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Senate

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

PRAYER

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

Let us pray.

Eternal Spirit, place Your judgments in the Earth so that the world's inhabitants will learn righteousness. Today, give our Senators a strong and vivid sense that You are by their side. In their downsitting and uprising, make them aware of Your presence. By Your grace, Lord, let no thoughts enter their hearts that might hinder communion with You, and let no word leave their lips that is not meant for Your ears. Surround them with the shield of Your favor and give them mutual trust and loyalty for their relationships with one another.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

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

The Senate will recess from 12:30 p.m. to 2:15 p.m. for our weekly caucus meetings. At 3 o'clock there will be four rollcall votes in relation to amendments to the immigration bill.

Mr. President, I would simply add on that, I have had a number of calls already this morning saying: You cannot have the votes then. I have this. We have meetings. We would like to have the votes at 4 o'clock.

This bill, we have to move forward on it. I was very happy we were able to get consent to have these four votes starting at 3 o'clock today. Time is of the essence on this legislation. I have been patient. We have all been patient waiting to see what amendments people want to offer. I want to make sure that on some of these major issues people have had the time to work through them. We know some of the issues are difficult. I have been told Senator HOEVEN and Senator CORKER are trying to work with the eight bipartisan Senators to come up with something they believe is important for them to vote on. I have no problem with that, but I am just telling everybody, as I have now for quite a long time, that we are going to either file cloture on this on Friday, Saturday, Sunday, or Monday. We have to move forward on this legislation.

So I urge people to work together to come up with whatever amendments they believe are important. Of course, we are all looking at this major issue. I have talked to the Republicans' Gang of 8 and the Democrats' Gang of 8. They are working on something dealing with border security. I am not telling anyone what to do other than to do it as quickly as you can.

The time has come to make decisions on this important piece of legislation. We say we have been on it 2 weeks. We have really been on it longer than that. That first week after the break there were meetings going on all over this Capitol on what we should do with immigration.

So I would hope people understand that this may not be one of our normal weekends where we shoot out of town to go back to whereever we come from. We have to move forward on this legislation.

BUDGET CONFERENCE

Mr. REID. Mr. President, I talked yesterday at some length on the budget. It is important. We are approaching 3 months where we have not been able to go to conference on this budget. This is so extremely important. I spent yesterday morning at the NIH. I was not able to meet with all the heads of the Institutes, but I met with four of them, plus Dr. Collins, who runs the NIH, the National Institutes of Health.

I will have more to say about this later, but South Africa, England, France, India—China is increasing their spending by almost 25 percent for programs just like we have at NIH. What are we doing at NIH? We are cutting spending. They have been flat-funded since about 2004. With the stimulus bill, which is now going on 5 years ago, we gave them a shot in the arm because of Senator Specter. But that money has long since been gone. They are headed downhill, and they have been for several years now. These wonderful scientists we have there are leaving.

One of the scientists from the University of Michigan, who, by the way, is best friends with my chief of staff, is basically staying away from NIH because you cannot have—and he is an expert, one of if not the leading expert in the world on melanoma. He is not making application for NIH grants anymore because they cannot do scientific research when it is only available for a year or two. So I hope we can move forward on this budget conference and get something done on this to set the Nation's financial problems in the right direction. We are not going to get anything done unless we are able to get something done on the budget. We cannot do this.

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

I am proud of the budget we passed. I think it is a very good budget, but I realize if we go to conference we may have to change some of the things we have in our budget. But we are never going to get this done unless we sit down and work this out, as we have done for more than two centuries here in conferences between the House and the Senate.

STUDENT LOAN INTEREST RATES

Mr. REID. Finally, I see on the floor my friend, the senior Senator from Tennessee, who has been a longtime Governor of his State. He has been the Secretary of Education. We have an issue coming up soon. If we do not work something out in this body before the end of this month, student loan interest rates will go up a lot. If we do nothing, they will double from 3.4 percent to 6.8 percent. If we do what the House wants to do, if we do what Senate Republicans want to do, these student loans will be used to reduce the debt. I do not think that is what we should be doing with students. While this is not the time to debate this issue, everyone should be aware as we deal with immigration over the next couple weeks, we also have to keep this matter on the radar screen that we are going to have to do something about.

I have a number of meetings on this today, and I am sure my Republican colleagues have meetings throughout the day, and we need to have as many as we can to work something out to get this done.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COWAN). The Republican leader is recognized.

SENATE RULES

Mr. MCCONNELL. Mr. President, day after day I have been coming to the Senate floor to remind the majority leader of the commitments he made to the American people in 2011 and again just a few months ago that he would not break the rules of the Senate in order to change the rules of the Senate; that he would preserve the rights of the minority in this body; that he would not try to remake the Senate in the image of the House, something that could change our democracy in a very fundamental way.

So the question remains: Will he keep his word?

Here is what he said on January 27, 2011:

> I will oppose any effort in this Congress or the next—
>
> The one we are in now—
>
> to change the Senate's rules other than through the regular order.

And here is what he said this year, after I asked him to confirm that the Senate would not consider any rules changes that did not go through the regular order process:

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

Now, look, Mr. President, a Senator's word—especially the word of the majority leader—is the currency of the realm in this Chamber—the currency of the realm in this Chamber. As the majority leader himself said:

> Your word is your bond . . . if you tell [a Republican Senator or a Democratic Senator] you are going to do something, that is the way it is.

He is entirely correct. Senators keeping their word, well, that is just vital to a well-functioning Senate. But it is only part of the equation. We also need well-established rules that are clear, fair, and preserve the rights of all Senators—including those in the minority—to represent the views of their States and of their constituents. That is the other reason why I have been pressing the majority leader on this issue.

As a matter of principle, holding a Senator to his or her word is important, but so is preserving a Senate that works the way it is supposed to. And we cannot be assured of that until the majority leader affirmatively states that he will stay true to the commitments he has made.

I understand my friend the majority leader is under a lot of pressure. I have known him for a long time, and deep down I know he understands the far-reaching consequences of ''going nuclear.'' I think he actually realizes how terrible an idea that would be because once the Senate definitively breaks the rules to change the rules, the pressure to respond in kind will be irresistible to future majorities. The precedent will have been firmly and dramatically set.

Some Washington Democrats say: Oh, they just want to limit the rules change to nominations; they just want to make a little adjustment on nominations, which is why they have been hurtling the Senate toward a manufactured fight over a couple of the President's most controversial nominees. But Republicans have been treating the President's nominees more than fairly.

At this point in President Bush's second term he had a total of 10 judicial confirmations; and, by the way, the Republicans were in the majority in the Senate. President Bush, at this point in his second term, with a Republican majority in the Senate, had 10 judicial confirmations. So far in his second term, President Obama has had 26 judges confirmed—26, 26 to 10. Apples to apples: at this point in President Bush's term, with a Republican Senate; at this point in President Obama's term, with a Democratic Senate.

I would note that just yesterday the Senate approved two more judicial nominees. That leaves just five—just five—available to the full Senate to be confirmed. There are only five around here. Think about that. Of the 77 Federal judicial vacancies, the President has not nominated anyone for most of them, and only 5 remain on the Senate's Executive Calendar. Moreover, only one of those nominees has been waiting more than a month to be considered.

So it is hard to see this as anything other than a manufactured crisis. There is no factual basis for it—a manufactured crisis. So the question is, a crisis to what end? Where does this lead us?

Well, one of the reasons the majority leader has refrained from changing the rules thus far is this: He fully understands—he fully understands—that majorities are fleeting, but changes to the rules are not, and breaking the rules to change the rules would fundamentally change the Senate.

Future majorities would be looking to this precedent. I do not know what the future holds, but 2 years from now I could be setting the agenda around here. Once deployed, the nuclear option may have fallout in future Congresses, actually forever altering the deliberative nature of the Senate, which has made it the institution where enduring compromises between the parties have been forged.

So it is time for sober consideration of the direction in which the Senate is being taken.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Tennessee.

FILIBUSTERS

Mr. ALEXANDER. Mr. President, for the last few weeks, I have been listening to the Republican leader ask the majority leader not to turn the Senate into a place where a majority of 51 can do anything it wants. I am on the Senate floor today to suggest three reasons why I believe the majority leader will not do that:

No. 1, he said he would not. Senators keep their word.

No. 2, in 2007, the majority leader said to do so would be the end of the Senate. There have not been many majority leaders in the history of the Senate. I know none of them want to have written on their tombstone: He presided over ''the end of the Senate.''

No. 3, the majority leader is an able and experienced legislator. He knows if Democrats find a way to use 51 votes to do anything they want to do, it will not be very long until Republicans find a way, if we are in the majority, to use 51 votes to do whatever we want to do.

So let me take these three reasons one by one. First, the majority leader has given his word. The Republican leader mentioned that. At the beginning of the last two Congresses, at the request of the Republican leader, I worked with several Democrats and Republicans to change the rules of the Senate to make it work better. We succeeded in that. We talked about it, negotiated, and we voted those changes through.

We eliminated the secret hold. We abolished 169 Senate-confirmed positions. We expedited 273 more. We reduced the time to confirm district judges. We made it easier to go to conference. In exchange for all of that, the majority leader said he would not support changes in the rules in this 2-year session of Congress except through the regular order. He said:

The minority leader and I have discussed this on numerous occasions.

This is the Democratic leader.

The proper way to change the Senate rules is through the procedures established in the rules. I will oppose any effort in this Congress or the next to change the Senate rules other than through the regular order.

I ask unanimous consent to have printed, following my remarks, the majority leader's comments.

Second, I was a new Senator 10 years ago in 2003. I was absolutely infuriated by what the Democrats did in the first few months. For the first time in history, they used the filibuster to deny a President's judicial nominations for the circuit courts of appeal. It had never ever been done before. So Republicans threatened the so-called ''nuclear option.'' We threatened we would change the rules of the Senate so we could work our will with 51 votes.

Senator REID said at the time ''that would be the end of the Senate.'' He wrote that in his book called ''The Good Fight'' in 2007. It is the most eloquent statement I have heard about why changing the rules of the Senate to give a majority the right to do anything it wants with 51 votes is a bad idea. I wish to read a few sentences from Senator REID's book ''The Good Fight,'' written in 2007.

Senator Frist of Tennessee, who was the majority leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations.

Sounds familiar.

And once you open the Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. That, simply put, would be the end of the United States Senate.

It is the genius of the Founders that they conceived the Senate as a solution to the small state / big state problem. And central to that solution was the protection of the rights of the minority. A filibuster is the minority's way of not allowing the majority to shut off debate. And without robust debate, the Senate is crippled. Such a move would transform the body into an institution that looked like the House of Representatives where everything passes with a simple majority. And it would tamper dangerously with the Senate's advise-and-consent function as enshrined in the Constitution. If even the most controversial nominee could simply be rubber stamped by a simply majority, advise and consent would be gutted. Trent Lott of Mississippi knew what he was talking about when he coined the name for what they were doing the nuclear weapon.

One more paragraph.

But that was their point. They knew—Lott knew—if they trifled with the basic framework of the Senate like that, it would be nuclear. They knew that it would be a very radical thing to do. They knew that it would shut the Senate down . . . there will come a time when we will be gone.

This is Senator REID talking.

There will come a time when we will all be gone, and the institutions that we now serve will be run by men and women not yet living. And those institutions will either function well because we have taken care of them or they will be in disarray and someone else's problem to solve. Well, because the Republicans could not get their way getting some radical judges confirmed to the Federal bench, they were threatening to change the Senate so fundamentally that it would never be the same again. In a fit of partisan fury, they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or 67 Senators. The Republicans were going to do it illegally with a simple majority, or 51. Vice President Cheney was prepared to override the Senate Parliamentarian. Future generations be damned.

Those are the words of the distinguished Senator from Nevada in 2007 eloquently explaining why this body is so different from the House of Representatives.

I ask unanimous consent not only to have those remarks printed in the RECORD but several more pages from Senator REID's excellent seventh chapter entitled ''The Nuclear Option'' in his book from 2007.

Third and finally, if the Democrats can turn the Senate into a place where a majority of 51 can do anything they want, soon a majority of 51 Republicans is going to figure out the same thing to do. After 2014, some observers have said we might even be in the majority. Senator MCCONNELL might be the Republican leader and the majority leader. After 2016, we may even have a Republican President.

Preparing for that opportunity, I wish to suggest the 10 items, briefly, I wish to see on an agenda if we Republicans are able to pass anything we want with 51 votes, as the majority leader has suggested.

No. 1, repeal ObamaCare.

No. 2, S. 2, that would be the second bill if I were the leader. I would put up Pell grants for kids. Like the GI bill for veterans, Pell grants follow students to the colleges of their choice—creating opportunity at the best colleges in the world. Why don't we do the same thing for students in kindergarten through the 12th grade, take the $60 billion we spend, create a voucher for 25 million middle- and low-income children. It would be $2,200 for each one of them, just the money we now spend. Let it follow them to any school they choose to attend, an accredited school, public or private.

No. 3 on my list, complete Yucca Mountain. I have spoken often of the importance of nuclear energy to our country. It provides 20 percent of all of our electricity, 60 percent of our clean electricity for those concerned about climate change and clean air. Since 2010, the majority leader has stalled the nuclear waste repository in Nevada. That jeopardizes our 100 reactors. That jeopardizes our source of 60 percent of our clean electricity. If we had 51 votes in the Senate, we could direct the Nuclear Regulatory Commission to issue a license. We could direct the Department of Energy to build Yucca Mountain and we could fund the money to do it.

The junior Senator from Nevada, who shares Senator REID's opposition to that, said something about this recently.

The day is going to come that either he is here or not—

That is the majority leader.

—or the Republicans take control and it's a 50-vote threshold. Those kinds of issues are the ones that concern me the most. When you are from a small State, you need as many arrows in your quiver as possible to fight back on some of these issues that you can be overtaken by. Frankly, the 60-vote threshold is what has protected and saved Nevada in the past.

I ask unanimous consent to have Senator HELLER's comments printed in the RECORD.

If all the Democrats who voted once upon a time for completing Yucca Mountain were to do so again, we could get a bipartisan majority of 51 votes today in the Senate to complete Yucca Mountain. So make no mistake, a vote to end the filibuster is a vote to complete Yucca Mountain.

Here is the rest of my list—I will do it quickly—that I would suggest to the Republican leader, if he were majority leader, as his priorities for a Senate where we could pass anything we wanted with 51 votes.

Make the Consumer Protection Bureau accountable to Congress. That would be No. 4.

No. 5, drill in the Arctic National Wildlife Refuge and build the Keystone Pipeline.

No. 6, fix the debt. It ought to be No. 1. Senator CORKER and I have a $1 trillion reform of entitlement programs that would put us on the road toward fixing the debt.

No. 7, right to work for every State. We would reverse the presumption—create a presumption of freedom, giving workers in every State the right to work. States would have the right to opt out, to insist on forced unionism, the reverse of what we have today.

No. 8, No EPA regulation of greenhouse gases.

No. 9, Repeal the Death Tax.

Finally, No. 10, repeal Davis-Bacon, save taxpayers billions by ending the Federal mandate on contractors.

The Republican leader and I have plenty of creative colleagues. They will have their own top 10 lists. When word gets around on our side of the aisle that the Senate will be like the House of Representatives and a train can run through it without anyone slowing it down, there will be a lot of my colleagues with their own ideas about adding a lot of cars to that freight train.

Jon Meacham's book about Thomas Jefferson is one I have been reading. He reports a conversation between John Adams and Jefferson in 1798. Adams said:

No Republic could ever last which had not a senate . . . strong enough to bear up against all popular storms and passions . . .

And that—

Trusting the popular assembly for the preservation of our liberties . . . was the mearest chimera imaginable.

Alexis de Tocqueville, while traveling our country in the 1830s, saw only two great threats for our young democracy. One was Russia, one was the tyranny of the majority.

Finally, as the Republican leader so well stated, there is no excuse here for all of this talk. The Democrats are manufacturing a crisis. To suggest Republicans are holding things up unnecessarily is absolute nonsense. In fact, over the last two Congresses, we have made it easier for any President to have his or her nominations secured.

The Washington Post on March 18, the Congressional Research Service on May 23, said President Obama's nominations for the Cabinet are moving through the Senate at least as rapidly as his two predecessors. The Secretary of Energy was recently confirmed 97 to 0. There may be another three votes on Cabinet-level nominees this week.

Then as the Republican leader said, look at the Executive Calendar. Only three district and two circuit judge nominees are waiting for floor action.

As for filibusters, according to the Senate Historian, the number of Supreme Court Justices who have been denied their seats by filibuster is zero. The only possible exception is Abe Fortas, and Lyndon Johnson engineered a 45-to-43 vote so he could hold his head up while he continued to serve on the Court.

The number of Cabinet members who have been denied their seats by a filibuster in the history of the Senate is zero.

The number of district judges who have been denied their seats by a filibuster in the history of the Senate is zero. This is according to the Senate Historian and the Congressional Research Service.

