. Immigration and Customs Enforcement shall take appropriate measures to minimize, and if possible reduce, the daily bed rate charged to the Federal Government through a competitive process in contracting for or otherwise obtaining detention beds while ensuring that the most recent detention standards, including health standards, and management practices employed by the agency are met.

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**SA 1737.** Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(j) REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the EB-5 program carried out pursuant to section 203(b)(5) of the Immigration and Nationality (8 U.S.C. 1153(b)(5)), as amended by this section.

(2) CONTENT.—Each report required by paragraph (1) shall include the following:

(A) The number of applications pending for an immigrant visa described in section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), disaggregated by State.

(B) The period of time each such application has been pending.

(C) The average length of time required to conduct an economic evaluation of a project and suitability of a petitioner for such a visa and the Secretary's goals for these timeframes.

(D) A description of any additional resources necessary to efficiently administer the EB-5 program carried out pursuant to such section 203(b)(5).

(E) The number of applications that have been approved or denied for such a visa in the most recent reporting period with an accompanying explanation of reasons for such approval or denial, disaggregated by State.

(F) The number of jobs created by such EB-5 program in each 180-day period, disaggregated by State.

(G) The types of projects proposed and the number of aliens granted such a visa in each 180-day period, disaggregated by State and by North American Industry Classification System (NAICS) code.

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**SA 1738.** Ms. LANDRIEU (for herself, Mr. CARPER, Mr. BEGICH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1406 submitted by Ms. LANDRIEU and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

(d) DONATIONS FOR LAND PORTS OF ENTRY FACILITIES.—

(1) DONATIONS PERMITTED.—Notwithstanding any other provision of law, including chapter 33 of title 40, United States Code, the Secretary, for purposes of constructing, altering, operating, or maintaining a new or existing land port of entry facility, may accept donations of real and personal property (including monetary donations) and nonpersonal services from private parties and State and local government entities.

(2) ALLOWABLE USES OF DONATIONS.—The Secretary, with respect to any donation provided pursuant to paragraph (1), may—

(A) use such property or services for necessary activities related to the construction, alteration, operation, or maintenance of a new or existing land port of entry facility under the custody and control of the Secretary, including expenses related to—

(i) land acquisition, design, construction, repair and alteration;

(ii) furniture, fixtures, and equipment;

(iii) the deployment of technology and equipment; and

(iv) operations and maintenance; or

(B) transfer such property or services to the Administrator of General Services for necessary activities described in paragraph (1) related to a new or existing land port of entry facility under the custody and control of the Administrator.

(3) EVALUATION PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall establish procedures for evaluating a proposal submitted by any person described in paragraph (1) to make a donation of real or personal property (including monetary donations) or nonpersonal services to facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry facility under the custody and control of the Secretary.

(4) CONSIDERATIONS.—In determining whether or not to approve a proposal described in paragraph (3), the Secretary or the Administrator shall consider—

(A) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(B) the potential of the proposal to increase trade and travel efficiency through added capacity;

(C) the potential of the proposal to enhance the security of the port of entry; and

(D) other factors that the Secretary determines to be relevant.

(5) CONSULTATION.—

(A) LOCATIONS FOR NEW PORTS OF ENTRY.—The Secretary is encouraged to consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of State, the International Boundary and Water Commission, and appropriate representatives of States, local governments, Indian tribes, and property owners—

(i) to determine locations for new ports of entry; and

(ii) to minimize the adverse impacts from such ports on the environment, historic and cultural resources, commerce, and the quality of life for the communities and residents located near such ports.

(B) SAVINGS PROVISION.—Nothing in this paragraph may be construed—

(i) to create any right or liability of the parties described in subparagraph (A); and

(ii) to affect any consultation requirement under any other law.

(6) SUPPLEMENTAL FUNDING.—Property (including monetary donations) and services provided pursuant to paragraph (1) may be used in addition to any other funding (including appropriated funds), property, or services made available for the same purpose.

(7) UNCONDITIONAL DONATIONS.—A donation provided pursuant to paragraph (1) shall be made unconditionally, although the donor may specify—

(A) the land port of entry facility or facilities to be benefitted from such donation; and

(B) the timeframe during which the donated property or services shall be used.

(8) RETURN OF DONATIONS.—If the Secretary or the Administrator does not use the property or services donated pursuant to paragraph (1) for the specific land port of entry facility or facilities designated by the donor or within the timeframe specified by the donor, such donated property or services shall be returned to the entity that made the donation. No interest shall be owed to the donor with respect to any donation of funding provided under paragraph (1) that is returned pursuant to this paragraph.

(9) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, in consultation with the Administrator, shall submit a report to the congressional committees listed in subparagraph (B) that describes—

(i) the accepted donations received under this subsection;

(ii) the ports of entry that received such donations; and

(iii) how each donation helped facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry.

(B) CONGRESSIONAL COMMITTEES.—The congressional committees listed in this subparagraph are—

(i) the Committee on Appropriations of the Senate;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

(iii) the Committee on Finance of the Senate;

(iv) the Committee on Appropriations of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Ways and Means of the House of Representatives.

(10) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect or alter the existing authority of the Secretary or the Administrator of General Services to construct, alter, operate, and maintain land port of entry facilities.

(e)

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COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 26, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''From the Lab Bench to the Courtroom: Advancing the Science and Standards of Forensics.''

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 26, 2013, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Health Care Quality: The Path Forward.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on June 26, 2013, at 2:30 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. LEAHY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 26, 2013, to conduct a hearing entitled ''Renewing the Conversation: Respecting Patients' Wishes and Advance Care Planning''

The Committee will meet in room 124 of the Dirksen Senate Office Building beginning at 2 p.m.

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

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## RELATING TO THE ONGOING CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 93, S. Res. 144.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 144) 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.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause and insert the part printed in italic, as follows:

S. RES. 144

*Resolved, That the Senate—*

*(1) commends United Nations Secretary-General Ban Ki-Moon's commitment and leadership to resolving the crisis in the Democratic Republic of the Congo and his appointment of Mary Robinson as United Nations Special Envoy to the Great Lakes;*

*(2) supports the commitments agreed to by the signatories of the Peace, Security and Cooperation (in this resolution, the ''Framework''), and encourages them to work closely with the United Nations, the African Union, the International Conference on the Great Lakes Region, the Southern African Development Community, as guarantors of the Framework, and the United Nations Special Envoy, MONUSCO, and relevant international bodies and governments to develop, implement, and enforce a comprehensive peace process for the region;*

*(3) notes that the adoption of the Framework, the appointment of Mary Robinson as United Nations Special Envoy to the Great Lakes, and the expanded MONUSCO mandate provide an opportunity to make meaningful and sustained progress toward ending the recurrent cycles of violence in the Democratic Republic of the Congo, especially in eastern Congo;*

*(4) urges the signatories of the Framework and the international community to engage and consult with representatives of the Government of the Democratic Republic of the Congo and civil society representatives engaged in the ongoing effort to convene an inclusive national forum and dialogue;*

*(5) welcomes the announcement by World Bank President Jim Yong Kim of $1,000,000,000 in proposed new funding to help the Democratic Republic of the Congo and other countries in the Great Lakes region to provide better health and education services, generate more cross-border trade, and to fund hydroelectricity projects in support of the Framework agreement;*

*(6) welcomes the appointment of Russ Feingold as the United States Special Envoy for the African Great Lakes region and the Democratic Republic of the Congo and urges him to advance United States, international, and regional efforts to end the conflict and secure sustainable peace, stability, and safety for the people of the Democratic Republic of the Congo by—*

*(A) working with United Nations Special Envoy Mary Robinson and the broader international community to promote a transparent and inclusive process to implement the regional and national commitments under the Framework, including the development of clear benchmarks for progress and appropriate follow-on measures;*

*(B) strengthening international efforts to mobilize and support justice for victims and accountability for perpetrators of sexual and gender based violence and other human rights abuses in the Democratic Republic of the Congo;*

*(C) expanding efforts to develop conflict-free and responsible mining and supply chains for the region's vast mineral resources, in coordination with other government, private industry, and international and local organizations;*

*(D) coordinating with international and regional partners to expand unhindered access to life-saving humanitarian assistance to populations in need, particularly displaced persons and conflict-affected communities;*

*(E) pressing for fulfillment of the commitment of the Government of the Democratic Republic of the Congo, as well as other regional actors, to ending the threat posed by the M23, the Lord's Resistance Army (LRA), the Democratic Forces for the Liberation of Rwanda (FDLR), and other armed groups in the Great Lakes region, and to facilitate enhanced coordination of regional efforts to counter these groups; and*

*(F) mobilizing and facilitating United States and international support for electoral reforms in the Democratic Republic of the Congo, with the goal of encouraging free, fair, and credible provincial and local elections in the near-term, and presidential elections in 2016;*