So what are they talking about? I know what they are talking about. They are talking about circuit judges. That is the only exception. Why is it an exception? Because when I came to the Senate 10 years ago, the Democrats broke historical precedent and blocked five distinguished judges of President Bush by a filibuster.

Republicans have returned the favor and blocked two of President Obama's by a filibuster, which should be a lesson for the future to those who want to change the rules. About half the Senate are serving in their first term. They may not know about the majority leader's statements in 2007. They may not know about the history of the Senate. They may have heard all of these conflicting facts and not have the right facts.

What I have given you is what the Senate Historian and the Congressional Research Service say are the facts. Of course, there have been delays. My own nomination was delayed 87 days by a Democratic Senator. I did not try to change the rules of the Senate. President Reagan's nomination of Ed Meese was delayed a year by a Democratic Senate.

No one has ever disputed our right in the Senate, regardless of who was in charge, to use our constitutional duty of advise and consent to delay and examine, sometimes cause nominations to be withdrawn or even to defeat nominees by a majority vote.

Yes, some sub-Cabinet members have been denied their seats by a filibuster. The Democrats denied John Bolton his post at the United Nations.

Senator Warren Rudman told me the story of how the Democratic Senator from New Hampshire blocked his nomination by a secret hold. Nobody knew what was happening. I asked Senator Rudman what he did about it.

He said: I ran against the so-and-so in the next election, and I beat him.

This is how Senator Rudman got to the Senate.

In summary, the idea that we have a crisis of nominations is absolute, complete nonsense, totally unsupported by the facts. It should be embarrassing to my friends on the other side to even bring it up. They should be congratulating us for helping to make it easier for any President to move nominations through.

The advise and consent is a constitutional prerogative that both parties have always defended.

There are three reasons why the majority leader will not turn the Senate into a place where a majority of 51 can do anything it wants, in my judgment: one, he said he wouldn't, and Senators keep their word; two, he said the nuclear option would be the end of the Senate. No majority leader wants written on his tombstone he presided over the end of the Senate; three, if Democrats turn the Senate into a place where 51 Senators can do anything they want, it will not be long before Republicans do the same.

To be very specific, if Senator REID and Democrats vote to allow a majority to do anything they want in the Senate and set that precedent, voting to end the filibuster will be a vote to complete Yucca Mountain.

I come with respect to the Republican and the Democratic leaders, and especially to this institution, to say let's end the threats, let's stop the nonsense, let's get back to work on immigration and the other important issues facing our country.

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

Reid made the same commitment (if anything, more broadly) on January 27, 2011, when he said:

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

The storm had been gathering all year. and word from conservative columnists and in conservative circles was that Senator Frist of Tennessee, who was the Majority Leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations.

It is the genius of the founders that they conceived the Senate as a solution to the small state/big state problem. And central to that solution was the protection of the rights of the minority. A filibuster is the minority's way of not allowing the majority to shut off debate, and without robust debate, the Senate is crippled. Such a move would transform the body into an institution that looked just like the House of Representatives, where everything passes with a simple majority. And it would tamper dangerously with the Senate's advise-and-consent function as enshrined in the Constitution. If even the most controversial nominee could simply be rubber-stamped by a simple majority, advise-and-consent would be gutted. Trent Lott of Mississippi knew what he was talking about when he coined a name for what they were doing: the nuclear option.

And that was their point. They knew—Lott knew—if they trifled with the basic frame work of the Senate like that, it would be nuclear, They knew that it would be a very radical thing to do. They knew that it would shut the Senate down. United States senators can be a self-regarding bunch sometimes, and I include myself in that description, but there will come a time when we will all be gone, and the institutions that we now serve will be run by men and women not yet living, and those institutions will either function well because we've taken care with them, or they will be in disarray and someone else's problem to solve. Well, because the Republicans couldn't get their way getting some radical judges confirmed to the federal bench, they were threatening to change the Senate so fundamentally that it would never be the same again. In a fit of partisan fury, they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or sixty-seven senators. The Republicans were going to do it illegally with a simple majority, or fifty-one. Vice President Cheney was prepared to overrule the Senate parliamentarian. Future generations be damned.

Given that the filibuster is a perfectly reasonable tool to effect compromise, we had been resorting to the filibuster on a few judges. And that's just the way it was. For 230 years, the U.S. Senate had been known as the world's greatest deliberative body—not always efficient, but ultimately effective.

There had once been a time when the White House would consult with home-state senators, of either party, before sending prospective judges to the Senate for confirmation. If either senator had a serious reservation about the nominee, the nomination wouldn't go forward. The process was called ''blue-slips.'' The slips were sent to individual senators. If the slips didn't come back, there was a problem. The Bush White House ignored the blue-slip tradition, among many other traditions, and showed little deference to home-state senators.

We realized that if they were not going to adhere to our blue slips or entertain any advice from us, then they were trying to subvert the minority's ability to perform its advise-and-consent function under the Constitution. It was clear that Bush and Karl Rove were going to try to load all the courts—especially the circuit courts of appeals, because you can't count on Supreme Court vacancies. And most of the decisions are made by circuit courts anyway, so it could be said that they are the most important judicial nominees of all.

We Democrats made a decision that since the White House was ignoring the Constitutional role of the Senate, then we were going to have to delay some of the more extreme nominees. Be cautious and look closely was the byword. One rule we tried to follow was that if all Democrats on the Judiciary Committee voted no on a nominee, then we would say, ''Slow down.''

The Republicans immediately complained that they had never filibustered Clinton's judges, a claim that simply wasn't true. Frist himself had participated in the filibuster of the nomination of Judge Richard Paez, which at the time had been pending in the Senate for four years. When Senator Schumer had called him on it on the Senate floor, Frist had stammered to try to find a way to explain how their use of the filibuster was legitimate and ours wasn't. And moreover, it was a disingenuous claim. The reason the Republicans didn't deploy the filibuster that often when Clinton was President is that they had a majority in the Senate. and they had simply refused to report more than sixty of President Clinton's judicial nominees out of committee, saving them the trouble of a filibuster. In any case, the U.S. Senate had never reached a crisis point like this before,

In the early part of 2005, I hadn't wanted to believe it was true, and felt confident that we could certainly avoid it. We make deals in the Senate, we compromise. It is essential to the enterprise. I was determined to deal in good faith, and in a fair and open-minded way, ''What I would like to do is say there is no nuclear option in this Congress.'' I said on the floor one day, ''and then move forward.'' Give us a chance to show that we're going to deal with these nominees in good faith and in the ordinary course. And if you don't think we are fair, you can always come back next Congress and try to invoke the nuclear option. Because it would take a miracle for us to retake the Senate next year.

Did I regret saying this? No. Because at the time I believed it, and so did everyone else.

And in any case, we had confirmed 204, or 95 percent, of Bush's judicial nominations. It was almost inconceivable to me that the Republicans would debilitate the Senate over seven judges. But the President's man, Karl Rove, was declaring that nothing short of 100 percent confirmation rate would be acceptable to the White House, as if it were his prerogative to simply eliminate the checks-and-balances function of the Senate. Meanwhile, we were at war, gas prices were spiking, and we were doing nothing about failing pensions, failing schools, and a debt-riven economy. Where was our sense of priorities?

I had been pressing Majority Leader Bill Frist in direct talks for a compromise—one in which Democrats prevented the confirmation of some objectionable judges and confirmed some that we didn't want to confirm, all in the interest of the long-term survival of the Senate. But I had been getting nowhere. Those talks had essentially ceased by the end of February. And then Senator Frist began advertising that he was aggressively rounding up votes to change the Senate rules, and Republican senators, some quite prominent, began to announce publicly that they supported the idea. Pete Domenici of New Mexico. Thad Cochran of Mississippi. Ted Stevens of Alaska. Orrin Hatch of Utah. I was so disappointed that they were willing to throw the Senate overboard to side with a man who, it was clear, was becoming one of the worst Presidents in our history. President Bush tried at any cost to increase the power of the executive branch, and had only disdain for the legislative branch. Throughout his first term, he basically ignored Congress, and could count on getting anything he wanted from the Republicans. But from senators who had been around for a while and had a sense of obligation to the institution, I found this capitulation stunningly short-sighted. It was clear to me that Frist wanted this confrontation, no matter the consequences.

And as the weeks and months passed, it dawned on me that Frist's intransigence was owed in no small part to the fact that he was running for President. Funding the filibuster so that extremist judges could be confirmed with ease had become a rallying cry for the Republican base, especially the religious right. In fact, Senator Frist would be the featured act at ''Justice Sunday,'' a raucous meeting at a church in Louisville on the last Sunday in April that was billed as a rally to ''Stop the Filibuster Against People of Faith.''

This implied, of course, that the filibuster itself was somehow anti-Christian. I found this critique, which was becoming common in those circles, to be very strange, to say the least. Democratic opposition to a few of President Bush's nominees had nothing whatsoever to do with their private religious beliefs. But that did not stop James Dobson of Focus on the Family of accusing me of ''judicial tyranny to people of faith.''

''The future of democracy and ordered liberty actually depends on the outcome of this struggle.'' Dobson declared from the pulpit at Justice Sunday.

So the battle lines were drawn.

All the while, very quietly, a small group of senators had begun to talk about ways to avert the looming disaster.

Earlier in the year, Lamar Alexander, the Republican junior senator from Tennessee, had gone to the floor and given a speech that hadn't gotten much notice in which he had proposed a solution. Since under Senate rules a supermajority of sixty votes is required to end a filibuster, and the makeup of the Senate stood at fifty-five in the Republican caucus and forty-five in the Democratic, Alexander had suggested that if six Republicans would pledge not to vote to change Senate rules and six Democrats would pledge to never filibuster judicial nominees, then we could dodge this bullet. This would come to be know as ''the Alexander solution.''

Of course, this was an imperfect solution—if the minority, be it Democratic or Republican, pledged to never use the filibuster, then you were de facto killing the filibuster anyway and may as well change the rules. But Alexander's thinking was in the right direction. In fact, I had begun talking quietly to Republican senators one by one, canvassing to see if I could get to the magic number six as well, should Frist press a vote to change the rules. If he wanted to go that way, maybe we could win the vote outright, without having to forge a grand compromise.

I knew we had Lincoln Chafee of Rhode Island. So there was one. I thought we had the two Mainers. Olympia Snowe and Susan Collins. I thought we had a good shot at Mike DeWine of Ohio. We had a shot at Arlen Specter of Pennsylvania. Maybe Chuck Hagel of Nebraska. I knew we had a good shot at John Warner of Virginia. Warner, a former Marine and secretary of the Navy, was a man of high character. When Oliver North ran as a Republican against Senator Chuck Robb in 1994. Warner crossed party lines to campaign all over Virginia against North. I also felt that Bob Bennett of Utah would, at the end of the day, vote with us.

But these counts are very fluid and completely unreliable. It would be hard to get and keep six. We were preparing ourselves for a vote, but a vote would carry great risk.

As it turned out, Alexander's chief of staff was roommates with the chief of staff of the freshman Democratic senator from Arkansas, Mark Pryor. Pryor, whose father before him had served three terms in the Senate, had been worrying over a way to solve this thing. His chief of staff, a gravelly voiced guy from Smackover, Arkansas, named Bob Russell, got a copy of Alexander's speech from his roommate and gave it to Pryor. Alexander's idea of a bipartisan coalition got Pryor thinking, and he sought out the Tennessean and began a quiet conversation about it.

At the same time, Ben Nelson of Nebraska, one of the more conservative Democrats in the Senate, began having a similar conversation with Trent Lott. At some point they became aware of each other's efforts, and one day in late March, Pryor approached Nelson on the floor to compare notes.

Lott and Alexander would quickly drop out of any discussions. Such negotiations without Bill Frist's knowledge proved too awkward, particularly for Alexander, who was a fellow Tennessean. And even though there was antipathy between Lott and Frist over the leadership shake-up in 2002, Lott backed away as well.

But others were eager to talk.

Knowing what was at stake, John McCain and Lindsey Graham began meeting sub rosa with Pryor and Nelson. They would go to a new office each time, so as not to arouse suspicion. These four would form the nucleus of what would become the Gang of Fourteen, the group of seven Republicans and seven Democrats who would eventually bring the Senate back from the brink. Starting early on in their negotiations, Pryor and Nelson came to brief me on their talks, and I gave my quiet sanction to the enterprise. Senator Joe Lieberman came to me and said that he was going to drop out of the talks. I said, ''Joe, stay, we might be able to get it done. It's a gamble. But stay and try to work something out.''

Each meeting would be dedicated to some aspect of the problem, and there was a lot of back and forth about what would be the specific terminology that could trigger a filibuster. Someone, probably Pryor, suggested ''extraordinary circumstances,'' and that's what the group would eventually settle on. What that meant is that to filibuster a judicial nominee, you'd have to have an articulable reason. And a good reason, not just fluff. Slowly, they were joined by others. Ben Nelson approached Robert Byrd to ask if he would join the effort. No one cares more about the Senate than Byrd, and he agreed, anything to preserve the rules. John Warner was the same way, and it may have been Warner's presence in the negotiations that would serve as the biggest rebuke to Frist.

Ultimately, seven Republican senators would step away from their leader, in an unmistakable comment on his recklessness.

Meanwhile, the drumbeat for the nuclear option was intensifying in Washington, and was beginning to crowd out all else. James Dobson said that the faithful were in their foxholes, with bullets whizzing overhead. In mid-March, Frist had promised to offer a compromise of some sort. A month later, nothing. In mid-April, I was with the President at a White House breakfast and took the opportunity to talk with him about it. ''This nuclear option is very bad for the country, Mr. President,'' I said. ''You shouldn't do this.''

Bush protested his innocence. ''I'm not involved in it at all,'' he said. ''Not my deal.'' It may not have been the President's deal, but it was Karl Rove's deal.

A couple of days later, Dick Cheney spoke for the White House when he announced that the nuclear option was the way to go, and that he'd be honored to break a tie vote in the Senate when it was time to change the rules. The President had misled me and the Senate.

And that was the second time I called George Bush a liar.

The first time was over the nuclear waste repository located at Yucca Mountain, in my home state of Nevada. I have successfully opposed this facility with every fiber in me since I got to Washington, as it proposes to unsafely encase tons of radioactive waste in a geological feature that is too close to the water table, crossed by fault lines, unstable, and unsound. And Yucca Mountain posed a grave danger to the whole country, given that the waste—70,000 tons of the most poisonous substance known to man—would have to be transported over rail and road to the site from all over America, past our homes, schools, and churches. Not a good idea. President Bush committed to the people of Nevada that he was similarly opposed to Yucca Mountain, and would only allow it based on sound science. Within a few months of his election, and with a hundred scientific studies awaiting completion, Bush reversed himself. When one lies, one is a liar. I called him a liar then, and with his obvious duplicity on the nuclear option revealed by the Vice President's pronouncement, I called the President a liar again.

I then met again with Mark Pryor and Ben Nelson. I knew that they were trying to close a deal with the Gang of Fourteen. I was afraid to tell them to stop, and afraid to go forward. But I patted them on the back and off they went.

''Make a deal,'' I told them.

By this time, Bill Frist had been in the Senate for a decade. An affable man and a brilliant heart-lung transplant surgeon, he had been two years into his second term when Majority Leader Trent Lott had heralded Senator Strom Thurmond on his one hundredth birthday in early December 2002 by saying that if Thurmond's segregationist campaign for the presidency in 1948 had been successful, ''we wouldn't have all these problems today.'' The uproar over Lott's comments had wounded the Majority Leader, and just before Christmas the White House had in effect ordered that Frist would replace Lott and become the new Majority Leader, the first time in Senate history that the President had chosen a Senate party leader.

As Majority Leader, Frist had almost no legislative experience and always seemed to me to be a little off balance and unsure of himself. For someone who came from a career at which he was consummate, this must have been frustrating. When I became Minority Leader after the 2004 election, I obviously got to watch Frist from a closer vantage point. My sense of his slight discomfort in the role only deepened. In negotiations, he sometimes would not be able to commit to a position until he went back to check with his caucus, as if he was unsure of his own authority. Now, anyone in a leadership position who must constantly balance the interests of several dozen powerful people, as well as the interests of the country, can understand the challenges of such a balancing act. And to a certain extent, I was in sympathy with Frist. But my sympathy had limits. What Frist was doing in driving the nuclear-option train was extremely reckless, and betrayed no concern for the long-term welfare of the institution. There are senators who are institutionalists and there are senators who are not. Frist was not. He might not mind, or fully grasp, the damage that he was about to do just to gain short-term advantage, I reminded him: We are in the minority at the moment, but we won't always be. You will regret this if you do it.

By this time, the Senate was a swirl of activity. More senators were taking to the floor to declare themselves in support of the nuclear option or issue stern denunciations. Senator Byrd gave a very dramatic speech excoriating Frist for closely aligning his drive to the nuclear option with the religious right's drive to pack the judiciary. And he insisted that Frist remain on the floor to hear it.'' My wife and I will soon be married, the Lord willing, in about sixteen or seventeen more days, sixty-eight years.'' Byrd said. ''We were both put under the water in that old churchyard pool under the apple orchard in West Virginia, the old Missionary Baptist Church there. Both Erma and I went under the water. So I speak as a born-again Christian. You hear that term thrown around. I have never made a big whoop-de-do about being a born-again Christian, but I speak as a born-again Christian.

''Hear me, all you evangelicals out there! Hear me!''

Byrd was in his eighth term in the Senate, and before that had served three terms in the House. He has been in Congress about 25 percent of the time we have been a country. So his testimony carried great power.

Negotiations among the Gang of Fourteen continued feverishly. Not even a panicked Capitol evacuation in early May could stop them. An unidentified plane had violated the airspace over Washington, and the Capitol had to be cleared in a hurry, but McCain, Pryor, and Nelson continued talking nonetheless.

Joe Lieberman of Connecticut came to me again, concerned. Talks had gotten down to specific judges, and the group was trying to hammer out a number that would be acceptable to confirm. Senator Lieberman was worried that our side might have been giving away too much, and that in his view the group was in danger of hatching a deal that would be unacceptable to Democrats. He wanted to drop out. I told him again that he couldn't. The future of the country could well depend on his participation.

''Joe. I need you there,'' I told him. ''Help protect us.''

Once the existence of the Gang of Fourteen became known, once a ferocious scrutiny became trained on them, the group started to feel an even more determined sense of mission. They realized that they were doing something crucial, and loyalty to party became less important than loyalty to the Senate and to the country, at least for a little while.

And until the day that a deal was struck, the Republican leader's office boasted that no such deal was possible.

As if to underscore this point, and see his game of chicken through to the end, Frist actually scheduled a vote to change Rule XXII of the Standing Rules of the Senate for May 24.

The Democratic senators came to see me and told me that they had completed a deal to stop the nuclear option. They had done it. I told Pryor, Nelson, and Salazar, ''Let's hope it works.'' It did. And on the evening of May 23, 2005, the brave Gang of Fourteen, patriots all—Pryor of Arkansas, McCain of Arizona, Nelson of Nebraska, Graham of South Carolina, Salazar of Colorado, Warner of Virginia, Inouye of Hawaii, Snowe of Maine, Lieberman of Connecticut, Collins of Maine, Landrieu of Louisiana, DeWine of Ohio, Byrd of West Virginia, and Chafee of Rhode Island—signed a Memorandum of Understanding, in which they allowed for the consideration of three of the disputed judges, and rabled a couple more. Personally I found these judges unacceptable, but such is compromise. The deal that was struck was very similar to that which I had proposed to Bill Frist months before.

As Frist and I were just about to discuss the Gang of Fourteen deal before hordes of gathered press, Susan McCue, my chief of staff, pulled me aside and said, ''Stop smiling so much. Don't gloat.''

I didn't gloat, but I was indeed smiling. I couldn't help it.

''I remain concerned,'' Heller told The Washington Examiner. ''The nuclear option, they claim will be limited only to judicial nominations. But I don't believe that for a second. Once they get a taste of the 50-vote threshold, I think this thing spreads to every other issue.''

''The day is going to come that either he's not here or the Republicans take control and if it's a 50-vote threshold, those kind of issues are the ones that concern me the most,'' Heller said. ''When you're from a small state, you need as many arrows in your quiver as possible to fight back on some of these issues that you can be overtaken by. And, frankly, this 60-vote threshold is what has protected and saved Nevada in the past.''

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I ask unanimous consent that the Senator from Tennessee and I be allowed to engage in a colloquy.

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

Mr. MCCONNELL. I wish to congratulate my friend from Tennessee on a brilliant presentation on the history of the Senate and the current manufactured crisis we face.

The only comment I would add, just by way of reiterating the point my friend has already made, the Senator quoted Jefferson and Adams about the tyranny of the majority.

Mr. ALEXANDER. That was de Tocqueville.

Mr. MCCONNELL. De Tocqueville. Washington, when he was presiding over the Constitutional Convention, according to legend, asked what will the Senate be like. He said: Well, it will be like the saucer under the teacup. The tea will slosh out of the cup, down into the saucer, and cool off.

In other words, from the very beginning, it was anticipated by the wise men who wrote the Constitution that the Senate would be a place where things slowed down and were thought over. That has been the tradition for a very long time throughout the history of our country.

Until the First World War, it was not possible to stop a debate at all. Cloture

was actually adopted by the Senate in the late teens of the previous century and then lowered in the 1970s to the current two-thirds.

Looking at the history of our country, it is pretty clear to me that the Senate has done exactly what Washington thought it would do, slow things down and move them to the middle, and has been a place where bipartisan compromise was by and large achieved, except in periods of time where either side had a very big majority which, of course, our friends on the other side had in 2009 and 2010.

The American people took a look at that and decided to issue a national restraining order and restore the kind of Senate they are more comfortable with that operates, to use a football analogy, between the two 45-yard lines. There is not a doubt in my mind that if the majority breaks the rules of the Senate, to change the rules of the Senate with regard to nominations, the next majority will do it for everything. The Senator from Tennessee has pointed that out.

I wouldn't be able to argue a year and a half from now, if I were the majority leader, to my colleagues that we shouldn't enact our legislative agenda with a simple 51 votes, having seen what the previous majority just did. I mean, there would be no rational basis for that.

It is appropriate to talk about what our agenda would be. I would be, of course, consulting with my colleagues on what our agenda would be, but I don't think there is any doubt that virtually every Member of the Senate Republican conference would think repealing ObamaCare would be job one of a new Republican majority. I don't even have to guess is what likely to be the No. 1 priority: repealing ObamaCare.

The Senator from Tennessee mentioned drilling in ANWR. There has been a majority in the Senate for quite some time, both when the Democrats were in the majority and when the Republicans were in the majority, to lift the ban against drilling in ANWR.

I think that would certainly be on any top 10 list that I was able to put together as majority leader. Approving the Keystone Pipeline, we have gotten as many as 60 votes for that. We have gotten as many as 56 votes for ANWR.

What about repealing the death tax? We had as many as 57 votes back in 2006 to repeal the death tax entirely. There is a new bill being introduced this afternoon by our colleague, Senator THUNE of South Dakota, to get rid of the death tax altogether, to get rid of the dilemma every American faces. He has to visit the IRS and the undertaker on the same day, the government's final outrage.

These are the kinds of priorities our Members feel strongly about. I think I would be hard-pressed, with the new majority—having just witnessed the way the Senate was changed with a simple majority by the current Democratic majority—to argue that we should restrain ourselves from taking full advantage of this new Senate.

From the country's point of view, it is a huge step in the wrong direction. I am not advocating that, but I would be hard-pressed to say to our Members, the precedence having been set, why should we confine it to nominations.

Mr. ALEXANDER. I agree with the Republican leader.

Of course, the distinguished majority leader agrees with the Senator as well. He said in his book in 2007—I read it, but I will read it again—when talking about the Republican efforts several years ago, Republicans were so upset with actual obstructionism, as opposed to made up obstructionism, which is what we see here. They were so upset that this is what Senator REID said: If the majority leader pursues a rules change that would kill the filibuster for judicial nominations. And once you open that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster from regular business as well, and that, simply put, would be the end of the Senate.

What that means is the Senate would be similar to the House. A freight train could run through it. Many Senators have not visited the House Rules Committee. I have. It is an interesting place.

The Republicans can run the House by a single vote. But if one goes up to the Rules Committee—and I am sure the distinguished Republican leader has been there—there are thirteen chairs, thirteen members.

How many Democrats do you suppose have those chairs? Four. How many Republicans have those chairs? Nine. It is 2 to 1 plus 1 majority in the House Rules Committee. In the House of Representatives, whatever the majority wants to do it can do.

If we have a body with 51 votes to make all the decisions, and if I and others are deeply concerned about the nuclear waste sitting around in some of these 100 reactors—we have several of us on both sides of the aisle who were working on legislation like that—and we want it put in a repository, legally, where it is supposed to be, we have 51 votes, if they all vote the way they voted before, to order the government to open Yucca Mountain and put the nuclear waste there. This is what we can do with 51 votes.

The way our government is designed, the House can order that, which they have. The Senate hasn't because the majority leader has been able to make this body stop and think about whether it wanted to do this. I may not like that result, but I prefer that process for the good of the country to give us the time to work things out.

I would ask the Republican leader, hasn't it always been the responsibility, maybe the chief responsibility, of the Republican leader and the Democratic leader to preserve this institution? Newer Senators may not know as much about it, may not have as long a view as they have.

Over the time the minority leader has been here, hasn't that been—I would ask through the Chair to the Republican leader, hasn't that been the responsibility of the leaders of the Senate?

Mr. MCCONNELL. I will say to my friend from Tennessee, the Senator is absolutely right. The one thing the two leaders have always agreed on is to protect the integrity of the institution.

For those who may be observing this colloquy, they probably wonder why it is occurring. I wish to explain to our colleagues—and to any others who may be watching while this colloquy occurs—Senate Republicans are tired of the culture of intimidation.

We have seen it over in the executive branch with the IRS and we have seen it at HHS with regard to ObamaCare; this feeling that if you are not in the majority you need to sit down, shut up, and get out of the way. That mentality, that arrogance of power, has seeped into the Senate.

The culture of intimidation is this: Do what I want to do when I want to do it or I will break the rules of the Senate—change the rules of the Senate by breaking the rules of the Senate. In other words, it is the intimidation, the threat that has been hanging over the Senate as an institution for the last few months. It needs to come to an end.

I believe that is why the Senator from Tennessee and myself would like the majority leader to answer the question does he intend to keep his word.

Senators shouldn't have to walk on eggshells around here, afraid to exercise the rights they have under the rules of the Senate. There is no question that all Senators have a lot of power in this body. This body operates on unanimous consent. That means if any 1 of the 100 wants to deny that, it makes it hard. That is the way the Senate has been for a very long time.

I want the culture of intimidation by the majority in the Senate to come to an end. The way it can end is for the majority leader to say: My word is good, and we will quit having this culture of intimidation hanging over the Senate for the next year and a half.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I wish to congratulate the Republican leader on his remarks. It is important for those watching to know there are plenty of us here who know how the Senate is supposed to work, and we are doing that. We passed the farm bill, and we passed the water resources bill, involving locks, dams, and ports in this country. We did that the way the Senate is supposed to work. We worked across party lines. We got a consensus, got more than the majority, and did it.

We have eight Senators who have come forward with an immigration bill, a tough issue, but we are working together to see if we can resolve that.

I am part of a group of six or seven Senators who are trying to lower interest rates for 100 percent of students, not just 40 percent. We are not trying to ram it through with 51 votes, but we are trying to get a consensus and then pass it and send it to the House. Hopefully, they will do it.

When the great civil rights bills passed, they were a consensus, and the country accepted them because they were important pieces of legislation.

When the Republican leader and I were young—I was here and he was almost here—we saw Senator Dirksen and President Johnson work together to get a supermajority to say to the country it is time to move ahead on civil rights. That is the way the Senate is supposed to work. Let's stop the threats, stop the intimidation and recognize the progress we have made and get back to work on immigration.

Mr. MCCONNELL. I wish to conclude by thanking the Senator from Tennessee for a very impressive presentation and for his reminding us all of what makes the Senate great.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Are we in morning business?

The PRESIDING OFFICER. We are.

MEDICARE

Mr. FRANKEN. Mr. President, I rise to talk about Medicare solvency. I know that to many people the words ''Medicare solvency,'' which is the ability of the Medicare program to meet its financial obligations, sounds like an invitation to a nice nap.

You and I pay into Medicare every month, and we need to know that the benefits we paid for will be there when we need them, and not just that. I need to know Medicare will be around to cover my daughter and my new grandson when they become eligible. That is what Medicare solvency is about.

A couple of weeks ago we got some good news. According to the annual report released by the Medicare board of trustees, Medicare will stay solvent for 2 years longer than previously estimated.

There are a lot of things that are contributing to Medicare solvency, but one big thing is health reform. In fact, Medicare will be solvent for a total of 9 years longer than before we passed health reform. Let me say that again. The life of Medicare is 9 years longer today than it was before we passed health reform.

HHS Secretary Sebelius said:

> The Affordable Care Act has helped put Medicare on more stable ground without eliminating a single benefit.

The point is that health reform is not just about making our health coverage more comprehensive, it is not just making sure when we get sick we can get the care we need, it is also making Medicare more efficient. It is extending the life of Medicare so that Medicare can keep supporting our parents and will be able to support our kids.

How exactly has health reform helped extend the solvency of Medicare? Well, to start with, it stopped Medicare from overpaying private insurers. As you might know, seniors can choose to get their Medicare benefits directly from the Medicare Program or get them through a private insurance program that gets paid by Medicare, which is called Medicare Advantage. Before we passed health reform, we were overpaying these private insurers by about 14 percent. So we reduced what Medicare pays these private insurance companies. In fact, over the next 10 years we are going to reduce these insurance payments by about 14 percent, which CBO scored in 2010 as saving Medicare $136 billion over 10 years.

I will note that we were told by some of our colleagues that if we did this, insurance companies were going to leave the market, that we weren't going to have Medicare Advantage anymore. Well, so far, enrollment in Medicare Advantage has gone up by 10 percent, and I am glad about that because Medicare Advantage serves an important purpose for millions of seniors across our country.

We are also adjusting reimbursements to hospitals downward. Why and how does that work for hospitals? When you insure 31 million people who previously didn't have insurance, hospitals are no longer on the line for uncompensated care when those 31 million people go into the emergency room. The hospitals aren't left holding the bag for all of those costs.

And we didn't just extend the life of Medicare by 9 years; while we were at it, we expanded benefits for Medicare beneficiaries. I go to a lot of senior centers and nursing homes in my home State of Minnesota, and I have to tell you, seniors are very happy about their new benefits. They are very happy about the new free preventive care they get—the wellness checkups and the colonoscopies and the mammograms. They know and we know that an ounce of prevention is worth a pound of cure.

Do you know what else we are doing with that money? We are closing the prescription drug doughnut hole—the gap in coverage under Medicare where seniors have to pay the full costs of their prescription drugs in that gap. Seniors are very happy about that. For more than one-third of seniors, Social Security provides more than 90 percent of their income, and for one-quarter of elderly beneficiaries, Social Security is the sole source of their retirement income. So when Medicare stops covering the cost of their prescription drugs in the doughnut hole, that is serious, and sometimes these seniors have to decide between food and heat and medicine. Well, because we have been closing this doughnut hole, many don't have to make that impossible choice anymore.

When I was running for the Senate back in 2008, a nurse in Cambridge, MN, told me about a senior being hospitalized. She was being treated by the doctors and nurses so that she would be well enough to leave the hospital, and when she left the hospital, they would make sure to give her the prescriptions she needed.

After a few days, this nurse would call the pharmacy and ask: Has Mrs. Johnson come in and filled those prescriptions?

The pharmacist would say: No, she hasn't.

Why was that? Because she was in the doughnut hole. And guess what. In 10 days or in 2 weeks or whatever, Mrs. Johnson would end up back in the hospital because she couldn't afford her medicine. These readmissions cost our health care system a lot of money. But now, because we are closing the doughnut hole as part of the health care law, these seniors are able to get their medicine. This is improving their health, and it is saving us money.

So we have increased benefits and extended the life of Medicare, and that was done as part of health care reform.

Many of the provisions of the health care reform law will make our health care system more efficient and will lower costs in the long run. I wish to touch briefly on one I authored that is already keeping costs down for families in Minnesota and across our country. The provision of the health care reform law that I authored is based on a Minnesota law in a way. In 1993 Minnesota wrote a law that insurance companies had to report their medical loss ratio, and that is the piece I wrote into the law.

What is the medical loss ratio? Medical loss ratio is the percentage of premiums a health insurer receives that goes to actual health care—to actual health care, not to administrative costs, not to marketing costs, not to profits, not to CEO salaries, but actual health care.

Starting in 1993 Minnesota health insurers had to submit to the commissioner of commerce—the Minnesota Department of Commerce—their medical loss ratio. They had to compute it and submit it. I took that and I put a little wrinkle into it. I wrote something called the 80–20 rule, which says that insurance companies have to spend at least 80 percent of their premiums on actual health care for small group policies and individual policies and 85 percent for large group policies, and if they do not meet that, the health insurer has to rebate the difference. Well, thanks to this provision of the law, last year more than 12 million Americans benefited from $1.1 billion in rebates from insurers that did not meet the 80–20 rule, including 123,000 consumers in Minnesota.

In a new report, the Kaiser Family Foundation estimates that premiums in the individual market would have been $1.9 billion higher last year if it weren't for the medical loss ratio rule and they would have been $856 million higher in 2011. That is more than $2.75

billion in savings over the last 2 years alone. Those savings are in addition to the rebates consumers received. They estimated that insurers would have raised their rates that much more—$2.75 billion more—if they hadn't had to meet the 80–20 rule. This is another important way the health reform law is keeping health care costs down. So the rule I wrote into the law has already saved Americans nearly $4 billion in health care costs.