*(7) calls on the President, in close coordination with international and regional partners, to work with the Government of the Democratic Republic of the Congo to develop and implement recommendations to improve accountability for serious violations of international humanitarian law and human rights abuses in the Democratic Republic of the Congo, including by considering imposition of sanctions authorized under section 1284 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 50 U.S.C. 1701 note);*

*(8) calls on governments of the Great Lakes region of Africa to immediately halt and prevent any and all forms of support to non-state armed groups, including support provided by individuals independent of government policy;*

*(9) calls on all relevant nations, including destination and transit countries, to increase cooperation on ending the illicit trade in conflict minerals, wildlife, and wildlife parts, which continues to fuel and fund violence and to deprive citizens of economic opportunity in the Democratic Republic of the Congo and the broader region;*

*(10) calls on the signatories of the Framework to cooperate in the arrest and prosecution of those responsible for violating international humanitarian law and for serious human rights violations, including gender-based violence;*

*(11) calls on the Government of the Democratic Republic of the Congo to engage in meaningful and inclusive electoral reforms, prepare and hold impartially administered local and provincial elections as soon as technically possible, continue to participate in ongoing efforts to provide a platform for inclusive dialogue within the Democratic Republic of the Congo to address critical internal political issues at the local and national levels, and strengthen processes of state institution building;*

*(12) calls on the Government of the Democratic Republic of the Congo, in coordination with the international community, to undertake significant security sector reform, which is a necessary component for lasting stability, and renewed disarmament, demobilization, and reintegration (DDR) efforts that ensure that any rebel troops, especially commanders, responsible for human rights violations are held accountable and not reintegrated into the Armed Forces of the Democratic Republic of the Congo (FARDC); and*

*(13) urges the Government of the Democratic Republic of the Congo to improve efforts to protect civilians from armed groups, in cooperation with MONUSCO and the African Union's Regional Cooperation Initiative on the LRA.*

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported substitute amendment was agreed to.

The resolution (S. Res. 144), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 144

Whereas, since the 1990s, an estimated 5,000,000 people have died due to repeated cycles of conflict, lack of governance, and atrocities in the Democratic Republic of the Congo, particularly those in North and South Kivu provinces, and, since the beginning of 2012, more than 2,000,000 people have been displaced;

Whereas the United Nations and humanitarian groups have reported staggering rates of sexual violence indicating tens of thousands of cases perpetrated by security forces of the Government of the Democratic Republic of the Congo and non-state armed groups, which continue to operate with nearly total impunity;

Whereas human rights defenders in the Democratic Republic of the Congo have been subject to intimidation and attack;

Whereas the Democratic Republic of the Congo's wealth of natural resources, including minerals, have been a key driver of instability and violence;

Whereas the deeply flawed November 2011 presidential election in the Democratic Republic of the Congo presented significant political, economic, and social challenges, and provincial and local elections still have not been conducted despite plans to hold such elections in 2012;

Whereas the Democratic Republic of the Congo remains subject to recurring conflict despite one of the world's longest-running, largest, and most expensive international peacekeeping operations and extensive bilateral and multilateral efforts to address long-standing humanitarian crises, forge lasting peace, and pursue security sector reform and accountability;

Whereas members of civil society and political parties from both the majority and the opposition in the Democratic Republic of the Congo created the National Preparatory Committee (Comité National Préparatoire or CNP) to lay the groundwork for convening a national forum and dialogue with the goal of putting an end to the multifaceted crisis that afflicts the Democratic Republic of the Congo;

Whereas, on November 15, 2012, the United Nations Group of Experts provided compelling evidence that the crisis in eastern Congo had been fueled and exacerbated by regional actors, including through provision of significant military and logistical assistance and of operational and political support to the armed group known as the M23;

Whereas the United Nations and United States Government have imposed sanctions on the M23 and its leaders for human rights atrocities including rape, massacres, and the recruitment and physical and psychological torture of child soldiers;

Whereas, on March 18, 2013, International Criminal Court (ICC) indictee and leader of a faction of the M23 rebel group, Bosco Ntaganda, turned himself in to the United States Embassy in Kigali, asking to be transferred to the ICC in The Hague, where he voluntarily surrendered on March 22, 2013;

Whereas the Lord's Resistance Army continues to perpetrate attacks against civilian populations in affected areas of northeastern Congo, creating widespread insecurity and displacement;

Whereas the Democratic Republic of the Congo, Rwanda, and 9 other countries on February 24, 2013, signed the Peace, Security and Cooperation Framework that provides for a comprehensive approach to the ongoing conflict;

Whereas the United Nations Security Council adopted Resolution 2098 on March 28, 2013, extending the mandate of the United Nations Organization Stabilization Mission (MONUSCO) and authorizing the creation of an intervention brigade tasked with neutralizing armed groups; and

Whereas, on March 18, 2013, United Nations Secretary-General Ban Ki-Moon appointed former President of Ireland and High Commissioner for Human Rights, Mary Robinson, to serve as Special Envoy for the Great Lakes region: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends United Nations Secretary-General Ban Ki-Moon's commitment and leadership to resolving the crisis in the Democratic Republic of the Congo and his appointment of Mary Robinson as United Nations Special Envoy to the Great Lakes;

(2) supports the commitments agreed to by the signatories of the Peace, Security and Cooperation (in this resolution, the ''Framework''), and encourages them to work closely with the United Nations, the African Union, the International Conference on the Great Lakes Region, the Southern African Development Community, as guarantors of the Framework, and the United Nations Special Envoy, MONUSCO, and relevant international bodies and governments to develop, implement, and enforce a comprehensive peace process for the region;

(3) notes that the adoption of the Framework, the appointment of Mary Robinson as United Nations Special Envoy to the Great Lakes, and the expanded MONUSCO mandate provide an opportunity to make meaningful and sustained progress toward ending the recurrent cycles of violence in the Democratic Republic of the Congo, especially in eastern Congo;

(4) urges the signatories of the Framework and the international community to engage and consult with representatives of the Government of the Democratic Republic of the Congo and civil society representatives engaged in the ongoing effort to convene an inclusive national forum and dialogue;

(5) welcomes the announcement by World Bank President Jim Yong Kim of $1,000,000,000 in proposed new funding to help the Democratic Republic of the Congo and other countries in the Great Lakes region to provide better health and education services, generate more cross-border trade, and to fund hydroelectricity projects in support of the Framework agreement;

(6) welcomes the appointment of Russ Feingold as the United States Special Envoy for the African Great Lakes region and the Democratic Republic of the Congo and urges him to advance United States, international, and regional efforts to end the conflict and secure sustainable peace, stability, and safety for the people of the Democratic Republic of the Congo by—

(A) working with United Nations Special Envoy Mary Robinson and the broader international community to promote a transparent and inclusive process to implement the regional and national commitments under the Framework, including the development of clear benchmarks for progress and appropriate follow-on measures;

(B) strengthening international efforts to mobilize and support justice for victims and accountability for perpetrators of sexual and gender based violence and other human rights abuses in the Democratic Republic of the Congo;

(C) expanding efforts to develop conflict-free and responsible mining and supply chains for the region's vast mineral resources, in coordination with other government, private industry, and international and local organizations;

(D) coordinating with international and regional partners to expand unhindered access to life-saving humanitarian assistance to populations in need, particularly displaced persons and conflict-affected communities;

(E) pressing for fulfillment of the commitment of the Government of the Democratic Republic of the Congo, as well as other regional actors, to ending the threat posed by the M23, the Lord's Resistance Army (LRA), the Democratic Forces for the Liberation of Rwanda (FDLR), and other armed groups in the Great Lakes region, and to facilitate enhanced coordination of regional efforts to counter these groups; and

(F) mobilizing and facilitating United States and international support for electoral reforms in the Democratic Republic of the Congo, with the goal of encouraging free, fair, and credible provincial and local elections in the near-term, and presidential elections in 2016;

(7) calls on the President, in close coordination with international and regional partners, to work with the Government of the Democratic Republic of the Congo to develop and implement recommendations to improve accountability for serious violations of international humanitarian law and human rights abuses in the Democratic Republic of the Congo, including by considering imposition of sanctions authorized under section 1284 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 50 U.S.C. 1701 note);

(8) calls on governments of the Great Lakes region of Africa to immediately halt and prevent any and all forms of support to non-state armed groups, including support provided by individuals independent of government policy;

(9) calls on all relevant nations, including destination and transit countries, to increase cooperation on ending the illicit trade in conflict minerals, wildlife, and wildlife parts, which continues to fuel and fund violence and to deprive citizens of economic opportunity in the Democratic Republic of the Congo and the broader region;

(10) calls on the signatories of the Framework to cooperate in the arrest and prosecution of those responsible for violating international humanitarian law and for serious human rights violations, including gender-based violence;

(11) calls on the Government of the Democratic Republic of the Congo to engage in meaningful and inclusive electoral reforms, prepare and hold impartially administered local and provincial elections as soon as technically possible, continue to participate in ongoing efforts to provide a platform for inclusive dialogue within the Democratic Republic of the Congo to address critical internal political issues at the local and national levels, and strengthen processes of state institution building;

(12) calls on the Government of the Democratic Republic of the Congo, in coordination with the international community, to undertake significant security sector reform, which is a necessary component for lasting stability, and renewed disarmament, demobilization, and reintegration (DDR) efforts that ensure that any rebel troops, especially commanders, responsible for human rights violations are held accountable and not re-integrated into the Armed Forces of the Democratic Republic of the Congo (FARDC); and

(13) urges the Government of the Democratic Republic of the Congo to improve efforts to protect civilians from armed groups, in cooperation with MONUSCO and the African Union's Regional Cooperation Initiative on the LRA.