In fact, after going up at three times the rate of inflation for a decade, over each of the last 2 years health care costs have gone up less than 4 percent for the first time in 50 years. That is according to data released by the Department of Health and Human Services.

Now, I am not saying we are done, not by any stretch of the imagination. We have more work to do. In fact, one big thing we could do would be to allow Medicare to negotiate directly with pharmaceutical manufacturers on the price of their drugs. The VA does this, and they pay nearly 50 percent less for the top 10 drugs than Medicare does. I have a bill to allow Medicare to negotiate directly with pharmaceutical manufacturers, and I hope to work with my colleagues to bring this proposal to the floor.

At the end of the day, my job is about strengthening what works in our country and fixing what doesn't. Medicare works. It works for seniors across the Nation, it works for grandparents from Pipestone to Grand Marais, and I hope to work with my colleagues to protect Medicare benefits for our parents and grandparents, while strengthening the program for our children and grandchildren.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The assistant majority leader.

TRIBUTE TO RAY LAHOOD

Mr. DURBIN. Mr. President, when President Obama was first elected back in 2008, I can recall the transition period because his transition office was literally next door to my office in the Federal building in Chicago. I can't think of a more exciting time. Here was my colleague in the Senate who had just been elected President of the United States.

The whole world was beating a path to his door. Security was at the highest level, and I made a point of not interrupting him—which I would have done regularly when he was my Senate colleague—during this historic and important moment as he prepared to lead America with the blessing and the mandate of the American people.

I didn't have a long list of requests—well, I did, but I didn't exercise it—but I spoke to him once or twice about a couple of things I thought might be helpful to the country and to him. I recommended to him one person to appoint to his Cabinet—one person. I urged him to appoint Ray LaHood as America's Secretary of Transportation. I was confident that Ray LaHood would serve America with the same integrity and energy he had shown while serving as a Member of Congress from our State of Illinois. As Secretary Ray LaHood prepares to leave this important Cabinet post, I am pleased but not a bit surprised to be able to say to the President that I was right. He was an excellent choice—in fact, one of the best ever when it comes to the Department of Transportation.

Make no mistake, Ray LaHood is a proud Republican. I remember meeting him first when he was a staffer for Bob Michel, who was the Republican leader in the U.S. House of Representatives. Ray was a behind-the-scenes worker for the Republican minority leader in the House, and I knew he was from Peoria but little else about him. When Bob Michel announced his retirement, Ray LaHood said he was going to run for that position in Congress.

What surprised me was that some of my closest Democratic friends in central Illinois said they were going to financially support and do everything they could to elect Ray LaHood. And I thought, this is really amazing. These partisan friends of mine think Ray LaHood, a Republican, is a good person for this job.

So I started paying closer attention to this new Congressman. As it turned out, we became close friends. We worked together. We had adjoining congressional districts. Eventually, when I was elected to the Senate, we worked all through central Illinois on common projects, and I was happy to do it. Ray was not working with a great appetite for publicity; he wanted to get the job done, and he didn't mind giving credit to Democrats or Republicans if we could achieve our goals, the local goals we shared.

When he became Secretary of Transportation I saw that same spirit of cooperation and bipartisanship. Any time I spoke to President Obama or Vice President BIDEN about Ray LaHood, their Secretary of Transportation, they always said the same thing: He is the best and we are sure glad he is part of our team.

The President could not find anyone better to carry out the transportation agenda for America in his first term. I believe history is going to record Ray LaHood as one of the very best in that position. He put millions of Americans back to work with the $48 billion transportation funding that was part of President Obama's Recovery Act. He oversaw the creation of the Nation's first high-speed rail program, a program that Illinois has participated in with great commitment and excitement. He also helped to create the TIGER Program, a $2.7 billion investment in America's future that has built some of our Nation's most significant transportation projects. And he helped save lives by focusing personally on our national aviation system.

He also had another safety campaign. He conducted what he called a rampage against distracted driving, people who were texting or talking on cell phones and trying to drive at the same time. He traveled more widely and more frequently than many professional pilots did. As a Washington Post reporter wrote a while back:

> There are just two kinds of states: States where [Ray LaHood has] been to spread his gospel of safety and to inspect transportation systems and those States that he plans to visit soon.

The people of Illinois are grateful to Ray LaHood not only for his 4 historic years as Transportation Secretary, but also for his many decades of service as staffer to Bob Michel and then a member in his own right in our Illinois delegation.

Ray was born and raised in Peoria, IL. He stayed true to his Midwestern values throughout his career. He started his public service as a teacher in a classroom. He cut his political teeth working for another top Republican Congressman, Tom Railsback. As I mentioned, then he went on to work for Bob Michel. In 1994 he was elected to Bob Michel's congressional district, the 18th District. The district stretches from Peoria, south to the State capital, my hometown of Springfield.

There is a history of some pretty outstanding Congressmen from that district. I mentioned Bob Michel, and I can include Everett McKinley Dirksen as well. If you go far enough back in history you will find there was a young Congressman from a part of that district by the name of Abraham Lincoln.

Ray is a great student of history. He inspired a great effort to create the Abraham Lincoln Bicentennial Commission, and I was honored to join him as a co-chair with Harold Holzer of New York. We observed President Lincoln's 200th birthday in 2009 with suitable recognition and celebration across America.

Ray's work helped students everywhere learn a little bit more about President Lincoln and his role in America's history. Like his famous predecessors, Ray LaHood has raised the standard for civility and cooperation in the Congress. In the darkest hours of the House of Representatives when people were at each other's throats, it was Ray LaHood who reached across the aisle to a Democratic Congressman and said: Why don't we get together on a bipartisan basis, with our families, for a weekend. It seems so obvious and easy. Nobody had ever thought about it before Ray.

Back in Illinois Ray used to convene bipartisan meetings with local officials, State representatives, and his dedication to his district and his service in the House earned him the reputation as one of the best. When President Obama nominated Ray for Transportation Secretary, all of us in Illinois knew the President had chosen the right person.

Ray's legacy in DC will be substantial, but it will be even greater back in

Illinois. He has helped protect and build Illinois during his tenure at the Department of Transportation. It was such a treat to be able to call the Department of Transportation, to speak to the Secretary of Transportation about an Illinois project and have him know instantly what you were talking about.

The O'Hare Modernization Program is a good example. There is hardly a more important economic engine in the northern part of our State than the O'Hare Airport. The modernization of O'Hare had reached a period of some difficulty and controversy. Ray LaHood stepped in, brought the parties together, and put the Nation's largest airport expansion project back on track.

Secretary LaHood, as I mentioned earlier, brought high-speed rail to Illinois. Last year we rode the first 110-mile-an-hour train between Chicago and St. Louis. He helped build a beautiful new terminal at the Peoria International Airport.

Secretary LaHood's dedication to Illinois will be felt in every corner of Illinois for generations to come. People will be able to travel faster and more safely because of his work. He will bring new businesses to the State by those transportation investments, creating the jobs that we all want to see.

Ray LaHood is a leader with integrity and character. He is also such a good friend. I am going to miss him as my partner in government when he retires from the position of Secretary of Transportation. The Washington Post article I mentioned earlier had a wonderful line. The reporter wrote:

Perhaps the most telling tidbit in LaHood's life is that he resided in Washington for 30 years without once getting a haircut here. A man truly lives where he gets his haircut, and [for Ray LaHood] that is in Peoria, [IL].

As Ray LaHood prepares to leave President Obama's Cabinet and spend more time with his family, I wish the best to him. His wife Kathy—who was often at his side traveling back and forth between Illinois and Washington—will have more time with Ray and their four children: Amy, Sara, Sam, and State Senator Darin LaHood and their wonderful families too. I look forward to working with Secretary LaHood and his very able successor, former Charlotte mayor Anthony Foxx, to maintain and improve America's transportation systems and networks, the backbone of our economy.

GUN VIOLENCE

Mr. DURBIN. Mr. President, I rise to speak about the continuing toll of gun violence on our Nation and on my home State of Illinois.

This past week we lost too many Americans, and too many Illinoisans, to gunfire. Last Monday, 18-year-old April McDaniel was sitting on her porch in Chicago when a masked gunman in a car opened fire, killing April and wounding four of her friends. Last Tuesday, four members of the Andrus family in Darien, Illinois—including the family's two daughters, ages 16 and 22—were shot to death in an apparent murder-suicide. On Thursday, 19-year-old Robert Allen was killed in a drive-by shooting on the South Side of Chicago. And over the weekend, at least 6 were killed and dozens more were wounded in shootings across the Chicago area.

This senseless violence is devastating personally to the families involved, and to all of us. Our thoughts and prayers are with the victims and with their families. The sad reality is that gun violence continues to be an epidemic in America. Over 11,000 Americans are murdered with guns each year. If you count suicides and accidental shootings, the death toll from guns rises to more than 31,000 Americans each year. We have become almost used to this, haven't we? We hear about it every night on the news and we begin to think this is normal. But it isn't normal in any country on Earth for so many people to die from the use of firearms.

You can get a sense of this grim toll by reading the daily ''Gun Report'' by New York Times columnist Joe Nocera. The report compiles news stories about shootings across the nation. For example, yesterday's Gun Report describes shootings that took place over the weekend. It mentions: a 3-year-old in Columbus, Ohio and a 4-year-old in Wichita, Kansas who were hit on Friday by stray bullets; an 18-year-old girl in Ankeny, Iowa, who was accidentally shot and killed by her father on Friday; a 30-minute shooting spree in Omaha, Nebraska on Saturday that left two dead and two critically injured; a 76-year-old man who shot and killed his 75-year-old wife on Saturday in Cortlandt, New York after an argument; and a man who walked into a Catholic church in Ogden, Utah and shot his father-in-law in the head during Sunday mass. These are just a few of the shootings mentioned in one Gun Report. And each new day brings another long list of shootings in communities across America. It is appalling.

Last Friday marked 6 months since the tragedy in Newtown when a gunman murdered 20 small children and 6 educators at Sandy Hook Elementary School. In the 6 months since that awful day, over 5,000 more Americans have been killed by gunfire.

I commend my colleagues from Connecticut, Senator CHRIS MURPHY and Senator RICHARD BLUMENTHAL, who have come to this floor repeatedly to call for reforms that will spare other families the tragedy that the Newtown families have suffered.

We need to heed those calls. We cannot simply shrug our shoulders and write off this epidemic of gun violence as the cost of living in America.

There is some progress to report when it comes to reducing gun violence. Officials at the local and state level are taking proactive steps that are showing promising results.

In Chicago, for example, targeted policing strategies and community-based violence-prevention efforts have contributed to a 31 percent reported decrease in homicides compared to last year. The violence of this past week shows that more needs to be done, but this decline in killings is positive news. I commend the local officials, including mayor Rahm Emanuel, who are doing everything they can to reduce gun violence.

The General Assembly in Illinois just passed important legislation that would mandate background checks for private gun sales and require reporting of lost and stolen guns to law enforcement, something we failed to do. It should be a national law.

These are steps that will help keep guns out of the hands of criminals and the mentally ill. They will help reduce crime and save lives.

Other States are stepping up as well, with significant reforms passed in States like Colorado, New York, Maryland and Connecticut.

But State action alone is not sufficient. We need to do our part in Washington. Too often these guns cross State lines. Too often States have weak gun laws next to States with strong gun laws. That is why Congress needs to plug the gaping loopholes in our Federal background check system by passing legislation by Senator JOE MANCHIN, a conservative Democrat from West Virginia, and Senator PATRICK TOOMEY, a conservative Senator from Pennsylvania.

Congress also needs to pass a bill with real teeth to crack down on straw purchasing and gun trafficking, a bill that I worked on with Senators LEAHY, COLLINS, GILLIBRAND, and my colleague from Illinois, MARK KIRK.

Members of Congress need to take a stand on the issue of gun safety and gun violence. There should be no more hiding behind these empty, sham reform proposals written by the gun lobby to accomplish nothing. And no more claims that all we need to do is just enforce the laws on the books because we know the gun lobby has put loopholes in those laws that you can drive a truck through.

I want to mention a few things Congress should do to help reduce gun violence beyond the two items I mentioned. First, I will introduce legislation to encourage more crime gun tracing by State and local law enforcement. Crime gun tracing is a valuable tool for criminal investigations. When a gun is recovered in a crime, a police department can ask the Bureau of Alcohol, Tobacco, Firearms and Explosives, known as the ATF, to trace the crime gun back to its first retail sale. This information can help identify criminal suspects and potential gun traffickers. When all the crime guns in an area are traced, law enforcement can start to define and identify trafficking patterns.

ATF's crime gun tracing system is easy for law enforcement and it is free. Several years ago I reached out and challenged all of the law enforcement agencies in Illinois to submit the guns they had seized in crimes for tracing through the ATF. I am pleased to report that 388 Illinois agencies are now using the system called eTRACE but there are still thousands and thousands of law enforcement agencies across America that are not tracing their crime guns.

The legislation I am introducing is called the Crime Gun Tracing Act. It will require law enforcement agencies that apply for Federal COPS grants to report how many crime guns they recovered in the last year and how many they submitted for tracing. It will then give a preference in COPS grant awards to agencies that traced all the crime guns they recovered.

To be clear, law enforcement agencies should not just sit around and wait for a bill to pass before they start tracing crime guns. Tracing brings enormous benefits at virtually no cost. Agencies should not wait for this bill; they ought to start tracing today if they have not done so already. But the reality is many police departments, sheriffs' offices, have not been doing this. My bill will create an incentive for them to start.

Let me say something else. The Senate needs to confirm a Director to head the ATF. For the record, ATF has never had a Senate-confirmed Director. The Senate refused to confirm a Director under President George W. Bush and refused the second proposed Director under President Obama. Now a third candidate is being considered.

Since the Director position began requiring Senate confirmation in 2006, ATF has only had short-term Acting Directors, temporary leaders.

Whether it is a Republican President or a Democratic President, the gun lobby and their friends in the Senate have objected to every nominee. It looks as if they are preparing to mount an effort to stop the most recent nominee by President Obama, Todd Jones of Minnesota.

To be effective and accountable, Federal law enforcement agencies need Senate-confirmed leadership. But the gun lobby has done everything it can to keep this agency leaderless and weak. This is beyond hypocritical.

After the tragedy in Newtown, Mr. Wayne LaPierre of the National Rifle Association appeared before our Senate Judiciary Committee and said he opposed efforts to close gun loopholes because ''we need to enforce the thousands of gun laws that are currently on the books.'' Well, the agency that enforces Federal gun laws and refers gun cases for Federal prosecution is the ATF. In fact, for the past 15 years there has been a provision written in an appropriations bill, a gun lobby rider, that prohibits any of ATF's enforcement functions from being moved to another agency. So the NRA is making sure that the ATF is the only game in town when it comes to enforcing gun laws, and then they are making sure it never has a permanent Director.

I want to put the gun lobby on notice. If we can't get a Senate-confirmed Director for the ATF, then I am going to move to repeal the rider and bring in other Federal agencies with Senate-confirmed leadership—such as the Federal Bureau of Investigation—to make sure gun laws are enforced effectively in this country. The National Rifle Association and the gun lobby cannot have it both ways. They cannot complain that the gun laws are not being enforced and then stop any effort to put a permanent leader in place at this agency. The gun lobby has to make that choice. If they want to enforce gun laws on the books, they can work with us to confirm a Director at the ATF. If they want to keep blocking the ATF from having a Director, we will have to get other agencies involved to make sure laws are enforced. It is that simple.

In closing, I again extend my sympathy and prayers to the victims and families of gun violence. We have to do our part in Washington to put an end to this. We haven't had the votes we needed yet, but we should not give up. The American people are counting on us to make America safer.

Mr. President, I now ask unanimous consent that my last statement be placed in a separate part of the RECORD.

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

TYMOSHENKO IMPRISONMENT

Mr. DURBIN. Mr. President, I rise to discuss an issue that I hoped I wouldn't need to bring up today but unfortunately I do. I am referring to the continued imprisonment of the former Prime Minister of Ukraine, Yulia Tymoshenko, who has now sat in jail for almost 2 years.

In the fall of 2011 Ms. Tymoshenko was imprisoned for a 7-year term on charges that she abused her office in connection with a natural gas contract with Russia. I cannot judge the wisdom of that contract, but what is deeply troubling to me is the appearance of selective and politically motivated imprisonment of a former political leader in the democratic nation of Ukraine.

Ukraine is a promising and hopeful new member of the community of free-market democracies—one with a solid future in the West. It has strong ties to Europe and the United States.

This photo shows police officers leading former Ukranian Prime Minister Yulia Tymoshenko out of the courtroom after the verdict in her case in Kiev on October 11, 2011.

Ukraine is a great nation. It has helped NATO in Bosnia, Libya, Iraq, and Afghanistan. It is a major contributor and a valuable international peacekeeper. It was an early leader in throwing away the shackles of the Soviet Union and declaring its own independence.

In 2004 Ms. Tymoshenko and countless other Ukrainians organized a series of historic protests known as the Orange Revolution to address electoral fraud in the Presidential election in those days.

Ukraine's future is clearly with the community of democracies, and that is why the imprisonment of this former Prime Minister is so troubling. When a nation is a member of a community of democracies, it can't selectively throw its political opponents in jail for questionable policy decisions. If a poor policy decision is made, let the voters decide at the ballot box.

In the neighboring dictatorship of Belarus, 2010 Presidential candidate Mikalai Statkevich, who had the temerity to run against the strong-man dictator Viktor Lukashenko, still sits in jail because he challenged the dictator in an election. I might remind my friends in Ukraine that they do not want to be compared to Belarus. They should be democratic.

Countless international human rights groups and other countries have decried the charges against Ms. Tymoshenko and called for her release. The Parliamentary Assembly of the Council of Europe passed a resolution in January of 2012 declaring that the articles under which Ms. Tymoshenko was convicted were overly broad in application and effectively allow for ex post facto criminalization of normal political decisionmaking. Later that year both the European Parliament and our very own Senate passed resolutions condemning the sentencing of Ms. Tymoshenko and calling for her release.

The European Court of Human Rights, which settles cases of rights abuses after plaintiffs have exhausted appeals in their home country courts, recently considered this case and ruled that Ms. Tymoshenko's pretrial detention was unlawful, that the lawfulness of her detention had not been properly reviewed, her right to liberty had been restricted, and that she had no possibility to seek compensation for her unlawful deprivation. That is unacceptable.

I truly hope this ruling will finally create the circumstances for a face-saving way out of this mess. Unfortunately and regrettably, it has not happened. That is why I joined my colleagues, Senators RUBIO, BOXER, BARRASSO, MURPHY, and CARDIN, in submitting a resolution on the matter. It is simple and straightforward and expresses continued concern about Ms. Tymoshenko's selective and politically motivated detention.

I will close by saying that I was in Ukraine last year. I met with Prime Minister Azarov and President Yanukovych. They were generous hosts and very kind. They told me that something would be done in a positive way about Ms. Tymoshenko's imprisonment. That was a year ago and nothing has happened. I was optimistic then

and I will remain optimistic, but I want the Ukraine Government to know that we are going to hold them to the standards of democracy. They cannot imprison political opponents. You beat them in an election, move on to lead, and you are held accountable by the people who vote.

I hope a decision will be made in the near future to release Ms. Tymoshenko.

Mr. DURBIN. 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. GRASSLEY. 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 ask to speak as if in morning business for 7 minutes.

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

IMMIGRATION REFORM

Mr. GRASSLEY. Mr. President, when I closed last night I posed nine questions to Secretary Napolitano about the immigration bill. She said that when confirmed, she would answer questions that Congress put before her. My questions came at the end of her hearing on the immigration bill, and we have not received an answer now in 49 or 50 days. I would appreciate answers to those questions.

I would like to speak about the entry-exit system in the legislation before us. One of the concerns that has been made about the immigration bill before us is that it weakens current law in several areas. Now, when I go to my town meetings, I invariably get somebody who says: We don't need more legislation; just enforce the laws that are on the books. Those very same constituents of mine would probably be really chagrined at the fact that we have legislation before us that would weaken current law.

Well, we had a lengthy discussion during the Judiciary Committee markup about provisions dealing with criminal activity and deterring illegal immigration in the future. I have found that many existing statutes in this legislation—1,175 pages—have been revised and watered down, which sends exactly the wrong signal that should be sent to the people who seek to intentionally break our laws.

The sponsors of the bill have claimed that the bill will make us safer. They insist that the people will ''come out of the shadows,'' thus allowing us to know exactly who is here, where they are, and whether they are a national security risk.

We have talked a lot about the need for border security in the last week. I think it is the most important thing we can do for our national security and to protect our sovereignty. Border security is what the people demand. This legislation has weak border security provisions.

Amazingly, when I bring up border security, I am told by proponents of the bill that we don't need to put our entire focus on the border. Well, tell that to the people of grassroots America. These authors remind me that about 40 percent of the people here illegally are visa overstays or people who never returned to their home country. I don't dispute that 40-percent figure. I couldn't agree more that visa overstays need to be dealt with as much as people who are here undocumented and did not come here on a visa. We need to know who is in our country and when they are supposed to depart, and then we need to know if they actually leave.

We realized this way back in 1996 when we created the entry-exit system. At that time, Congress—and still today—under the law, called for a tracking system to be created, and this followed the first bombing of the World Trade Center. We knew there were gaping holes in our visa system, and that is why the entry-exit system was set up. Unfortunately—and the people of this country probably don't believe this—we had legislation calling for this system to be in place and it still is not in place. Administration after administration—and that is Democratic, Republican, and now Democratic—dismissed the need to implement an effective entry-exit system, thumbing their noses at the laws on the books. So here we are today—17 years later—wondering when that system and mandate from Congress will be achieved.

When introduced, the bill before us did nothing to track people who left by land. It did nothing to capture biometrics of foreign nationals who departed. We approved an amendment in committee that made the underlying bill a little bit stronger, but it fell short of current law. Current law says we should track all people who come and go by using biometrics. It says the entry-exit system should be in place at all air, sea, and land ports. We already know that anything less than what is in current law will not be effective.

The Government Accountability Office has stated that a biographic exit system, such as the one set forth in the underlying legislation, will only hinder efforts to reliably identify overstays and that without a biometrics exit system, ''DHS cannot ensure the integrity of the immigration system by identifying and removing those who have overstayed their original period of admission—a stated goal of US-VISIT.'' If we don't properly track departures, we won't know how many people are overstaying their visas and we won't have any clue of who is in our country.

Some will say: We can't afford it. Some will say: Our airports aren't devised in such a way to capture biometrics before people board airplanes. They will find any excuse not to implement current law, and that is why this current law hasn't been executed in the last 17 years.

This is a border security and national security issue. Without this system in place, we are not in control of our immigration system.

Senator VITTER's amendment, which is pending, would ensure the current law is met before we legalize millions of people. I encourage my colleagues to understand how this bill weakens our ability to protect the homeland. I also encourage the adoption of the Vitter amendment when we vote at 3 o'clock.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

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

The assistant legislative clerk read as follows:

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

Pending:

Leahy/Hatch amendment No. 1183, to encourage and facilitate international participation in the performing arts.

Thune amendment No. 1197, to require the completion of the 350 miles of reinforced, double-layered fencing described in section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 before registered provisional immigrant status may be granted and to require the completion of 700 miles of such fencing before the status of registered provisional immigrants may be adjusted to permanent resident status.

Landrieu amendment No. 1222, to apply the amendments made by the Child Citizenship Act of 2000 retroactively to all individuals adopted by a citizen of the United States in an international adoption and to repeal the pre-adoption parental visitation requirement for automatic citizenship and to amend section 320 of the Immigration and Nationality Act relating to automatic citizenship for children born outside of the United States who have a United States citizen parent.

Tester amendment No. 1198, to modify the Border Oversight Task Force to include tribal government officials.

Vitter amendment No. 1228, to prohibit the temporary grant of legal status to, or adjustment to citizenship status of, any individual who is unlawfully present in the United States until the Secretary of Homeland Security certifies that the US-VISIT System (a biometric border check-in and check-out system first required by Congress in 1996) has been fully implemented at every land, sea, and air port of entry and Congress passes a joint resolution, under fast track procedures, stating that such integrated entry and exit data system has been sufficiently implemented.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am encouraged that later today the Senate will vote on four amendments to the

immigration bill. I hope it is an indication that the Senate is going to begin considering amendments in an orderly and efficient way. I would encourage Senators to file their amendments and come to the floor and offer them. I share the majority leader's wish to make progress on this important legislation. We know the immigration system is sorely in need of reform and now is the time to do it.

Last week we should have disposed of several amendments to the bill before us, but in the Senate, progress requires cooperation. Instead of going forward and actually having Senators take positions and vote up or down, we had objection after objection from the opponents of this legislation who put the Senate in the unenviable position of having the public see us as voting ''maybe.'' We know why people get discouraged with Congress. They don't realize that there is a small number of people blocking any voting. They expect us to vote for or against something. There are going to be political costs to voting for or voting against, but they expect us to vote. It comes with the job. And when people objected to proceeding to comprehensive immigration reform, that cost us several days. Again, the American public sees the Senate as voting ''maybe.''

Well, I am one Senator willing to take the consequences of voting for or against something and not voting ''maybe.'' I think most Senators would prefer voting yes or no and not maybe. In fact, when we finally ended the filibuster and were able to vote to proceed to the bill, 84 Senators stood up and said, Let's proceed. They voted in favor of doing so. They know they are going to risk some criticism for doing that, but at least they had the courage to do it.

We still have a tiny handful of Senators who keep on trying to say vote ''maybe.'' It is frustrating because that initial delay was not necessary. It didn't add to the debate. It simply hindered the Senate's consideration of the bill. In fact, opponents of the bipartisan legislation have even objected to adoption of the Judiciary Committee substitute bill despite widespread praise from both Republicans and Democrats for how we conducted our proceedings and our overwhelming bipartisan vote to get the bill to the full Senate. This was a bill where almost all of the amendments accepted in Committee were on a bipartisan vote. Additionally, over 40 amendments offered by Republicans were accepted by the Committee.

So the votes against even proceeding to this bill indicate that at least 15 Members of the minority are so dug in against comprehensive immigration reform that they are unalterably opposed. They want us to vote maybe to duck the issue. They want to duck the issue. That is not a profile in courage. Those few Senators should not further obstruct the 84 Senators who appear ready to go to work on this bill and vote for or against it. The question is whether the other Members of the Republican Party will follow those who seek to delay the Senate's consideration or whether they will work with us to pass a good bill.

More than 100 amendments have been filed to the comprehensive immigration reform bill, but over the last 2 weeks we have only voted once on the motion to table an amendment that already had been defeated in committee.

I began this process with a spirit of cooperation. I offered an amendment on behalf of myself and Senator HATCH, the senior member of the Republican Party, to strengthen our visa program for visiting foreign artists who come to perform with nonprofit arts organizations. I was then willing, following the procedures and the cooperation I have known here in the Senate for decades, to give consent to Senator GRASSLEY to set aside my amendment and offer his amendment relating to border security. Unfortunately, when we asked for the same courtesy so that other Senators, Republicans and Democrats alike, could call up additional amendments, there was an objection. I was expected to cooperate and follow this normal procedure, but the second we asked for the other side to do that, it was: Oh, no, we can't do it. The rules have to be different.

Then when the majority leader offered a unanimous consent request to have votes on the Grassley amendment and others in a manner that Senate Republicans, including the Senate Republican leader just a few days ago, had been insisting on with respect to amendments and legislation and nominations, the minority objected.

Then when the majority leader asked that a group of amendments offered by Senators on both sides of the aisle be allowed to be offered, again there was an objection.

So it is with great effort that we are trying to work through amendments. But like the minority's treatment of nominations, even consensus amendments are being objected to and delayed. We have been unable to get an amendment by the Republican Senator from Nevada pending because there is Republican objection to a Republican Senator offering an amendment which is probably going to pass with overwhelming support from both Republicans and Democrats. It is no wonder public approval of Congress in last week's Gallup poll is 10 percent. At a time when so many Americans are in favor of reforming the Nation's broken immigration system, we in the Senate should be working together to meet that demand and reflect what the people of America want.

The President spoke again last week about immigration reform and what is needed. The President had with him a broad cross-section of those supporting our efforts from business and labor to law enforcement, clergy, and from both sides of the aisle. Just as I worked with President Bush in 2006 when he supported comprehensive immigration reform, I urge Senate Republicans to work with us now. Senators from both sides of the aisle worked together to develop this legislation—Senators from both sides of the aisle.

Then Senators from the Judiciary Committee considered it and adopted more than 130 amendments to improve it, almost all of them with a bipartisan vote. Senators from both sides of the aisle need to come together now to defeat debilitating amendments and pass this legislation.

One of the procedural disputes that has delayed us is the application of what the Majority Leader has termed the ''McConnell rule'' to provide for 60-vote thresholds for adopting amendments. Senate Republicans are now objecting to their leader's own rule. That is why the Majority Leader on Thursday took the action left to him to move forward on the bill and moved to table Senator GRASSLEY's amendment, which I had worked with Senator GRASSLEY to allow him to offer and have pending. I am glad that we have now gotten agreement to treat Republican and Democratic amendments equally.

Though I am encouraged that we will begin voting on this legislation, I believe that the Senate should not have gone down the path insisted upon by the Republican leader when he demanded supermajority votes of 60 by the Senate on so many amendments and legislation. He has made everything subject to a filibuster standard. I have tried to have the Senate act by a majority vote, which is the practice I would favor. Unfortunately, the Republican leader has prevailed over and over again and Republicans have insisted on 60-vote thresholds for the adoption of amendments. That is the rule on which they have insisted. And late last week, the minority objected to its own rule when the Majority Leader asked for consent to set votes for the Senate. They cannot insist upon a rule for one side and not the other. They cannot have it both ways. I understand why the Majority Leader has asked for the same consents on which the Republican leader has insisted for years, following what the Majority Leader has termed the ''McConnell rule.''

What Republican Senators were insisting upon is a simple majority threshold for their amendments and a 60-vote barrier for Democratic Senators' amendments. That is not fair. I am ready to work with the Majority Leader, the Republican leader, the Chairman and ranking member of the Rules Committee, the ranking member of the Judiciary Committee and other interested Senators on reestablishing majority rule in the Senate except in special circumstances. That new arrangement will have to follow our work on this bill and not delay or be applied retroactively to undermine comprehensive immigration reform.

With respect to Senator GRASSLEY's amendment, which was tabled last

week, I note that it was tabled by a bipartisan majority of 57 votes. That included five Republican votes. Of course, this was an amendment, as most people knew on the floor, that had been considered by the Judiciary Committee. It was defeated by a bipartisan vote of two-thirds of the committee. It would have undermined and unfairly preempted the pathway to earn citizenship. It would have made the fates of millions seeking to come out of the shadows to join American life unfairly depend on circumstances way beyond any control they might have. I am troubled by proposals that contain false promises in which we promise citizenship, but it is always over the next mountain: We are going to give citizenship, but not quite yet. It is almost like Sisyphus pushing that rock up the hill. I want the pathway to be clear and the goal of citizenship attainable. It can't be rigged by some elusive precondition. We should treat people fairly and not have their fates determined by matters beyond their control. No undocumented American controls the border or is responsible for its security. The things that are being set up to kill this bill would have blocked my grandparents from coming to Vermont from Italy and would have blocked the parents and grandparents of many of the Senators now serving in the Senate. So I don't want people to move out of the shadows or to be stuck in some underclass. Just as we should not fault the DREAMers who were brought here as children, we should not make people's fates and future status dependent on border enforcement conditions over which they have no control.

This legislation is far too important to be subject to needless delay, and I hope the votes today signal an end to the delay we have experienced until this point. We should have a healthy and vigorous debate on the bill reported out of the Judiciary Committee. Central to that debate is considering and voting on amendments.

One of the bright moments so far during this debate, in the view of the American public, was the way Republicans and Democrats alike worked in the Senate Judiciary Committee to get this bill before us in the full Senate. The public debate was followed online by thousands of people. We brought up amendments, we debated them, and then we voted on them. Nobody voted maybe; they voted yes and they voted no. The American public responded overwhelmingly, saying this was the way to go, and I think Republicans and Democrats on the floor justly praised the way it was done in the Judiciary Committee. There were 18 of us working together, and I compliment the distinguished Senator from Iowa for working with us. Although he disagreed with the outcome, we worked together to get that debate finished. We went into the evenings and we worked all day for a couple of weeks and we got it done. But now all 100 of us should stand here and do the same thing. Demands for different voting standards for Republican and Democratic amendments are wrong.

A couple of weeks ago, the distinguished Republican leader spoke at an event. I was sitting there. He knew I was following him to speak. He said, On a matter of this importance, all amendments should be subject to a 60-vote threshold. Well, I have had a different view in the past, but I said, OK then, we will do that for both Democratic and Republican amendments, but let's get it done. Having different standards for Republicans and Democrats is not how the Judiciary Committee considered this legislation. It is also not how the majority of Americans expect us to conduct the debate. The tactics of last week undermine the Senate's work on this important bill. Those who have already decided to oppose this bill at the end of the Senate's consideration can vote against it, but they should not dictate the work of 84 Senators who are ready to go forward and vote.

I call on all Senators to please file their amendments to this bipartisan legislation by Thursday and work with us, if need be, on Friday and Saturday and through the weekend, so we can make much-needed progress on this legislation without further delay.

Mr. President, is there a division of time?

The PRESIDING OFFICER. The time is equally divided.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield 10 minutes of my time to Senator THUNE.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1197

Mr. THUNE. Mr. President, I think we all agree our immigration system is broken and it needs to be fixed. Unfortunately, every time Congress has tried to fix our immigration system, promises of a more secure border are never upheld. The bill we have in front of us today is following the same path as past immigration bills.