## COMMEMORATING THE 50TH ANNIVERSARY OF THE ORGANIZATION OF AFRICAN UNITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 96, S. Res. 166.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. 166) commemorating the 50th anniversary of the founding of the Organization of African Unity (OAU) and commending its successor, the African Union.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 166) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of Monday, June 10, 2013 under ''Submitted Resolutions.'')

## CONGRATULATING CHICAGO BLACKHAWKS ON WINNING 2013 STANLEY CUP

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 187, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 187) congratulating the Chicago Blackhawks on winning the 2013 Stanley Cup.

There being no objection, the Senate proceeded to consider the resolution.

## CONGRATULATING THE CHICAGO BLACKHAWKS

Mr. DURBIN. Mr. President, I made a point of not raising this issue when Senator COWAN was in the chair the other day, but I wanted to come to the floor and say a few words about the Chicago Blackhawks.

For the fifth time since 1926 and the second time in four seasons, the Chicago Blackhawks are the Stanley Cup champions. On Monday night, the Blackhawks scored 2 goals in 17 seconds in the third period to win the Stanley Cup finals and to bring Lord Stanley's Cup back home to the city of Chicago.

I want to congratulate team owner Rocky Wirtz, team president John McDonough, general manager Stan Bowman, and head coach Joel Quenneville. I will tell you that Joel Quenneville, a great hockey player in his own right, has been an extraordinary coach and one who has taken a great group of players and brought them to the pinnacle of success when it comes to the National Hockey League.

It was a shortened season, but the Blackhawks made the most of it. They didn't lose a game in regulation in the first 24 games. By the end of the season they had won the President's Trophy, which is awarded to the team with the most points in the NHL.

That doesn't always mean you are successful. Before this season, only seven winners of the President's Trophy won the Stanley Cup. But the Hawks were up to it.

First, they faced the Minnesota Wild—and I heard a lot from Senators KLOBUCHAR and FRANKEN about that contest. We prevailed. Then they went on to face the Detroit Red Wings. They had to win three games in a row and score a goal in an overtime thriller to beat the Red Wings, then faced last year's Stanley Cup champs, the Los Angeles Kings, and they finally earned the right to play the Boston Bruins in the finals. It was a hard-fought contest by two excellent, great teams, and they kept us up late at night. Down 2 to 1, with just over 1 minute to play, the Blackhawks scored two goals to win their second Stanley Cup in the last four seasons.

This year's championship was truly a team effort. The Blackhawks won with contributions up and down the lineup.

MVP Patrick Kane topped the Hawks with 19 points.

Bryan Bickell had 17 points, while Patrick Sharp led all Hawks with 10 goals.

Corey Crawford was tremendous in the net, and the Hawks penalty killers—led by Michael Frolik and Marcus Kruger—were great, only allowing seven goals in 23 games while scoring a pair of shorthanded goals.

The Hawks would also tell you that they couldn't have done it without the support of their fans.

The ''Madhouse on Madison'' was rocking from the very first note of the Star-Spangled Banner and proved to be a difficult environment for opponents with Chicago taking 11 of their 13 home games in the playoffs.

The Blackhawks gave fans several memorable moments throughout their Stanley Cup run, including Brent Seabrook's overtime goal in Game 7 to eliminate the Red Wings, Kane's double-overtime goal to complete a hat trick and eliminate the Kings, Andrew Shaw's triple-overtime goal to win Game 1 of the series against Boston, and now the late-game heroics of Bickell and Dave Bolland to clinch the championship for Chicago.

The Stanley Cup has come home to Chicago and Hawks fans can't wait to celebrate with Captain Jonathan Toews, his teammates, and the 35-pound silver guest of honor.

At 4 a.m. Tuesday morning, hundreds of Hawks fans greeted the team plane at O'Hare, ready to celebrate another NHL championship.

I will tell you that I have witnessed, representing the city of Chicago, some extraordinary fan loyalty. What I have seen from the Chicago Blackhawks over the last 8 weeks has been amazing. You can't walk down Michigan Avenue, State Street, or any neighborhood without running into Blackhawks gear. People are so proud of their team, and now as they parade the Stanley Cup around Chicago it is the front page of every newspaper.

A few years ago when they were the Stanley Cup champions last, the Stanley Cup itself came to the Senate here and I was honored to have it in my office with a parade of visitors coming by to see this magnificent trophy.

Let me say to the Chicago Blackhawks, we are proud of you, proud of the great fans who stood behind you, and looking forward to celebrating this Friday with a great victory parade.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion 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. 187) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## RECOGNIZING THE CENTENNIAL OF LINCOLN HIGHWAY

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 188, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 188) recognizing June 30, 2013, as the centennial of the Lincoln Highway.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FISCHER. Mr. President, I rise today to discuss the Lincoln Highway resolution, which celebrates the centennial of the Nation's first transcontinental highway.

In America, our highways are a part of our heritage. They connect people, transport goods, promote tourism, and support economies.

I developed an appreciation for our highway heritage at an early age from my father, Jerry Strobel. After returning from service in World War II, he dedicated his career to serving Nebraskans at the State Department of Roads. As a civil servant for 45 years, he worked many years as a deputy state engineer and went on to serve as director and State engineer for the Nebraska Department of Roads from 1987 to 1991. He was a member of the Road and Transportation Builders Association and the American Association of State Highway and Transportation Officials.

Just as I have my father to thank for developing my appreciation of roads and bridges, our vital infrastructure, we as a country have Carl Fisher of Indiana to thank for developing our Nation's first transcontinental highway. A century ago, he conceived and promoted the idea of a highway that would ''stimulate as nothing else could the building of enduring highways everywhere that will not only be a credit to the American people but that will also mean much to American agriculture and American commerce.''

Carl Fisher was an early automobile enthusiast who believed ''the automobile won't get anywhere until it has good roads to run on.'' He was zealous in his pursuit of his dream of a coast-to-coast highway, urging many of his friends in the auto industry to help promote the project.

The highway was named for one of Fisher's heroes, President Abraham Lincoln. The first highway to connect our country became the first national memorial to the leader whose courage kept our country connected.

The Lincoln Highway route was dedicated in 1913. Spanning from Times Square in New York City to Lincoln Park in San Francisco, the Lincoln Highway—affectionately known as America's Main Street—originally spanned 3,466 miles through 13 States, including the great State of Nebraska.

The Lincoln Highway brought economic development, tourism, and adventure to every community it touched and served as one of the inspirations for the National Interstate and Defense Highways Act of 1956.

The Lincoln Highway Association will host the official Lincoln Highway 100th Anniversary Tours and Celebration. Two tours will start simultaneously in New York City and San Francisco and meet in Kearney, NE, which is 1,733 miles from both the Atlantic and Pacific coasts.

I am proud the Senate can help commemorate the important role that the Lincoln Highway has played in developing our country's highway heritage by celebrating the centennial of our first transcontinental highway.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and 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. 188) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## ON THE PASSING OF THE HONORABLE WILLIAM DODD HATHAWAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 189, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) relative to the death of the Honorable William Dodd Hathaway, former United States Senator for the State of Maine.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## ORDERS FOR THURSDAY, JUNE 27, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 27, 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; 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, with Senators permitted to speak for up to 10 minutes each.

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

## PROGRAM

Mr. REID. So there will be three rollcall votes at about 11:30 a.m. tomorrow on confirmation of the Foxx nomination, on adoption of the committee-reported substitute amendment, and on cloture on S. 744, the comprehensive immigration reform bill.

## ORDER FOR ADJOURNMENT

Mr. REID. Following the statements of Senators CHAMBLISS for 15 minutes and Senator SESSIONS for 10 minutes, I ask unanimous consent that the Senate adjourn under the provisions of S. Res. 189 as a further mark of respect to the memory of the late Senator Hathaway of Maine.

Mr. SESSIONS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Would the majority leader agree to 30 minutes for me before we close up?

Mr. REID. Of course.

Mr. SESSIONS. I thank the majority leader. He is always courteous.