Under this bill it is certain that 12 million people in this country who are here illegally will receive legal status soon after the bill is enacted. However, the border security provisions of this bill are again nothing more than promises which, again, may never be upheld.

When I talk to the people I represent in the State of South Dakota, one of the questions I get over and over is, When is our Federal Government going to keep its promises when it comes to the issue of border security?

The second question is, Why do we need more laws when we are not enforcing the laws we currently have on the books?

It is time that we follow through on promises of a more secure border.

Actually, you have to go back to 1996, which is the first time Congress spoke on this issue. At that time Congress stipulated that we needed to have a double- and even triple-layered fence system on the border.

Well, you roll time forward to 2006—10 years later—with the Secure Fence Act. Congress again passed a law requiring a double-layered fence, this time indicating very specific locations, totaling around 850 miles—even above the current 700-mile requirement. Eighty Senators voted for that bill. Let me repeat that. Eighty Senators, Republicans and Democrats, in a bipartisan way voted in 2006, under the Secure Fence Act, for 850 miles of double-layered fence.

Well, you go again forward to 2008. As part of the Consolidated Appropriations Act, Congress specified this time that not less than 700 miles of fencing would be required. To date, of course, of this requirement, only about 40 miles of the double-layered fencing has been completed.

During debate on the Department of Homeland Security Appropriations Act in 2010, an amendment was offered to require the completion of at least 700 miles of reinforced fencing along the southwest border, and this time with a specific timeline, a specific date in mind: December 31, 2010. That amendment was agreed to on the Senate floor. There were 54 votes in favor of it, including 21 Democrats, 13 of whom are still here today. But the fence has still not been completed.

The amendment I have offered, amendment No. 1197, simply requires that we implement current law, completing 350 miles of double-layered fencing prior to RPI status being granted. The completion of this section of the fence would be a tangible, visible demonstration that we are serious about this issue of border security. After RPI status is granted, the remaining 350 miles required by current law would have to be constructed during the 10-year period before registered provisional immigrants can apply for green cards. So 350 miles before RPI status; 350 miles after. I think it is a reasonable way of approaching this issue.

People have gotten up and said: Well, this fence is old school. It is not the only answer. It requires a combination of technology and manpower and surveillance, but there is an important place for infrastructure to play in this. A double-layered fence, which was called for by Congress first in 1996, again in 2006, again in 2008—for which there was broad bipartisan support here in the Senate—should be something on which we follow through.

One of the other issues that has been raised is, well, there is not money to do this. There is money appropriated in this bill. Mr. President, $6.5 billion is appropriated, $1.5 billion of which is dedicated to infrastructure. If you look at what it would cost to build a double-layered fence, the estimates are about $3.2 million per mile. So the 350 miles we call for before RPI status is granted

would run in the range of $1 billion—sufficient within the money already allocated in the bill.

But my point, very simply, is this: We have made promises and commitments to the American people over and over and over again in a bipartisan way here in the Senate which have not been followed through on.

Now, the Senator from Alabama, who offered an amendment very similar to this at the Judiciary Committee markup, is here on the floor and has been a leader in terms of trying to secure our borders—an issue that I think most Americans, before we deal with any other aspect or element of the immigration debate, believe ought to be addressed.

I would simply ask the Senator, if I might through the Chair, does he think building 40 miles out of a 700-mile requirement is keeping the promise we made to build a border fence that is adequate to deter illegal crossings? Secondly, doesn't infrastructure, such as a double-layered fence, enhance the effectiveness of border control agents and surveillance technologies along the border—recognizing again that it is not the only answer; it is combined with, complemented by other forms of border security? But it is important, in my view, that we have a visible, tangible way in which we make it very clear that this is a deterrent to people coming to this country illegally.

We want people to come here legally. We are a welcoming nation. We are a nation of immigrants, but we are a nation of laws, and we have to enforce the laws. We have not been doing that, and we have not been keeping the promises we made to the American people when it comes to border security and more specifically when it comes to the building of the fence.

So I would ask my colleague from Alabama, through the Chair, about his views on this and whether we have followed through on a level that is anywhere consistent with what we promised to the American people. Secondly, doesn't the Senator think this infrastructure component is an important element when it comes to the border security part of this debate on immigration reform?

Mr. SESSIONS. Mr. President, I thank the Senator from South Dakota. He is exactly correct. This is a failure of Congress and the administration. As soon as some discretion was given to the administration to not build a fence, they quit building a fence, and we are so far behind what we promised the American people.

I say to Senator THUNE, I remember being engaged in the debate in both of those years, 2006 and 2008. We actually came up with a fund. We funded sufficiently the fence construction that needed to be done. We told the American people we were going to do it. We were proud of ourselves. Actually, I remember giving a hard time to my colleagues because in 2006 we authorized the fence but there was no money. So it was later that we finally forced the money to be appropriated because the issue was, you say you are for a fence, you go back home and say: I voted for fencing and barriers, and then you do not put up the money. So the money was even put up, and it still did not happen as required by law.

I say to Senator THUNE, I think you said it so clearly. That is why the American people are rightly concerned about amnesty first with a promise of enforcement in the future. Even when we pass laws that plainly say a fence shall be built, we put up money to build that fence, and it does not happen in the future.

So what we are asked to do with this legislation is to grant amnesty immediately. That will happen. That is the one thing in this bill that will happen. But we need to ask ourselves: What are the American people telling us?

A recent poll showed that by a 4-to-1 margin the American people said: We want to see the enforcement first. Then we will talk about the amnesty. Do your enforcement first.

The Senator's question is, How will it work? Well, we have discussed that over the years. The greatest example of how it works is in San Diego. That area was in complete disarray, with violence, crime, drugs. It was an economic disaster zone. There was a very grim situation in San Diego. There were all kinds of illegality at the border. They built a triple-layer secure fence, and across that entire area illegality ended totally, virtually. Almost no illegality is continuing at that stretch of the border today. Crime was dramatically reduced. Economic growth occurred on both sides of the border. It was highly successful.

So several things happen. First, you end the illegality with a good fence. Second, it reduces dramatically the number of Border Patrol officers needed to make sure illegal crossings are not occurring because there is a force multiplication of their ability. So you can save a lot of money by having fewer people. When people see a very secure fence, they decide it is not worth the attempt, so they don't even try to cross. That reduces the stress on the Border Patrol, the number of deportations, and the number of people who have to be sent back. Building a fence reduces costs and saves money in the long run and really achieves what I think the American people have asked us to achieve.

I say to Senator THUNE, I think your amendment is very reasonable. It certainly puts us on a path to completing the kind of barriers that are necessary. As the Senator said, it comes nowhere close to saying there is a fence across the entire border. It would just be at the areas where it would be most effective.

Mr. THUNE. I say to my colleague from Alabama—and, again, I thank him for his leadership on this issue, both past and present—what we are talking about here is something that is a part of the solution. This is not the totality. This is not the entirety.

People come down here and say: Well, you cannot just build a fence. People will tunnel under it. They will climb over it.

Of course they will. But coupled with additional Border Patrol agents, coupled with surveillance, coupled with modern technologies, it is a composite solution, if you will, but it still very clearly is a deterrent. It is a visible, tangible message and deterrent that we want people to come to this country legally, we want to discourage illegal immigration. I think the fence is part of the infrastructure component of that border security solution, and it is something we have all made commitments on in the past.

I think it is very hard to ask people to vote for an immigration reform bill that includes the legalization component to it if we are not going to follow through on the promises we have made because the American people have heard this before. Promises, promises is something they have heard plenty of in the past when it comes to this issue. We have yet to follow through on this with the exception of the 36 miles that I mentioned that have been built. But commitments were made in 1996, requirements to do this in 2006. As the Senator said, in 2008 the money was added. That was a 76-to-17 vote here in the Senate. Seventy-six Senators from both parties voted to fund this in 2008. In 2006, 80 Senators, including now-President Obama, who at that time was a Senator, now-Vice President BIDEN, who at that time was a Senator, and at that time Senator Hillary Clinton all voted for the Secure Fence Act in 2006.

So, again, I am not suggesting for a minute that it is the only solution, the cure-all, the panacea that is going to address this issue, but I think it is something that is very real, very tangible, very visible. It is something we have made a commitment on to the American people, and I think it is something on which we ought to follow through. It certainly ought to be a requirement—a condition, if you will—in this legislation before some of these other elements come to pass because if it is not, it will never get done, as we have already seen going back to 1996.

So I hope that on amendment No. 1197, when it is voted on this afternoon, we will have the same strong bipartisan support we have had in the past on this issue. I hope, again, as the Senator from Alabama and I have discussed, we will follow through on a commitment we made to the American people and do something really meaningful on the issue of border security.

With that, I say to my colleague from Alabama that, again, I appreciate his strong voice on this issue, and I hope he and I will be joined by many others today.

Mr. SESSIONS. I say to Senator THUNE, thank you for your leadership in offering a clear legislative proposal that will work. It is my observation

that things that get proposed around here that do not work often are passed; things that will actually work are difficult to get passed.

I say to Senator THUNE, I do not know if you realize that all of the sponsors of the legislation have talked a good bit about fencing that might occur, having a report on fencing. What we do know is that it did not require fencing anywhere in the bill. But in case anybody had any doubt about that, Senator LEAHY, the chairman of the Judiciary Committee, offered an amendment that explicitly stated that nothing in the bill shall require the construction of any fencing at the border. So despite what others have heard about this being the toughest bill ever and it is going to do more for enforcement than we have ever had, it, in fact, weakens and almost guarantees we will not have additional fencing, which would certainly be a component, in my mind, of a stronger, tougher enforcement mechanism.

Fencing barriers do, I believe, help the President, who should lead on this, who should say clearly to the world: Our border is secure. We are building fences and do not come. The number of people who would attempt to come would drop a lot if we made that clear statement.

I thank the Senator for his good work.

Mr. THUNE. Mr. President, I will say in closing, again, this is not—the border is 2,000 miles long. This requires 700 miles. So it would be put in those areas where, as the Senator from Alabama noted, it is most needed.

With that, I yield the floor and ask, when the time comes, for support on amendment No. 1197.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, last week I previewed an amendment I will be offering, hopefully, as early as this afternoon, on the underlying immigration bill. This is an amendment which the Democratic majority leader and at least one or two other Members of the Senate have called a poison pill.

I find that somewhat bizarre, especially in light of what others have said about this amendment, which I will talk about briefly. It strikes me as unusual that anytime anyone offers a different idea by way of an amendment that people do not like they call it a poison pill, as if that was the only option. You either take it without the amendment or you accept the amendment and it kills the legislation.

We know the truth is far different. In fact, several members of the so-called Gang of 8 who have been very much involved in negotiating the underlying bill have different opinions, which actually I find somewhat refreshing but not all that surprising.

Senator FLAKE, for example, from Arizona, said, ''I don't think it is a poison pill,'' on June 12. Senator RUBIO said of my results amendment, ''It's an excellent place to start.'' I am grateful for their comments. Senator BENNET, a Senator from Colorado, on the other side of the aisle and Senator FLAKE argued that ''they are not afraid of adding a requirement to nab 90 percent of would-be border crossers.'' That was at the Christian Science Monitor breakfast on June 12. Senator BENNET went on to say, ''I have every confidence that we are going to meet the mark well before the 10 years.'' He said that on June 12 as well.

The interesting point about this discussion is the very same measurement or standard that is in my amendment actually comes from the bill that was introduced by the Gang of 8: 100 percent situational awareness of the border and a 90-percent apprehension rate. All my amendment did is to say: OK, you set the standard, but we are going to make sure the Federal Government actually keeps its promises because, unfortunately, the history is littered—recent history, in particular—with broken promises by the Federal Government, particularly when it comes to immigration.

My amendment is necessary. My results amendment, which I will describe further, is necessary because in its current form, the underlying bill does not include a genuine border security trigger. You do not have to take my word for it. Last week, the assistant Democratic leader, Senator DURBIN of Illinois, himself said quite explicitly that while the original proposal—as he described it in January 2013, he said: ''A pathway to citizenship needs to be contingent upon securing the border.'' He said that in the context of the bipartisan framework for comprehensive immigration reform.

But later on he was quoted in the National Journal, on June 11, saying, ''The Gang of 8 bill has delinked the pathway to citizenship and border enforcement.'' The bill that is being sold today delinks the pathway to citizenship and border enforcement. My amendment would reestablish the very same linkage the gang themselves trumpeted in January 2013.

I think this is a remarkable admission, that the current bill delinks the pathway to citizenship and border security. I think most Members of the Senate believe that whatever we do in terms of the status of people who are currently here in undocumented status, that one thing we have to do is to make sure we do not ever deal with this issue again by failing to deal sensibly and responsibly with border security and enforcement.

Basically, the approach of the proponents of the underlying bill, as currently written, before my amendment, is: Trust us. Trust us. I have to say that you do not have to be a pollster to know there is not an awful lot of trust toward Washington and the Congress and the Federal Government. It is easy to understand why with all of the various scandals or things that have been represented one way that turn out to be another way.

There is a trust deficit in Washington, DC.

For those of us who believe that doing nothing on immigration reform is not an option, what I would like to do is to do something to make things better. But in order to get there, we are going to have to guarantee that border security and the interior enforcement provisions and the reestablishment of basic order to our broken immigration system is accomplished in this bill; otherwise, it is not going to happen.

In the words of Ronald Reagan, I think we should ask people to trust, but we should also verify that trust is justified. I am not sure some of my colleagues appreciate how essential border security is to immigration reform. For the past three decades, the American people have been given one hollow promise after another about the Federal Government's commitment to secure our borders.

The rhetoric from Washington has been impressive, but the results have been pathetic. The reality on the ground in Texas and in other border States has been quite different. Let me put it this way. A decade after the 9/11 terrorist attacks that killed 3,000 Americans in New York, the Department of Homeland Security has gained operational control of less than 45 percent of our southern border—45 percent. The Secretary of Homeland Security said: ''The border is secure.'' The President said: ''It is more secure than it has ever been''—45 percent secure. For that matter, it has been more than a decade since the 9/11 Commission recommended another important requirement that is contained in my amendment, which is a nationwide biometric entry-exit system.

It has been 17 years since President Clinton signed legislation mandating such a system. So we wonder why there has been such a lack of confidence and a trust deficit between the American people and Washington when it comes to immigration reform and fixing our broken immigration system. It is because they have been sold one hollow promise after another.

We still do not have a biometric entry-exit system that President Clinton signed into law 17 years ago, even though about half of illegal immigration occurs when people come into the country legally and overstay their visa and simply melt into the great American landscape. That is where 40 percent of our illegal immigration comes from. We are asking the American people to trust us again?

Until Congress acknowledges our credibility problem when it comes to enforcing our immigration laws, including border security, and until such time as we take serious action to fix it, we are never going to get true immigration reform, and we will never be able to pat ourselves on the back and say: You know what. This is not going to happen again.

My amendment goes beyond mere promises and platitudes. It demands results. It creates a mechanism for ensuring them. Under my amendment, probationary immigrants are not eligible for legalization until after the United States-Mexico border has been secured and until after we have a nationwide biometric entry-exit system at all airports and seaports and after we have a nationwide E-Verify system, which allows employers to verify the eligibility of individuals who apply for jobs to work legally in the country.

That is what a real border security trigger looks like. That is why it is so important. Because we need to incentivize everybody who cares passionately about border security and restoring the rule of law to our broken immigration system, on the one hand, and those who, on the other hand, more than anything else want an opportunity for people to eventually become American citizens, even if they have entered the country illegally, after they have paid a fine and proceeded down a tough but fair path to citizenship.

What we need to do is incentivize the executive branch, the legislative branch, and the entire bureaucracy to make sure we guarantee that those will happen. This is the only way I know of to do it. Unfortunately, many of our colleagues do not want a real trigger when it comes to border security. Above all, they want a pathway to citizenship. I am not convinced beyond that they have much concern for whether we keep our promises with regard to border security. They are hoping that once again the American people will put their faith in empty promises.

But the time for empty promises is over when it comes to our broken immigration system. If we are ever going to push immigration reform across the finish line, which I want to do, we need to guarantee results. My amendment does that. I would contend that rather than my amendment being the poison pill, the failure to pass a credible provision ensuring border security and interior enforcement will be the poison pill that causes immigration reform to die.

That is not a result I want. I want us to see a solution. I do not want the status quo because the status quo is broken. It serves no one's best interests. I am just amazed at some of my colleagues who are resisting this amendment. Why will they not take yes for an answer? Why will they not take yes for an answer on something that unites Republicans and Democrats, who are actually desperately interested in finding a solution and believe the status quo is simply unacceptable?

As I have repeatedly emphasized, my amendment simply uses the same border security standards as the underlying Gang of 8 bill. They are the ones who came up with the standard 100 percent situational awareness. They are the ones who came up with a 90-percent apprehension rate.

But their bill reiterates a promise but guarantees no results. We have had 27 years of input since the 1986 amnesty, and we still do not have secure borders. Now it is beyond time to guarantee not just more promises or inputs but real outputs.