The PRESIDING OFFICER. The request, as modified, is agreed to.

The Senator from Georgia.

## IMMIGRATION REFORM

Mr. CHAMBLISS. Mr. President, I rise to speak briefly on the bill before the Senate and more extensively on a section of this bill I have been working on diligently to improve.

First of all, I wish to commend the authors of this bill. I have been through complex legislation before and this is a very complex issue. I know how hard the so-called Gang of 8 has worked. We can't please everybody with any complex piece of legislation, but I think they have done a very credible job of putting together a piece of legislation that at least we could get to the floor for debate.

I think having this bill on the floor is causing us to have a very important debate that is long overdue. We all know our immigration system is broken and we need to fix it. However, I am disappointed we have not been able to have a full and open debate on potential solutions to fix the system. I have stated publicly that I have serious concerns with several provisions in the bill, including some related to border security triggers, interior enforcement, and the program designed to address our agricultural labor workforce. That last topic—agricultural labor—is what I wish to spend the majority of my time discussing tonight.

But before I focus on the ag piece of this bill, I just have to say that I am terribly disappointed and frustrated at the way this bill has played out. I am about to talk for several minutes or so on straightforward, commonsense amendments to the agriculture portion of the bill.

I have been working on ag immigration reform for nearly all of my time in Congress, both in the House and in the Senate. That is a total of going on 19 years. This is an issue I care deeply about because I come from the heart of ag country in south Georgia. But guess what. I am not going to have a chance to vote on any of my amendments, not because they are poison pill amendments—they are not—not because many of my colleagues do not agree with the changes I am suggesting—many actually do. It is because the sanctity of a deal has been given precedence over sound policy. Let me say that again: The sanctity of a deal is being given higher priority over sound policy.

Now, I am not on the Judiciary Committee, and the chairman of the Judiciary Committee was down here a little earlier talking about everybody had the opportunity in committee to file amendments. They had over 300 or so. That is well and good, and I am glad this bill went through regular order. I wish every bill that came to the floor of this Senate would go through that same regular order. But I am also not a Member of the Gang of 8, so I have not had the opportunity to have input on this bill. Nevertheless, I reached out in a constructive way to various folks to try to make some changes to the bill.

I particularly want to thank my colleagues, Senator GRAHAM, Senator RUBIO, Senator BENNET, and Senator SCHUMER and their staffs for working tirelessly and in good faith with me to try to make some improvements to the bill.

I thought we were making progress, and I think actually we did. But now I understand that one or two Members want to prevent this bill from happening, and so I am not going to be given the opportunity to have my amendments called up.

What I can do, and what I will do, is highlight to my colleagues here and to my friends in the House of Representatives who may or may not take up this issue the problems I see with the ag portion of this bill.

The agricultural portion of this bill has not been discussed extensively on the Senate floor, but it is vitally important to all Americans. Farmers and ranchers in the United States produce the highest quality food and fiber in the world. The continued safety of the agricultural goods produced in the United States is an issue not just of convenience but of national security. Due to the importance of food safety, it is critical to know who is handling our Nation's food supply and who is working on our Nation's farms and ranches. Additionally, if our farmers and ranchers cannot access a stable and legal workforce, they will be forced to downsize or eliminate their U.S. operations, and that is happening today. This leads to more of the food we eat being imported from other countries. I want to make sure we do everything we can from a policy standpoint to keep that food and fiber production right here in the United States.

Today the majority of immigrant agricultural workers are undocumented. We need both secure borders and put in place an immigration system that allows those who seek to come to the United States to work in the diverse sectors of the agricultural industry to do so legally. H–2A is the current ag guest worker program in force in the United States today.

I have been working on H–2A reform since I came to Congress not only because Georgia's farmers are among the largest users of the program, but because it is clear to me that the current program is cumbersome and difficult to use, as well as expensive.

My colleagues who drafted this bill have included many reforms to the agricultural guest worker program, and several of these reforms do take a needed step in the right direction. However, there are several areas that remain troublesome to me, and so I am proposing amendments to address some specific areas.

Mr. President, I know the section of this bill focused on agriculture represents a delicate political balance, but we have a responsibility to enact smart policy, and we also have a rare opportunity to replace the cumbersome and largely unworkable H–2A program with something that will truly address the needs of those in agriculture all across the country while ensuring that no American workers are displaced. We also need to ensure that we do not give those undocumented aliens working in one sector of our economy a vast preference over the rest of the illegal population in terms of the pathway to citizenship.

Before I talk about my amendments, I want to give Members of the Senate an understanding of how the agriculture piece of this bill is set up. The ag portion of this bill puts in place a blue card program to transition illegal aliens who have worked in agriculture to lawful permanent resident status.

It also creates a new agriculture guest worker program to replace the current H–2A Program. The blue card program is open to anyone who has worked in agriculture for 575 hours or 100 workdays over the 2-year period of 2010 to 2012.

Let me say that again. If you worked for 575 hours or 100 workdays out of the 730-day period of 2010 to 2012, you qualify for a blue card provided you had that work in agriculture. Frankly, to me, that is a very low threshold.

The general undocumented population covered by our RPI program which is in the base bill has to prove they meet the requirements to gain RPI status by a preponderance of the evidence standard of proof. However, for the blue card program, that undocumented alien only has to prove

they worked that very minimal amount in agriculture by the standard of proof called just and reasonable inference. There is no interview required, and no way to verify the person applying for the blue card status actually worked in agriculture. Someone who lives in an area where agricultural work is performed and has evidence of their residence in that area could get a blue card by showing proof of residence and saying they were paid in cash in their agricultural job.

I am afraid the lax standards set out by the bill to qualify for the blue card program will lead to an influx of illegal aliens who worked a minimal amount in agriculture or never even worked in agriculture, to qualify for the program, sending more folks than we need in the agriculture sector to those jobs.

You might say, Why in the world would anyone choose to qualify for the blue card program, since agricultural work is widely viewed as some of the toughest work around and the most demanding work? Well, the answer is pretty simple. It is because the blue card program is a faster, cheaper, easier way to a green card than the RPI program for other undocumented aliens in the base bill.

While the RPI program doesn't allow illegal aliens to get a green card for at least 10 years, under the blue card program, if you are an agricultural worker, you can get a green card in 5 years.

While the RPI program doesn't allow green cards to be issued until certain border triggers are met, the blue card program doesn't require those aliens to wait on that border security piece.

Thirdly, while the RPI program costs a $2,000 fine in addition to processing fees, the blue card program has a cost of $500. The theory behind the blue card program is to incentivize this undocumented population to work in agriculture because it is a critical industry that traditionally has not attracted many American workers. However, the way the bill is written, there are very minimal agricultural work requirements.

You have to keep in mind that once an alien gets a blue card, they are authorized to work in any job in the United States. They have to meet the minimum work requirements in an agricultural occupation, but otherwise they are free to take any other job in America and are treated as a U.S. worker for hiring purposes.

So what are these work requirements to go through the blue card program and to get a green card? Well, there are two tracks: The illegal alien can work at least 100 days a year in an agricultural operation for 5 years or the alien can work 150 days per year for 3 years. Either way, the alien gets that green card in 5 years. Even the accelerated track requires the alien to work less than half the year in agriculture.

While the alien can work in any other job in the United States, he or she doesn't have to. So, in theory, a blue card holder could work 100 days per year for 5 years in agriculture and be totally unemployed the remainder of the year, and still get a green card in 5 years and still have legal residence inside the United States.

Likewise, the alien could work 150 days per year for 3 years and be totally unemployed the remainder of the time and still get a green card in 5 years. That doesn't seem right—especially when the RPI population is not allowed to be without a job for more than 60 consecutive days. Clearly, the agricultural worker is getting a vast preference over the RPI undocumented workers.

Because of the way the blue card program is set up, I am afraid we are providing too strong an incentive for people who did very minimal or even no work in agriculture to access the program, and that we will end up with more agriculture workers than we need. Then because the work requirements are so low, once folks get the blue card, they will perform the minimal amount of work required and move on to a different job and we will leave those farmers and ranchers in the lurch with an unstable workforce—because, remember, these blue card folks are treated as U.S. citizens for hiring purposes.

The other aspect of this that concerns me—and we know this to be a fact because we saw it happen after the 1986 amnesty program under Ronald Reagan. That is, once these individuals who are working in agriculture get that green card, which allows them to permanently stay in the United States, they are out of agriculture. They are going to leave the farm, and they are going to go to work in construction or some other industry someplace in America where the working conditions are better and maybe even the pay is better. It is going to happen, because history tells us it is going to happen.

Some of my amendments are aimed at tightening the blue card program to ensure that only those folks who truly work in agriculture are using the program. The fact is I want those experienced agricultural workers to stay in agriculture, and I am also providing them some incentives to do so. The base bill here went way too far in the other direction.

The first amendment I will discuss tightens requirements to obtain the blue card. It raises a standard of proof to verify that you actually worked those very minimal qualifying hours in agriculture to qualify for the blue card program to what it is for the RPI population, i.e., a preponderance of the evidence.

As I mentioned before, the standard in the base bill is just and reasonable inference. Someone has to be able to prove by a just and reasonable inference that they performed over 2 months of agricultural work over a 2-year period of time in order to get into the blue card program. I think that standard leaves the program susceptible to all kinds of fraud.

However, I understand there are concerns by some that due to the nature of undocumented work in agriculture, it will be difficult for them to garner the necessary evidence of work history to access the program even though the bill protects employers from liability for having employed illegal workers.

At any rate, because there is that concern, my amendment provides that for those who truly worked in agriculture but cannot meet that standard, because of the nature of an undocumented workforce, they don't have that evidence, those folks have the opportunity to sit down and do an interview with the appropriate agency officials and prove to them face to face that they did work in agriculture as a matter of just and reasonable inference. If they can do that through the interview process, then they can get into the blue card program.

This amendment will eliminate most of the potential for fraud for the blue card program and is simply a very commonsense amendment.

The second amendment I will mention tightens the work requirements to maintain the blue card and eventually transition to a green card. Instead of allowing 100 workdays for 5 years or 150 workdays for 3 years to get a green card, my amendment says you must work 180 days for each of the 5 years in order to qualify for the green card.

If you are going to be put on this preferential pathway to a green card, I think you ought to be able to work at least half the year in agriculture. I don't think that is too onerous—6 months of work per year for 5 years.

Some will argue that some agricultural work is only a few weeks per year, and so 6 months of work per year is too much to require. To that I would say if a worker is only performing 3 or 4 weeks of agricultural work per year, then maybe this blue card path is not the best path for them. Perhaps they are better off seeking the RPI pathway to citizenship. We are talking about a preferential pathway to citizenship for a half a year of agricultural work per year under my amendment, with no other work requirement. I don't think this is too much to ask, and I think many people will still be able to maintain their blue card status with no problem.

The third amendment I filed has to do with how preferential that pathway to citizenship is for the blue card workers. The current bill says regardless of any border security triggers being met, an unlimited number of blue card workers will be issued green cards in 5 years. Those folks who qualify under the RPI section of the bill can't start the green card process until 10 years after enactment and certain border triggers are met. I think stretching that timeline for the blue card workers—who, remember, are authorized to work in any job in the United States—to 7 years rather than 5 years is more than reasonable and is still a preferential pathway to citizenship.

The fourth amendment dealing with the blue card program deals with the fines for the blue card program. Again, this goes to how much more attractive the blue card program is as compared to the RPI program.

The bill, as written, requires folks on the RPI program to pay fines totaling $2,000 in order to get a pathway to citizenship. However, those on the blue card program are only required to pay fines totaling $500—just $500 for this faster and easier pathway to citizenship. That is not right.

I understand these agricultural workers don't have a lot of money, and so I am not asking to raise it to the same level as the RPI group. However, I think the fine should be significant. My amendment would increase that total blue card fine to $1,000, which is double what it is in the underlying bill but still half of what it costs the RPI folks.

The final amendment I have filed relative to the blue card program should be totally noncontroversial. It has to do with previous H–2A workers who want to participate in the blue card program.

There is a provision in the underlying bill which I agree with that allows those former H–2A workers who meet the blue card work requirements to apply for a blue card and participate in the blue card program even if they are not currently in the country. I think this is the right policy, because many H–2A employers have been using the same workers for many years through this legal guest worker program, and I don't think we should punish them for having done the right thing in the past.

What this amendment does is simply add language that clarifies that the agencies involved in administering the blue card program need to promulgate regulations that will allow those former H–2A workers to make their application from outside the country.

In summary, I have five amendments to this bill relative to the blue card program and several of these are smell-test amendments, because without them I think it is difficult for this blue card program to pass the smell test.

I also have a series of amendments aimed at improving the new agricultural guest worker program set up by this bill, which is called the W–2/W–3 program.

It is imperative that we as policymakers get this program right. If history is any indication, we make reforms to our immigration laws once every 20 to 30 years. We have to make sure the guest worker program put in place by this bill is practical in its implementation and can be used by our farmers and ranchers, because as these blue card workers leave agriculture—and we know they will—we have to make sure there is a stable and legal workforce available in those instances when U.S. workers cannot be found.

I have said it before and I will say it again, that I think this new guest worker program takes a step in the right direction. But I do have a few amendments to improve it that I will talk about now briefly.

The first amendment has to do with wages. The underlying bill sets a national minimum wage for each of six different agricultural job categories for the years 2014 to 2016. The wages for each category will automatically increase anywhere from 1.5 percent to 2.5 percent each year forever.

I have several issues with this wage section, such as the fact that a national wage does not reflect very real regional differences in cost of living or the fact that the wages do not seem to be based on any survey data. But I know how hot an issue this wage section is, so in an effort to be abundantly reasonable in how I propose to alter the bill, the main fix I am looking to make is to the number of wage categories.

I think we can all agree some agricultural jobs require a more skilled or experienced worker than others, and my amendment protects that fact. What I am trying to avoid is the bookkeeping nightmare created by these six wage categories.

Under the categories presented in the base bill, a worker in a packing shed is in a different category than a field worker and is paid at a different rate; and a worker driving a tractor is in a different category and paid at a different rate from the field worker and the packing shed worker. But all of my friends familiar with the day-to-day operation of a farm will agree, the reality is that on any given day on a diversified crop farm, workers will be doing any combination of those three jobs. So my amendment collapses those six wage categories into two: a skilled wage and an unskilled wage. To get to those numbers, I simply averaged the wage data the Gang of 8 proposed in the underlying bill and used the same job categories the Gang proposed in the bill. My aim is to prevent an employer from having to determine how many hours a guest worker spent in the field versus the packing shed each day, as he would have to do under the current bill.

The second amendment deals with the issue of liability. If you ask my H–2A users in Georgia what their biggest complaint is with the H–2A program, I will guarantee that all of them will tell you it is liability.

Let me be clear upfront. I do not want to take away any protections that exist for workers. They need that. They deserve it. Nor do I want to prevent a worker with a legitimate grievance to be allowed to pursue that grievance. What I do want to protect against, though, is frivolous lawsuits that can cost a lot of money and waste a lot of time. There are several areas in the bill that I think can be tightened as they relate to liability.

The first area of liability that I think needs to be dealt with and is addressed in my amendment has to do with mediation. The bill rightly sets up alternative dispute resolution to try to keep some of the complaints outside the Federal courtroom. However, the mediation setup under the bill is not binding. What is the point of providing this alternative dispute resolution if you do not want to make it binding? My amendment would do just that.

The second area of liability that is addressed by my amendment has to do with the Legal Services Corporation. Current law provides that Legal Services cannot represent an undocumented alien who is not present inside the United States at the time representation occurs. I think that is a good law. The underlying bill, however, eliminates that law and specifically says that Legal Services can represent a W–2 or W–3 ag guest worker, even if they reside outside the United States.

We are not talking about U.S. citizens. We are not even talking about blue card workers. We are talking about future guest workers. I think it leaves open the possibility of frivolous lawsuits being filed from a foreign country, and I simply do not think that is sound policy.

There is a final area of liability I am concerned about that has to do with housing. The bill treats those agricultural employers who provide housing under the W–2/W–3 program, as they are required to do if they cannot or do not provide a housing allowance, as housing providers under the Migrant and Seasonal Agricultural Worker Protection Act, MSPA, as it is referred to.

Let me tell you what that means. It means that any guest worker who alleges a housing violation such as a broken screen door or a nonworking microwave will be allowed to pursue that grievance through a lawsuit filed in Federal court, and believe you me it happens today.

That doesn't make sense to me. There should be a right to cure a defect before they have that right to file suit in Federal court. There should be a right for the employer to fix any minor or incidental issues with housing, but that is not allowed under the base bill. Initially, my amendment had language to address this, but at the request of the bill's sponsors who told me that was too controversial, I eliminated that piece of my liability amendment. It is strange to me this would be controversial, but to some it is, so that is a problem in the bill I am not even addressing by this amendment, but I do want to highlight it for my colleagues because I am telling you, this is going to be a real issue if that provision in this bill ever becomes law. I am hopeful that as this process moves forward there may be another opportunity to do something to address this in a reasonable way.

The third amendment to the guest worker program has to do with the allocation of visas. The current bill allocates the 112,000 W–2 and W–3 visas among the four quarters of the year. I understand the intent of the drafters.

They didn't want all of the visas to get used by all of those who seek visas early in the calendar year and not have any visas available for those who do not need workers until later in the year. However, I think a more efficient distribution of visas would be to issue them to all allotments; one on January 1 to accommodate year-round users such as dairy and those with a spring crop and then one on July 1 to accommodate the fall crop. My amendment does just that and it weights the January 1 allotment to have 70 percent of the visas because there are those year-round users such as poultry processors who will be needing those visas early on.