I ask unanimous consent for an additional 2 minutes.

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

Mr. CORNYN. The latest data shows that U.S. authorities apprehended about 90,000 people along the United States-Mexico border between October of last year and March of this year. Given that we apprehend fewer than half of illegal border crossers, this means we still have hundreds of thousands of people coming into the country across our southern border every year.

The problem, it will not surprise the Presiding Officer, is particularly serious in my State because we have the largest common border with Mexico, 1,200 miles.

As the New York Times reported this last weekend: ''The front line of the battle against illegal crossings has shifted for the first time in over a decade away from Arizona to the Rio Grande Valley of South Texas.''

Indeed, on one day in the Rio Grande Valley Sector, the Border Patrol detained 700 people coming across the border; 400 of them were from countries other than Mexico—400 of them. During the fiscal year which began last October, the number of apprehensions in South Texas has increased by 55 percent, with more than 94,000 apprehensions just in the Rio Grande Valley.

I was in South Texas a few weeks ago meeting with property owners, ranchers, law enforcement officials, and others deeply concerned about the rising tide of illegal immigration. But not only is this a national security issue because people are coming from countries other than Mexico, including countries that are of special concern because they are state sponsors of terrorism, this is also a major humanitarian issue.

In Brooks County last year, 129 bodies were found, people coming across ranchland after suffering from exposure because they have come from Central America, they have come from China, and they have come from the Middle East. They have come from all over the world, and we have seen a sharp increase in the number of people die because they are trying to navigate our broken immigration system.

One final point about immigration reform. Whatever legislation we pass in this Chamber will necessarily have to go to the House of Representatives.

If we want the Senate bill to have any chance of passing in the House and becoming law, we need to include real border security measures and a real border security trigger. Our House colleagues have made that abundantly clear. In other words, my amendment is not a poison pill, it is the antidote because it is the only way we are ever going to truly have bipartisan immigration reform.

I yield the floor.

The PRESIDING OFFICER (Mr. DONNELLY). The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that I be allocated 8 minutes and that the remaining Democratic time be under the control of the Senator from Connecticut, Mr. MURPHY.

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

Mr. REED. Mr. President, I rise to add my support to S. 744, the comprehensive immigration bill we have been debating over the past week.

I first wish to thank the eight Senators who came together to draft this bipartisan bill. They have done an extraordinary job. And I wish to particularly thank Senator LEAHY for his brilliant leadership as chairman of the Judiciary Committee.

Immigration reform is an important priority that for far too long has been left unaddressed. We all agree that the current system is broken. The bill before us is a realistic approach to fixing this broken system. That is certainly better than continuing the failed status quo.

I have long been an advocate for comprehensive and commonsense immigration reform that is tough but also fair. Standing here, addressing my colleagues, urging immigration reform, I cannot help but remember the 2006 and 2007 immigration debates and the many calls to pass immigration reform during that time.

Today, 6 years later, we still have not passed needed reform, responded to the overwhelming call to do so from the American people, and moved our immigration system into the 21st century. Today we once again have the chance to act and pass comprehensive immigration reform.

This bill includes strong border security measures to better protect our national security and to ensure that those trying to come to the United States for better opportunities do so legally. It calls for persistent surveillance of the entire border, for the apprehension of 90 percent of the illegal entries, and makes the investments in infrastructure and technology we need to meet these tough goals.

The Secretary of Homeland Security would be required to submit both a comprehensive southern border security strategy and a southern border fencing strategy to Congress, plans to achieve these goals, before the 11 million immigrants waiting in the shadows could even begin the very tough but fair earned path to citizenship. This rigorous path includes criminal background and national security checks; paying fines, fees, and taxes; learning civics and English; and going to the back of the immigration waiting line.

The bill before us also improves worksite enforcement to better protect

all workers and wages, and it makes changes to our immigration system that will help us retain the bright and talented leaders of today and tomorrow and reduce backlogs and inefficiencies.

As we continue this debate, I am hopeful the Senate will have the opportunity to consider three amendments I have filed.

In the 1990s, Liberian refugees fled a brutal civil war that killed more than 150,000 people and displaced more than half of the population. Since then, these individuals have been granted temporary protected status or deferred enforced departure, granted by the administration because the conditions in their home country of Liberia were too dangerous for them to return. Many of these individuals have now been legally residing—legally residing—in our country for more than 20 years, paying taxes, holding jobs, and being part of our communities.

Amendment No. 1224 would clarify one aspect of the merit-based track two system, ensuring that it makes eligible these Liberians and others who were granted TPS or DED due to dangerous or inhospitable conditions in their home countries and who meet the 10-year minimum requirement for long-term alien workers.

This bill intended to include these populations. However, the long-term alien section of the bill uses the term ''lawfully present.'' Since this term is not defined by statute and could be subject to interpretation, these Liberians and others in similar situations could be inadvertently excluded from this track. The intention was always to include these individuals. I ask my colleagues to work with me to correct this so these deserving individuals, whom four different Presidents have supported, are not left behind on a technicality.

The second amendment, No. 1223, recognizes the longstanding role that libraries have played in helping new Americans learn English, American civics, and integrate into our local communities. It ensures that they continue to have a voice in these critical efforts. Across the United States, libraries are the cornerstone of all sorts of educational activities. In fact, according to the Institute of Museum and Library Services (IMLS), more than 55 percent of new Americans use a public library at least once a week.

Libraries offer learning opportunities to new Americans in a trusted environment. We have to recognize the vital importance of libraries as we ask individuals to come forward to learn English, to learn civics, and to learn the skills that are required to participate fully in the life of the American people.

This amendment expands on the recent partnership between U.S. Citizenship and Immigration Services (USCIS) and IMLS, and ensures that libraries remain a keystone and a resource for new Americans. This amendment would add the IMLS as a member of the Task Force on New Americans to help direct integration policy and clarify the role that libraries will continue to play in facilitating these services.

I have also filed an amendment with Senators SCHUMER and CASEY, No. 1233 that would upgrade the immigration bar on expatriate tax dodgers. I authored an amendment to the 1996 immigration law that prohibits citizens who renounced their citizenship in order to avoid taxation from reentering the United States. I was prompted to act after hearing about a raft of wealthy U.S. citizens who gave up their citizenship to avoid paying taxes but would obtain reentry to the United States very easily and continue, effectually, to live their lives as Americans, even though they were for, tax purposes, foreigners.

One of the more egregious examples was Kenneth Dart, a billionaire who, in the early 1990s, renounced his American citizenship to avoid paying U.S. taxes. He became a citizen of Belize and then was appointed by the Government of Belize to be a consular officer in Sarasota, FL, Mr. Dart's hometown. This ruse and other ruses such as this must be stopped. My amendment would make it clear that the Department of Homeland Security must stop this flouting of the law by people who avoid taxes by changing their citizenship and then freely return to the United States.

I look forward to action on these amendments during this debate. This is an important debate. Indeed, the strong bipartisan vote that brought us to this moment procedurally captures the overwhelming recognition that we need to fix the system. We need to move forward.

This is a situation where we have a bipartisan bill that has overwhelming support in the United States. We must move it forward, amend it appropriately as I have suggested, pass it, and then send it to the House with the hope and the expectation that the President will sign this bill, opening a new era in this country for the millions who are seeking to be Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

SYRIA

Mr. MURPHY. Mr. President, there is so much good flowing through the veins of this country. We are, by and large, a compassionate, just people. It hurts us deeply to see pain and suffering in places that don't enjoy the relative safety and security of America.

We are, more so than ever before, a powerful people. We are the one remaining superpower with a military that dwarfs all others and a record of throwing our weight around in all corners of the globe.

Mixed correctly, this combination of goodness and power can be a transformation. It can lighten the load of oppressed peoples. It can lift the disenfranchised. It can cure diseases.

There is one fatal trap that comes with these defining characteristics of 21st century America, a tripwire that has ensnared our Nation too many times in recent history. This is the belief that there are no limits to what this combination of goodness and power can achieve. In a word, that trap is hubris. I rise because I fear we are on the verge of falling into this trap once again.

In April, the Presiding Officer and I, as well as several other Members of the Senate and the House, visited the Kilis refugee camps of Turkey and Syria. These were reportedly the best of the refugee camps set up to shelter Syrian families fleeing the blood and carnage of that country's civil war. It is not a place I would have wanted to stay for another hour.

We met a girl who had half her face scarred by a Syrian rocket attack. I met a little orphan boy whose parents had been felled by the ruthless tactics of Bashar al-Asad. We were there for an afternoon, but we didn't need to spend more than 10 minutes in that place to be deeply moved by the case of the refugees.

Of course, Syria presents not only a humanitarian imperative, Syria is of immense strategic importance to the United States. The Asad regime has been a thorn in our side for years, and now his refusal to step down has created a bloody conflict that is in real time destabilizing a region that is critical to our national security interests. Even worse, the fight has drawn in Islamist groups affiliated with al-Qaida. A failure to root out their influence and reduce their presence threatens to hand them a new base of operation with which to plot attacks against Americans.

It is easy to see why American intervention is so tempting. It is easy to see why President Obama has chosen to act: a humanitarian crisis, a strategic interest, a uniquely American blend of goodness and power tells us we can, that we must try to make things better.

Here is the rub. It is not enough for there to be a will. There also has to be a way.

Today in Syria I do not believe there is that way. I do not believe this Congress should give the President the ability to escalate America's role in the Syrian conflict without a clear set of goals and a clear sense that we can achieve these goals.

Let's start with the odds attached to our first objective, overthrowing Bashar al-Asad. The unfortunate reality is that the momentum is with the Asad regime. With the help of Hezbollah and Qasem Soleimani, a senior Iranian Quds Force commander, Asad has driven the rebels from the key town of Qusayr, and his forces are

now battering the rebels' positions in Aleppo.

American-supplied automatic weapons are not going to be enough to change this reality. While antitank and anti-aircraft weapons, along with armored vehicles, could give the advantage to the Syrian opposition, this would, frankly, invite another more sinister problem. The Syrian opposition is not a monolithic force. It is an interlocking, sometimes interdependently operating, sometimes independently operating, force.

Our favored faction is the Free Syrian Army, but they are currently far from the most effective fighting force of the opposition.

Today the most effective fighting unit of the rebels is Jabat al-Nusra, an Islamist extremist group with demonstrable ties to al-Qaida. If we give heavy weaponry to the FSA, there is virtually no guarantee these weapons will not find their way to Jabat al-Nusra, a group that represents the very movement we are fighting across the globe.

In fact, we have been down this road before. In the eighties, we gave powerful weapons to the mujahedin in Afghanistan, freedom fighters that we supported in their war against the Soviets. Of course, as we all know, after kicking out the Soviets, those fighters later formed the foundation of the Taliban, providing a staging ground in Afghanistan for al-Qaida's plans against the United States.

Let's take our second objective. Even if we are successful in toppling Asad, it matters to us greatly who takes the reins of Syria next. I can't imagine we are getting into this fight just to turn the country over to the al-Nusra front or another Iranian- or Russian-backed regime. But if we do care about which regime comes next, and we should, then we need to admit we aren't intervening in Syria for the short run. We are in this for the long haul. Why? Because as we all learned in history class, these upheavals run a pretty predictable course. There is first the revolution and then there is the civil war.

Iran nor Russia will allow a U.S.-backed Free Syrian Army to simply stand up a new government. Certainly, Jabat al-Nusra and other extremist groups are not going to do the lion's share of the early fighting and then just walk away with no role in the new government.

Then we have to admit we are in the medium and in the long term deciding to arm one side of what promises to be a very complicated multifront heavily proxied civil war.

One may say there is still an interest to negotiate the politics and the military logistics of this second conflict. To that I would ask, what is the evidence we have ever gotten this tightrope right in the past? Recent history tells us America is pretty miserable at pulling the strings of Middle Eastern politics. In Afghanistan, after 10 years of heavy military presence, many experts think that when we leave, the place is going to look pretty much like it did before we got there. If we can't effect change with tens of thousands of troops, how are we going to do it in Syria with just guns and cash?

There is a risk that our assistance could actually make things worse. Would it not embolden the Iranians, the Russians or the extremists to fight harder against the new regime if they know they are backed by American money and arms?

As we saw in our disastrous occupation of Iraq, American presence often attracts extremists, not repels them. Our money and arms become bulletin board material for extremist groups around the globe. Why would we want to help al-Qaida's recruitment by putting a big red, white, and blue target on Damascus for years to come?

The bottom line is this: Not everywhere where there is an American interest is there also a reason for American military action. In Syria, with a badly splintered opposition, a potential nightmare follow-on civil war, I believe the odds are slim that U.S. military assistance will make the difference that the President believes it will make. And I worry that our presence could harm, not advance, our national security interests.

There is, thankfully, another way. Given the atrocities occurring within Syria and the potential for further destabilization in the region, the United States cannot and should not simply walk away from Syria. We should dramatically increase our humanitarian aid—both inside and outside Syria. We should help improve conditions at the refugee camps in Turkey and Jordan, and help other nations bearing the burden of displaced persons, such as Lebanon and Iraq, deal with the influx of people. Put simply, we should concentrate our efforts on humanitarian help inside Syria and on making sure the conflict doesn't spill outside of Syria's borders.

At the very least, our Nation's role in Syria deserves a full debate in Congress before America commits itself to a course of action with such potentially huge consequences for our national interests. According to published press reports, the administration has indicated it does not intend to seek congressional approval before shipping arms to the Free Syrian Army—at a time, I would note with some irony, when the United States still officially recognizes the Asad government.

The Foreign Relations Committee has done its work here, and I commend Chairman MENENDEZ. We have had hearings, we have held a debate and a vote on a resolution, but now that the President has announced these new steps, it is incumbent upon the full Senate to ask questions of the administration's short-term and long-term goals, and to debate the consequences of American intervention fully. This is serious business, and the American public deserves a full debate.

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

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

The assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. I ask unanimous consent to address the Senate as if in morning business.

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

Mr. MCCAIN. I thank the Presiding Officer for these few extra minutes. I intend to speak until 12:45.

There is a lot to say about the immigration bill, and obviously there are amendments that are pending.

One, the Thune amendment would delay the process of bringing people out of the shadows until 350 miles of double-layer fencing is complete. This could have the impact of delaying the process for years. I note with some interest that the Senator from Texas, Senator CORNYN, believes there is no more fencing required in the State of Texas.

Fencing is important. Surveillance is more important. This bill alone as presently written includes $1.5 billion of fencing for the southern border as a trigger to begin adjustment of status for those in RPI status, but it doesn't arbitrarily dictate the number of miles of double-layer fencing that should be built. I think we should leave that to the best judgment of the Border Patrol.

I would point out that back in 2007, the Senators from Texas added an amendment to an appropriations bill that said: If the Secretary determines the use or placement of resources is not the most appropriate means to achieve and maintain operational control over the international border. We currently have 352 miles of pedestrian fencing, 298 miles of vehicle fencing along the southern border, which is where the Border Patrol said it is most effective.

The Vitter amendment has the same limitations. We agree, and in the bill an exit-entry system is created. The bill mandates that before anyone receives a green card, an entry-exit system must be in place in all air and sea capabilities.

I want to remind my colleagues who keep referring back to 1986—and I was around at that time—there was no real provision for border security there. There are provisions here. And I want to emphasize that we know exactly from the Border Patrol the technology that is needed in each sector in order to get 90-percent effective control of the border and 100-percent situational awareness, and these are detailed in important technology—which is the real answer to border security.

I am absolutely confident that with the implementation of this technology-based border security system, we can

absolutely guarantee the American people—but, more importantly, the head of the Border Patrol—I will have a statement from him early this afternoon, and he will say that if we implement the technology—which they gave us the detailed list of—he is confident we can have 90-percent effective control of our border and 100-percent situational awareness.

I hope my colleagues who are concerned about border security—and legitimately they are—will pay attention to the statement of the head of the Border Patrol who says unequivocally that if we adapt these specific enforcement capabilities and technology, we will be able to have control of our border. That is an important item in this debate and it is incredible detail.

Also in this legislation we need to give them the flexibility where there is the improved technology, et cetera. We do need more people to facilitate movement across our ports of entry, but we have 21,000 Border Patrol. Today, on the Arizona-Mexico border there are people sitting in vehicles in 120-degree heat. In 1986, we had 4,000 Border Patrol. We now have 21,000. What we need is the technology that has been developed in the intervening years.

I would be more than happy to say to my colleagues that if we have a provision that this strategy must be implemented and is providing 90-percent effective border control, that would serve as a trigger.

I hope my colleagues will reject the pending Vitter and Thune amendments and we will move on with the legislative process.

Mr. President, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

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

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees for debate on the pending amendments.

The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I come to the floor today to ask my colleagues to join us in supporting the historic comprehensive immigration bill that is before us today.

We worked hard on the Judiciary Committee to craft a strong bipartisan bill that bolsters our economy, secures our borders and promotes opportunity for both businesses and families.