Any unused visas from the January 1 allotment will roll over to the July 1 allotment. The fact is crop seasons do not fit squarely into calendar quarters, and I think by changing the timing of the visa allotments it simply makes more sense.

The fourth amendment to the guest worker program I have filed has to do with the wages of former H–2A workers. I can commend the drafters for recognizing that we do not need to punish those employers who, to their economic disadvantage, have been using the current H–2A program to ensure they have a legal workforce. They did this by saying that even though blue card workers are treated as U.S. workers under the bill, and therefore have to be hired before any guest worker, if you have used a H–2A worker for 3 out of the past 4 years and want that H–2A worker to continue to work for you under the new guest worker program, you can. That former H–2A worker will not be displaced by a blue card worker.

However—and this is where I have the problem—if you hire that former H–2A worker under the new guest worker program, you do not pay that worker the wage rate established under the W–2/W–3 program. The bill requires that you pay that former H–2A worker a separate and higher wage rate called the AEWR. This is the wage rate that exists under the current H–2A program and it is part of the reason that law is so flawed. This just doesn't make sense. It seems to, once again, punish those who have been playing by the rules and the punishment is exacerbated because there is a provision in the bill that says you cannot give any preference to guest workers.

On its face that makes sense. But what it actually means is that you have to pay all the workers you hire that AEWR rate and that is just not right. This is a fairly technical concept, so let me give an example.

Say you have farmer Joe who has been using the H–2A programs even though his neighbors have not and they have hired undocumented illegal aliens and paid a much lower rate. This means all these years Farmer Joe has been providing free housing to his workers, paying their transportation costs to his farm, and paying the higher AEWR wage rate, which in Georgia this year is $9.78; meanwhile, those who use a questionably legal workforce have not had to provide housing, have not had to provide transportation, and have only paid minimum wage to their workers. If Farmer Joe uses 100 H–2A workers every year and has 10 critical workers he wants to make sure he rehired under the new W–2/W–3 program, he can do that. He can hire these 10 guys before he hires any blue card workers. He still has to hire Americans first, but after that he can hire those 10 workers.

The rest of his workforce, in all likelihood, will be filled with blue card workers because there will be so many of them legalized and needing to meet a work requirement. So Farmer Joe will have 10 former H–2A workers and 90 blue card workers. However, under this bill, he will be forced to pay those former H–2A workers the higher wage rate of the AEWR, rather than the wage rate set up by the W–2/W–3 program in the underlying bill. Because he can't treat guest workers any better than U.S. workers and because blue card workers are considered U.S. workers, he will also have to pay all 90 of the blue card workers the AEWR rate.

So my amendment would simply strike that provision so Farmer Joe will pay the wage rate set up by the W–2/W–3 program. He will still have to pay all the blue card workers at the W program wage rate but not the AEWR rate.

The final amendment I will discuss is very straightforward. It simply extends the H–2A program for 3 years. The current bill extends H–2A for 1 year, but my amendment would add 3 years to that. While the H–2A program is far from perfect, it does allow employers who need legal workers to get them in a timely manner. Standing up a new program and moving it to a new agency and issuing new regulations to govern the program is a big undertaking, and it is all mandated to be done within this 1 year—within 1 year in the bill. I think H–2A can serve as a safety net in the off chance there is a bump in the road in getting these new programs propped up.

As I said earlier, I will not have the opportunity to have any of these amendments voted on or even accepted by unanimous consent. I cannot tell you how much that disappoints me. Any of these changes will take this bill in the right direction, from my perspective. The ag portion of this bill is a critical piece of the legislation, and I am afraid it has been overshadowed by some of the other issues. But we are doing a great disservice to our agriculture community and to all Americans who put food on their tables every night if we do not get this right—and we are not getting it right in this underlying bill.

There is going to be fraud and abuse like we have never seen in the ag guest worker program. We are going to have folks getting green cards ahead of those who have been standing in line and doing the right thing for years and years and years and all of a sudden these workers who now hold a blue card and say: Yes, I worked in agriculture for 3 months out of the year for Farmer Mack over here—and there is nobody to dispute that—and he says: I worked a definitive period of time for 3 years, all of a sudden at the end of a total of 5 years he is going to get a green card and an automatic pathway to citizenship. That is just not right.

I came to my colleagues in good faith to try to make positive changes to this bill. I come to the floor now to talk about some of those changes. Ultimately, I want what is best for American agriculture. I want to be a constructive part of this debate and, unfortunately, a relatively few of my colleagues are preventing that from happening and none of these amendments are ever going to see the light of day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to express my appreciation to Senator CHAMBLISS. This is one of the least-discussed but more important parts of our bill, ag provisions. He has delineated weakness after weakness in this process. The idea is he had to strengthen the bill. I hope the people who have heard it would draw a number of conclusions. First, there are great weaknesses in the bill. Second, Senator CHAMBLISS fully understands, though he has worked on this—I know last time we had a bill here—at great length and contributed in great detail to it. I think the third thing we ought to understand is this is a complex regime we are trying to set up. I am not sure the government can ever accomplish a setup of as complex a regime as the effort that has been made to create in this legislation.

I thank Senator CHAMBLISS for his positive contributions, for his work. I know he has been a constructive advocate with Members on the other side, trying to improve the legislation. I thank him for sharing in depth the difficult and confusing parts of this law.

There are a lot of things we need to understand before we move to final cloture vote on this legislation. It is late. I hope people will pay attention. We need to understand accurately what is happening. I have been an advocate. I am sure in the times we are here, sometimes we have to respond at a moment's notice and we make a statement that is not entirely accurate. But I do believe the sponsors of the bill who came to us and claimed they had the toughest bill in history and that it was going to solve our problems had an obligation to be more accurate than they have been.

Sometimes they make mistakes. Some of the disagreements make a difference in whether the legislation is good legislation or whether it is bad legislation. It is just important. I would like to point out a few things that have been talked about a lot today.

One was recently one of our Gang of 8, Senator MENENDEZ, made reference to the border security and the officers who have written a letter complaining about this legislation and suggested, somehow, that maybe it was before the border enforcement had been improved—promised to be improved, at least. But I think it evidences a misunderstanding of how our system works.

This is a letter from the National Citizenship and Immigration Services. These are not the Border Patrol agents, these are not the ICE agents, these are the people who process the claims for citizenship and they try every day to do the right thing and treat people fairly and equally and ensure that people wait in line and wait their turn. They are not supportive of this legislation. They represent 12,000 USCIS employees, adjudication officers, and staff. This is the statement they issued:

The amended 1,200 page Corker-Hoeven immigration bill—

Not something previously, but the last bill we moved forward today—

if passed, will exacerbate USCIS concerns about threats to national and public safety.

These officers try every day to review these applications for visas and entry permits. They try to identify terrorists and not let them come in. They turn down people who don't qualify. They said this bill will exacerbate threats to national security and public safety.

They go on to say:

It will further expose the USCIS agency as inept with an already proposed massive increase in case flow that the agency is ill prepared to handle.

In other words, they are not able to handle the flow they have now and this is going to provoke a disastrous flow that will make them all look inept. They are correctly afraid people will say they let terrorists and criminals in the country, and they had no way possible to process these matters.

They go on to make a strong statement. These are people who serve our country and who are not allowed to participate in drafting the legislation.

The proposal goes out of its way to provide legalization for criminal offenders while making it more difficult for Adjudications Officers to identify threats to the nation's security in our ongoing war against terrorism. It was deliberately designed to undermine the integrity of our lawful immigration system.

I don't think our people deliberately wanted to have the system fail, but the people who have been writing this, if they wanted to make it tougher and tighter, would have written it a lot differently than it is now. It leaves these officers exposed and unable to fulfill their requirements to identify and block people who should not be admitted to the United States, and that was a very strong statement. It represents deep feelings by those officers.

They go on to say:

This bill should be opposed and the reforms should be offered based on consultation with USCIS adjudicators who actually have to implement it. Hopefully, lawmakers will read the bill before their votes. I say put a cork in it.

That is what they say to us, and that was on Monday.

Here is another statement from the ICE officers, these officers, headed by Chris Crane, their association union president. Chris Crane is a former marine. He is so articulate and concerned about this legislation. He has raised it time and again.

The ICE officers have filed a lawsuit against Secretary Napolitano because they say she has blocked their ability to do their duty and placed them in a position where the supervisory directions to not enforce the law deny them the right to fulfill their oath to enforce the law. They filed a lawsuit in Federal court attacking this. I have never heard of this.

This whole association, which consists of thousands of officers, filed a lawsuit against Secretary Napolitano and their supervisor. They voted no confidence in John Morton, their supervisor, 2 years ago, and he just retired a few days ago. An independent survey of government morale factors found that ICE virtually had the lowest morale rating out of 179 government agencies.

Two years ago I asked Secretary Napolitano: Would you meet with these officers? She refused to say so. I asked her again earlier this year. She has not met with them. Nobody wants to listen to the people who are required to enforce the law.

Who are the ICE officers? The ICE officers are the people who deal with interior enforcement and deportations. They identify people who are here illegally, and they deport them and go through the mechanism. They have relationships with prisons where they go by the prison and pick up somebody who is illegally in the country and who has committed a crime. They are the ones who get them deported. They arrest people—or at least supposedly they used to when they had jobs. They interfaced with local police.

They have been undermined in every way by this administration and kept from doing their job. That is a fact. That is why the morale is down, and that is why they have sued the government. That is why they oppose this bill. They were never listened to.

It cannot be the policy of the United States of America that if someone gets past the border of the United States, they are never going to be deported. It cannot be the policy that the only thing that counts is having a Border Patrol, but if they can get through, they are home free. There are not that many. I think there are 12,000 of these officers. There are not nearly enough to do the job already. They are getting no strength or support at all in this legislation.

I would note further that under the Congressional Budget Office analysis of this bill, which comports with what I have been saying for months, we are going to have a big increase in the amount of visa overstays. They are not going to be caught at the border. They are going to come in on a visa and never return. If we don't have ICE officers engaged in the effort, we will never be able to deport them.

We say, well, we are going to give legal status to everybody who is here. Let's say we give legal status to everybody who is here. What about the future? The people who are given legal status here will be given a Social Security card. They will be given a legal document that allows them to be in the country. ICE is not going to deport them. But what about those who come in the future? We are going to have no mechanism so they can be deported? That is one of the biggest flaws in this legislation.

I was a Federal prosecutor. I know about law enforcement. I did it for 15 years. If we don't help and have them engaged and utilize their ability, and treat them like second-class officers or citizens, we are not going to get the kind of legality the legislation promises—nowhere close. It is flawed. It should not pass. These officers tell us that correctly.

So the ICE officers are right. They said to us on June 24:

I urge you to vote no as this bill fails to address the problems which have led to the nation's broken immigration system and in fact will only serve to worsen current immigration problems.

It will worsen current immigration problems. That is their word. They go on to say:

Instead of empowering ICE agents to enforce the law, this legislation empowers political appointees to further violate the law and unilaterally stop enforcement. This at a time like no other in our nation's history, in which political appointees throughout the federal government have proven to Congress their propensity for the lawless abuse of authority. There is no doubt that, if passed, public safety will be endangered and massive amounts of future illegal immigration—especially visa overstays—is ensured.

They go on to say:

Abuses by political appointees, who currently pick and choose laws enacted by Congress will or will not be enforced, will escalate with their increased discretion and authority provided by this bill.

They say:

A vote against this bill is not a vote against immigration reform which we all seek, it's a vote against bad legislation and the special interests that wrote it; it's a vote to start this process anew and create reforms that truly fix the nation's broken immigration system.

How much clearer can it be? They are correct about this. Chris Crane is an

American patriot and his team is courageous. They have had to stand in there against an administration that issued this directive that basically required them not to follow plain law. What does this bill do? He indicated it right there. He said it gives even more discretion to the Secretary so she can issue even more directives undermining the law.

In fact, basically what the bill does is give more legal authority to the Secretary to do what she has been doing now, which is fundamentally, in many ways, contrary to law.

The Federal judge who is hearing this lawsuit the ICE officers filed explicitly stated at one of the hearings that the Secretary is not above the law, and that is certainly correct. She has been acting above the law by directing them not to comply with the law.

We are not saying we want the ICE officers to go out and round up everybody. Remember, if this bill passes, everybody will be given legal status—the ones who are supposed to be given legal status—and others will need to be identified. If they are not legally here, they will need to be deported. In the future, people who come in violation of the law will need to be deported also.

The Gang of 8 proposal adds four times more guest workers to our economy than a 2007 plan offered. It offers four times more guest workers than were offered by the 2007 bill that failed here—that comprehensive plan. This is at a time when 21 million Americans cannot find full-time employment. Imagine that. We have a much higher unemployment rate today than we had in 2007 before the bubble burst and we had the recession. We had virtually full employment in those days. Now we have high unemployment, which is a deep problem with employment in America today, and I don't think it is going to rapidly get better. For the last quarter of last year, growth of GDP was only .4 percent. The first quarter of this year has been revised down dramatically today to 1.8 percent. That means over half a year our growth is only 1.1 percent. That will not create jobs. It is not creating jobs. It is not enough to pull down unemployment in any way.

This bill is going to bring in huge amounts of new workers to take the few jobs being created. The bill also dramatically boasts permanent legal immigration. The permanent legal flow of immigration will increase substantially. Overall, it is conservatively estimated that the bill would legalize more than 30 million people—mostly lower skilled legal immigrants—over the next decade. It will be three times the current rate, and that is something I said originally.

I asked Senator SCHUMER, the Gang of 8 leader, at the committee: How many people will be legalized under your bill? Well, we won't say. I said again: How many? You offered a bill; you want us to vote for it. Can't you tell us how many people would be admitted? He refused to say. I said, 30 million over 10 years. The current legal flow would be 10 million over 10 years.

CBO came out with their report last week: 30 million in the first 10 years. Who was right about that? I mean, this is a big increase. Yes, it includes the people who are here illegally, but the annual flow is at least 50 percent higher than the current 1 million, according to the Los Angeles Times. I think that number comports with what we are able to calculate. So we are talking about a 50-percent increase in the annual flow of immigrants into the country with more coming in under chain migration. All of them will be able to work. All of them will be competing for jobs in the workplace at a time we are not producing many jobs.

What does the Congressional Budget Office say? I said for weeks this flow of labor had no other reasonable impact than to pull down wages of American workers. What did CBO say? CBO said the same thing. Last week the Congressional Budget Office in their study used this chart—I didn't make this chart. This is one of the few charts CBO put in their report, and it deals with the question of wages. ''The average wage would be lower than under the current law over the first dozen years.''

This shows in 2025 coming back to catch up. But, still, if the bill hadn't passed, we would have had more increased wages, and we would have had a different picture altogether. So it is going to be a serious impact on working Americans.

Professor Borjas from Harvard talked about this. He has written papers about this. He has written books on the subject. He is, I am sure, the most authoritative person. He is an immigrant himself—not his parents; he is an immigrant. He says also that wages are adversely impacted, particularly in lower skilled workers.

So Professor Borjas basically said there is benefit to low-income workers. Who gets it? The companies that hire the most low-income workers because those companies will be able to hire more people at lower wages. Who will lose, he said, in this process? The many more people who are workers. That is who is going to lose. We can't bring in large increases in labor at a time of high unemployment and not expect labor rates to go down.

Is the free market crowd not aware of that? Are our Democratic colleagues who talk about protecting the worker not aware of that? How can that be denied? Professor Borjas said it.

The Atlanta Federal Reserve economists found a substantial reduction of the value of working people in the Atlanta region as a result of the current flow of immigration. They detect a clear reduction in wages as a result of the current flow of immigration, and this flow is much bigger.

We are talking about not only a 50-percent increase in the legal flow of immigration every year, meaning 15 million over 10 years as opposed to 10 million. In addition to that, we are talking about the 11 million who would be given amnesty and legal status. Then there is an additional 4.5 million people who can't come in right now because there is a limit of how many each year—a cap. Those are going to be accelerated.

Then we have a guest worker program. Senator CHAMBLISS talked about the agriculture industry. There are all kinds of guest worker programs. The guest worker programs will double the number of workers who come in. They come for one reason, and that is to take a job. They will double.

So this is a huge impact on our wages in America. This country is not creating enough jobs to sustain that.

That hurts the 11 million who are going to be given legal status. That hurts the immigrants who come here legally and have legal status already. That hurts poor people all over America, particularly because so many of these workers are competing for the lower wage jobs.

According to the U.S. Commission on Civil Rights and Professor Borjas, the group who will suffer the most are African-American males. This is really a matter not to be disputed.

One in three high school dropouts doesn't have a job. One in two African-American teenagers is unemployed. Twenty-one million Americans who want a full-time job cannot find one. In the city of Detroit, one in three households is on food stamps. In Washington, DC, one in three children lives in poverty.

Senator MENENDEZ, I think, confuses total wage growth with average wage growth. Remember, more workers will increase the total wages, so if we bring in 1 million people, yes, more wages will be paid, but the average wage would be lower.

If a person is a worker, what does that person want to hear? They want to hear somebody say: Oh, the economy is going to have more wages. Isn't that great. But I am going to have less because 30 million people-plus will be here added to the workforce and everybody gets less and I am supposed to be thankful about that. I am supposed to write my Congressman and say: Oh, great, thank you for passing a bill that increases total wages in America.

Give me a break.

How about this: They say that GNP is up. Senator MENENDEZ said that. He said GNP will increase. We are hearing that repeatedly: GNP will increase. Well, of course, just like total wages will increase when we have 30 million, 40 million people added to the economy, GNP is going to increase some if we add large numbers of people to the economy. That is the total of goods and services produced in America. But what about the average person and their share of the economy? Will it go up or will it go down?

Look at this chart. It comes right out of the CBO score, right out of their book. This is 2013 and this is 2029. This

is, I guess, 2032 where the lines cross. How many years? Well, over 29 years or 26 years. This bill, S. 744, would reduce per capital GNP by 0.7 percent in 2023, out here, and it stays below the line it would have been on had the bill not passed. This is below what would have happened if the bill had not passed. Passing the bill pulls down GNP per capita, making each worker in America less able to have a full share of the wealth of America. That is what that means. It is not right.

We have had people just blindly coming down here for days now and asserting boldly, without any serious economic data to back it up—except in 2033. This is out to 2033. They have had years way out there where they try to claim improvement. We need to be worried about our people now. We have people unemployed now, looking for jobs right now. We should be helping them. So this is important.

Finally, I will show my colleagues one more chart we need to focus on. This is one of the most stunning charts I have seen. I was shocked when my staff told me about it. It was part of the Congressional Budget Office analysis and debt projections for our economy for the next 10 years. They do that every year. They do updates every year. So in the early part of this year, they did a projection of employment for the next 10 years, and they projected what kind of job creation we would have over the next 10 years. Our CBO does it every year. It is not a new report, it is something they do normally. This is what they concluded: For the next 5 years, 2015 through 2018, while we are coming out of the recovery from the recession, they project we would create 171,000 jobs a month.

That is really not enough to reduce unemployment significantly. We ought to be creating 200,000, 250,000, 300,000, to begin to pull down unemployment. But that is what they predicted. But look at this: This is the second 5 years of their 10-year window. They project only 75,000 jobs a month. So our staff called them.

They said: Tell me about this.

CBO said: We are glad you called. We are glad you called because we have given a lot of thought to this. We have studied projections and data and the case for projections for slower growth in this period of time for mature economies. This is what we come up with as the best projection, using private sector information and other data, including Department of Labor Statistics.

Well, from 2019 through 2023, we will be bringing in 75,000 jobs a month, with this bill. How can that not increase unemployment in America? How can that not create a glut of workers that pulls down wages and creates more unemployment?

I just don't see how we can possibly justify this large flow of workers without adversely impacting the salaries of American workers. I am not talking about the 11 million who would be legalized. I am not talking about those people because that is part of the agenda we have, to be a part of any long-term settlement of our immigration problem. I am saying in the future the annual flow, the monthly flow, will be more than we will be creating jobs here. That is a pretty stunning figure.

Mr. Peter Kirsanow, who serves on the U.S. Commission on Civil Rights and used to be on the Labor Relations Board, I believe, writes that this bill would have ''profound and substantial costs to American workers.''

He was participating in the hearings of the Civil Rights Commission. He said every witness there said that. Professor Borjas at Harvard, the leading expert in this area, has found that from 1960 through 2012, immigration has cost native-born workers an average of $402 billion in lost wages, while firms using workers such as this gained income. He goes on to say the impact of increased immigration from 1980 to 2000 resulted in a 3-percent decrease in wages for average native workers and an 8-percent decrease for high school dropouts. This is 8 percent. That means a lot of money.

He goes on to say: ''Immigration has its largest negative impact on the wage of native workers who lack a high school diploma''—a group that makes up, in recent decades, a shrinking share of the workforce. These workers are among the poorest of Americans.

He goes on to say: ''The children of these workers make up a disproportionate number of children in poverty.'' He concludes that, based upon census data, when we have an increase of workers in a specific field of 10 percent, we can have the employment rate fall. A 10-percent increase in supplied workers from immigration levels reduced the employment rate for African Americans by 5.9 percent. That is already.

My point is I don't see how anyone can say that anything like over the next decade, we are not going to see lower wages, more unemployment, and lower per capita GNP. Frankly, I think Borjas's analysis is probably stronger on that subject than CBO's.

We know this: The Federal Reserve Bank in Atlanta has done similar studies. These studies show things such as the average worker's pay being reduced by $1,500 a year, which is $120 a month.

My colleagues continue to insist that their promise is correct, that this bill would not provide welfare to those who are given legal status. But the facts show it is not correct. I just have to rebut that. I questioned that at the beginning. We now know their promise is not correct.

Immediate access to once legalized individuals—they will first have immediate access to State and local benefits.

Senator RUBIO even proposed an amendment to the bill that would have eliminated that, but it was never voted on. So the bill we will be voting on does not change that at all. He knew that was contrary to the promises made.

Immediate access that will be given to those who are given this RPI provisional status to free earned-income tax credits is in the bill. I offered an amendment in committee to fix that. In other words, the earned-income tax credit, if a person makes below a certain salary and they are working and they have a family, they get a big check, sometimes $2,000, $3,000, from the Federal Government. It is not a tax deduction. It is not a credit against future taxes. It is a direct payment to that individual in the form of a subsidy and a welfare payment and that is the way the CBO scores it—as a direct payment, just like any other payment of welfare to the individual because that is what it is.

They will get that immediately. I offered an amendment in committee. I do think—I think I incorrectly said earlier that the Gang of 8 Members voted against it. I do believe Senator GRAHAM and Senator FLAKE voted for my amendment in committee, but it failed in committee. That amendment, to be offered tonight by Senator RON JOHNSON of Wisconsin, has been blocked and will not be voted on.

So if this bill passes, there will be welfare payments immediately to all 11 million who qualify, and large numbers of these individuals will qualify because they are low-skilled. Over half do not have a high school diploma, and they will be in that wage rate that qualifies for this welfare payment.

Also, within 5 years, 2 to 3 million illegal immigrants who are given legal status will become green card holders and/or citizens and become eligible for all Federal benefits. So a big chunk of them—2 to 3 million—will be put on a pathway to citizenship in 5 years and certainly legal status in 5 years.

The PRESIDING OFFICER. The Senator has consumed 30 minutes.

Mr. SESSIONS. I ask unanimous consent, Mr. President, for an additional 2 minutes and I will wrap up.

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

Mr. SESSIONS. I thank the Presiding Officer for his courtesy.

So those will get the welfare within 5 years. That is where we are.

I appreciate the work that a lot of people have put into this legislation. People have worked hard on it. They have a vision they want to accomplish. We do need to fix our broken immigration system. But this legislation does not do it. It does not come close to doing it. It should not become law, and we should make sure it does not become law.

I urge my colleagues tomorrow to vote no. That does not mean we will never do anything. That is, of course, silly. We need to come back with a more realistic piece of legislation—legislation that asks seriously how many workers this economy can accommodate. Do we have a system that deals with visa overstays? This bill weakens dramatically the entry-exit visa system under current law that has never

been implemented but should have been implemented years ago. It undermines the requirements in current law that would make that system work. Therefore, it will not work. It is weaker than the current law. We should be following current law.

In addition, we need to strengthen, as Senator PORTMAN advocated, the E-Verify system at the workplace. That is not done. As Senator CHAMBLISS pointed out, there are so many complexities in these guest worker programs, so many loopholes and difficulties that we do not even know about. We need to simplify that system.

A guest worker system that brings a person here to work for 3 years with their family, where they can reup for another 3 years and maybe another 3 years—they are then going to be asked to leave this country if they no longer have a job, if we hit a recession? That is not going to happen. That is an impractical system.

A good guest worker system should allow workers to come to America—only those who intend to work for the season they intend to work, and then they should return home. They should maintain their residence in the foreign country, and then they work here as guest workers. That is what a guest worker program should be.

This bill allows people to come with their families, to put down roots and become established, and then it is impractical and unkind and unrealistic that we would, 10 years from now, say go home. We are going to have huge visa overstays, as CBO predicts, because that is the way it is going to work.

I thank the Presiding Officer for giving me an opportunity tonight to share a few of my concerns, as we move to a big vote tomorrow on cloture.

I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., on Thursday, June 27, 2013, and does so as a further mark of respect to the memory of the late Senator William Dodd Hathaway of Maine.

Thereupon, the Senate, at 8:35 p.m., adjourned until Thursday, June 27, 2013, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

PEDRO A. DELGADO HERNANDEZ, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE DANIEL R. DOMINGUEZ, RETIRED.

BRUCE HOWE HENDRICKS, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE MARGARET B. SEYMOUR, RETIRED.

ALISON RENEE LEE, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE CAMERON M. CURRIE, RETIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. ROBIN RAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. RUSSELL J. HANDY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

*To be brigadier general, judge advocate general's corps*

COL. CHARLES N. PEDE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

PETER C. RHEE