I thank all of those involved in the original bill—Senators SCHUMER, MCCAIN, DURBIN, GRAHAM, MENENDEZ, RUBIO, BENNET and FLAKE. I thank the members of the Judiciary Committee who all had a hand in changes to the bill. And I specifically want to thank Senator HATCH who worked with me on the I-Squared—Immigration Innovation—bill. The bill on the floor today contains many of the provisions from I-Squared that encourage more American innovation.

As you know, we passed this comprehensive immigration bill out of committee on a bipartisan vote of 13 to 5 and I am hopeful we can build that same kind of broad-based support on the Senate floor.

This is not going to be simple. It is not going to be easy. But the most important thing—the reason I am optimistic we can get something done—is the fact that we are all coming at this from the same basic starting point:

Democrats and Republicans, Senators from border States and Senators from inland States, we can all agree on this: Our current immigration system is broken. And changes must be made.

The question now is how those changes should come about, and that is why we are having this debate—to find that common ground and pass a bill that is ultimately stronger because it reflects the needs and priorities of both parties and all regions of the country.

Passing comprehensive immigration reform will be a vital step forward for our country. It will be vital to our immigrant communities, who have been separated their families for too long. It will be vital to our security. And its will be vital to our economy, to strengthening our workforce, addressing our long-term fiscal challenges and promoting innovation.

There are many strong and compelling arguments for immigration reform, but let me begin with the economic impact on our businesses and major industries.

Minnesota is a big agriculture State, just like the State of Wisconsin, Madam President, and I can't tell you how many farmers and agricultural businesses I have heard from who tell me they rely on migrant workers and other immigrants to keep their operations going. I have heard it from high-tech startups, too, as well as big technology companies like 3M, St. Jude and Medtronic. I have heard it from the homebuilders and the construction companies, even hospitals and health care providers.

These businesses represent a vast range of industries and interests. But when it comes to immigration reform, they all agree: It is critical to their operations, and it is a vital engine for growth and innovation.

In fact, history shows that immigrants have helped America lead the world in innovation and entrepreneurship for generations:

More than 30 percent of U.S. Nobel Laureates were born in other countries. Ninety of the Fortune 500 companies were started by immigrants, and 200 were started by immigrants or their children, including 3M, Medtronic, and Hormel in Minnesota.

Workers, inventors, scientists and researchers from around the world have built America. And in an increasingly global economy, they are a big part of keeping our country competitive today.

If we want to continue to be a country that thinks, invents and exports to the world, then we can not afford to shut out the world's talent. It doesn't make sense to educate tomorrow's inventors and then send them back home, so they can start the next Google in India or France.

That's why I introduced the I-Squared Act with Senator HATCH to make much needed reforms to allow our companies to bring in the engineers and scientists they need to compete on the world stage.

One of the things that bill would do is increase fees on employment-based green cards, so that we can also reinvest in or own homegrown innovation pipeline by funding more science, technology, engineering and math initiatives in our schools.

In my State the unemployment rate is at 5.4 percent. We actually have job openings for engineers, we have job openings for welders, and we want those jobs to be filled from kids who go to the University of Minnesota. We want those jobs filled by kids who get a degree at a tech school in Minnesota. But right now we have openings and we have to do a combination of things. We have to be educating our own kids and making sure if there is a doctor coming from another country who is willing to study at the University of Minnesota or in Rochester, MN, and then wants to do his or her residency right in America in an underserved area in a place such as inner-city Minneapolis or a place such as Deep River Falls, MN, we let them do that residency or internship there instead of sending them packing to their own country.

Much of the legislation that was in the I-Squared bill, as I mentioned, is included right here in the bill we are considering. The health care leaders' provision I mentioned originally, called the Conrad 30 bill, something I worked on with Senator HEITKAMP and Senator MORAN and others—that is also in this bill.

Here's something else that's just good sense: Bringing the roughly 11 million undocumented workers out of the shadows.

Immigrants who are ''off the grid'' can not demand fair pay or benefits, and there are those who seek to take advantage of that. It's a bad thing for the American workers whose wages are undercut. And it's a bad thing for the American families whose undocumented relatives are being exploited.

In addition to the economic implications, having millions of undocumented people living in our country poses a serious threat to both our national security and public safety.

This bill takes the only rational and feasible approach to bringing these

people out of the shadows, by creating a fair, tough and accountable path to citizenship for those who have entered the country illegally or overstayed their visas.

It's not an easy path. You have to pay fines, stay employed, pass a background check, go to the back of the line, learn English and wait at least 13 years to become a citizen.

And if you have committed a felony or three misdemeanors, you're not eligible. You have to go back to your home country.

Keep in mind, none of these steps towards citizenship would even begin until we had done what is necessary to secure our borders.

This bill immediately appropriates $4.5 billion towards adding more border patrol agents, more fencing, and more technologies like aerial surveillance to prevent illegal crossings over the southern border. That is money that is being committed today, not a promise for future spending or something dependent on future Congresses. That money will be spent to make our border more secure.

I think it is important to recognize that these new efforts would come on top of all the progress we have already made in recent years. Some estimates show that net illegal migration over the Mexican border is actually negative—meaning more people are going back or being sent back to Mexico than are coming here illegally. We have seen a sea change over the last few years and much of it, of course, is because of enforcement efforts going on, many funded by this Congress.

But preventing illegal immigration isn't just about stopping people at the border. It's also about removing the incentive for people to come here illegally in the first place.

The way we do that is by requiring employers to start using the E-Verify system, so they can check whether or not a person is authorized to work in this country. And to ensure the smoothest possible transition, we do it over a 5-year phase-in period based on the size and type of the company. So smaller companies, farmers—those who find it harder to use the system, they will go later.

I believe our compromise on the workplace enforcement issue is a good one, and it's reflective of the bi-partisan, balanced approach that this bill takes overall, on so many other complex issues.

The economic and security arguments for reform are compelling. But we know there is so much more to this.

This is about maintaining America's role as a beacon for hope and justice in the world, particularly for those seeking refuge and asylum.

This is something we know a lot about in Minnesota, where we have always opened our arms to people fleeing violence in their home countries. Minnesota is home to the largest Somali population in North America and the second largest Hmong population in the United States. We actually have the first Hmong woman legislator, Mee Moua. We are better off because of the incredible diversity and entrepreneurial spirit these people have brought to our state.

We are proud of the work these people have done. We know and we believe we are better off because of the incredible diversity and entrepreneurial spirit these people have brought to our State from other countries.

Just as we have granted asylum to people fleeing violence in other countries, we must also look after those fleeing violence here at home. That is why I feel so strongly about the need to ensure immigrant victims of domestic violence are not forced to suffer in silence.

The bill we are considering includes two amendments I introduced in the Judiciary Committee that would protect immigrants who are victims of domestic violence and elder abuse. No person who is being abused should be forced to live in fear because they are worried they will lose their immigration status if they speak up. Children should not be forced to live in fear either. So we need to change our laws to ensure that families are not being torn apart by a system that is not only inefficient and expensive, but cruel: 64,500 immigrant parents were separated from their citizen children during the first 6 months of 2010 as a result of deportation. So this bill is about protecting families. It is also about building families.

If I can say one thing about the domestic abuse issue, I cannot tell you how many cases we had when I was prosecutor where in fact the case would come into the office and the victim would be an immigrant. The perpetrator, we would have found, was threatening to get her deported or get her mother deported, if she was illegal, or get her sister deported or a family member deported if she reported it to the police. This bill fixes a lot of that by the way it handles the U visa program as well as other amendments I included, and it makes it easier to prosecute these perpetrators.

As I mentioned, this bill is also about building families. Minnesota leads the country in international adoptions, and I've seen the incredible joy an adopted child from another country can bring to a new mom or dad. That's why I have introduced with Senators COATS and LANDRIEU a set of amendments to improve our system for international adoptions, so that more children can find a loving home here in the United States.

This bill is vital to our economy and to our national security, but most importantly it is vital to maintaining America's remarkable heritage as a nation of immigrants.

I am myself here because of Slovenian and Swiss immigrants. My grandpa on my dad's side worked 1,500 feet underground in the iron-ore mines of Ely, MN. His family came to northern Minnesota in search of work, and the iron ore mines and forests of northern Minnesota seemed the closest thing to home in Slovenia. My grandpa never graduated from high school, but he saved money in a coffee can so my dad could go to college.

My dad earned a journalism degree from the University of Minnesota and was a newspaper reporter and longtime columnist for the Star Tribune. My mom was a teacher and she taught second grade until she was 70 years old. Her parents came from Switzerland to Milwaukee where my great grandma ran a cheese shop. The Depression was hard on their family and out of work for several years, my grandpa made and sold miniature Swiss chalets made out of little pieces of wood.

So I stand here today on the shoulders of immigrants, the granddaughter and great-granddaughter of iron ore miners and cheese-makers and craftsmen, the daughter of a teacher and newspaper man . . . and the first woman elected to the Senate from the State of Minnesota.

It could not have been possible in a country that didn't believe in hard work, fair play and the promise of opportunity. It could not have been possible in a country that didn't open its arms to the risk-takers, pilgrims and pioneers of the world.

So this is a very special and enduring part of the American story. And we need to be sure it continues for future generations in a way that is fair, efficient and legal.

Passing this bill is important to our economy. It is important to our global competitiveness. It is important to our national security. And it is important millions of families throughout the U.S. who want to come here and live that dream my grandparents and great grandparents lived.

It's too important for us not to act. To my colleagues, join us in passing this bill. Let's get it done.

I yield the floor.

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. HIRONO. Madam President, I believe we must fix the immigration bill to make it fairer for women. The bill proposes a new merit-based point system for allocating green cards to future immigrants. Simply put, the point system makes it harder for women than for men to come to this country. The theory behind the merit system is that we should give immigration preferences to people who hold advanced degrees or work in high-skilled jobs. This idea ignores the discrimination women endure in other countries.

Too many women overseas do not have the same educational or career

advancement opportunities available to men in those countries. In practice, the bill's new point system takes that inequitable treatment abroad and cements it into our immigration laws. This bill reduces the opportunities for immigrants to come under the family-based green card system.

Currently, approximately 70 percent of immigrant women come to this country through the family-based system. This legislation increases the amount of employment-based visas. This bill basically moves us away from the family-based system and into economic considerations. There is nothing wrong with that, but we should be fair to women while we are doing it. The immigration avenues favor men over women by nearly a 4-to-1 margin.

Using the past as our guide, it is easy to see how the new merit-based system, with heavy emphasis on factors such as education and experience, will disadvantage women who apply for green card status. We all want a stronger economy, but we should not sacrifice the hard-won victories of the women's equality movement to get it. Ensuring that women have an equal opportunity to come here is not an abstract policy cause to me.

When I was a young girl, my mother brought my brothers and me to this country in order to escape an abusive marriage. My life would be completely different if my mother was not able to take on that courageous journey. I want women similar to her—women who don't have the opportunities to succeed in their own countries—to be able to build a better life for themselves here. These disparities in the immigration bill are fixable.

Later this week a number of my female Senate colleagues and I will introduce a proposal that will address the disparities in the new merit-based system. Let's improve immigration reform to make this bill better for women who deserve a fair shake in our green card system.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, coming up, we will be voting on some amendments. I just want to share a few thoughts as we gather in advance of that. One of the comments made earlier by one of our good Senators indicated a belief that this immigration bill is going to raise the salaries of American workers. I think that is what was said. I have to point out that is not accurate.

This is a very serious issue we are confronting. This legislation does the opposite of what was said and creates an unprecedented flow of new workers into America—the likes of which we have not seen before—and it will have a direct result of depressing job opportunities and wages of American citizens. It will affect immigrants who are legally here and also looking for work. It will impact the wages of African Americans, Hispanics, and any other group in America.

Here is the reason why: Under our current law, the legal flow of persons to America would be 1 million a year, and that is the largest of any country in the world. Over 10 years, that will rise to 10 million people. At this point, we now have 11 million immigrants here, plus a backlog of approximately 5 million more immigrants, which will total approximately 15 million people who would be legalized in very short order under this legislation.

Some say, well, they are already working here, so there is not a problem on employment. But many of those workers are in the shadows, underemployed, maybe working part-time in restaurants or other places, and all of a sudden they will be given legal status. At that point, they will be able to apply for any job in America. This will be good for them, but the question is, Is it our duty to give our first responsibility to those who have entered illegally? Don't we have a responsibility to consider how it will impact people who are unemployed today and are out looking for work?

Since 1999, we know wages have dropped as much as 8 percent to 9 percent. Wages are declining, not going up in America today. One of the big reasons, according to Professor Borjas at Harvard, is that the flow of labor from abroad creates an excess of labor and that causes wages to decline. It is just a fact, and that is the way that works.

In addition to that, we have our current law that allows temporary workers and guest workers who come for a period of time, and then they can work. What happens to that flow of workers today? They will double the number of people who will be coming in as temporary workers. Everyone has to understand that many of them come for 3 years with their family after which they can reup for another 3 years. They also compete for a limited number of jobs that legal immigrants would be competing for as well as citizens would be competing for.

So there is this bubble of 15 million that is accepted at once and a doubling of the current flow of nonimmigrants. In addition to that, the annual immigrant flow into our country will increase at least 50 percent. It could be more than that. So that would go from 1 million a year to 1.5 million a year. Over 10 years, that is 15 million.

There are 300 million people in this country, and as elected officials, they are our primary responsibility. If this legislation were to pass—the 8,000 pages in this bill—it would allow 30 million people to be placed on a permanent path to citizenship over this 10-year period, and that is well above what would normally be 10 million people. In addition to that, the flow of so-called temporary guest workers will be double what the current rate is.

Madam President, how much time is there on this side?

The PRESIDING OFFICER. The Senator has 17 minutes.

Mr. SESSIONS. Madam President, I ask to be notified in 5 minutes.

I believe Senator VITTER's airplane has been delayed. His amendment is projected to come up. I don't know if it will be called up if he is not able to get back.

He has an excellent amendment that deals with a fundamentally flawed part of our immigration system that the bill before us makes worse, not better. It absolutely and indisputably does make it better.

This is the current situation: Six times Congress in the last 10 or 15 years has passed legislation to require an entry-exit visa system. It is required that it be biometric. In other words, it would require fingerprints or something like that. Normally, fingerprints would be utilized.

People are fingerprinted when they come into the country. It goes into the system, but we are not checking when anybody leaves. People legally come on a visa, and they leave. Because we don't use a system when people leave the country, nobody knows whether they left. Forty percent of the people who enter the country illegally are coming through visa overstays. They get a legal visa, and they just don't leave. People don't even know if they left because they are not clocked out.

The 9/11 Commission said this is wrong. We need a biometric entry and exit system at land, sea, and airports.

What does this bill do? It eliminates that language that is already in law, passed by Congress, and inexplicably has never been carried out. The bill merely requires a biographic or electronic exit system. It does not require a fingerprint-type exit system. Not only that, it only requires it at air and seaports, not the land ports. The 9/11 Commission said that would not work because people come in all the time by air and leave by land, so we cannot rely on it. It will not establish the right integrity to know whether somebody overstayed. That makes perfect sense.

Senator VITTER attempts to address that. He suggests that we have an integrated biometric entry-exit system operating and functioning at every land, air, and seaport—not just air and sea—prior to the processing of any application for legal status pursuant to the original biometric exit law, the 2004 Intelligence Reform Act, recommendations. That is what the current law says.

In addition to that, before the implementation of any program granting temporary legal status, the Department of Homeland Security Secretary must submit written certification of the deployment of the system which will then be fast-tracked and approved

through streamlined House and Senate procedures. This amendment is added to the current bill, and it will be effective in accomplishing what we need. In other words, it has a little trigger that says they don't get their legal status until the government does what they have been directed to do by Congress for over 10 years and have failed to do.

We have had a pilot test at the Atlanta airport, for example, where people go to the airport, catch a plane back home to England, Jordan, India or wherever they go, put their fingerprints on a machine, and it reads them as they go through the airport. What they found was that out of 29,744 people in that pilot test, 175 were on the watch list for terrorism or warrants were out for their arrest or other serious charges were against them. They were able to identify them before they fled or left the country, and that is what the whole system was about.

They found it didn't slow down the airport and that it didn't cost nearly what people are saying it will cost. Some have said it would be $25 billion, and that is totally inaccurate. According to this report, it will not cost anything like that. Police officers have fingerprint reading machines in their automobiles. You can go by there, put your fingers on there to read your print, and if you have a warrant out for arrest for murder or drug dealing or terrorism, you get apprehended.

They recently caught a terrorist—actually from Alabama—and prosecuted him in Alabama. He was trying to get on a plane in Atlanta.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. SESSIONS. I thank the Chair, reserve the remainder of my time, and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, let me congratulate the Gang of 8 for their assiduous work on this immigration bill, as well as Senator PAT LEAHY, the chairman of the committee, for doing a lot of good work.

There is much in this bill I support. I support the pathway to citizenship. I support the DREAM Act. I support providing legal status to the foreign workers who are working in agriculture. We have to have strong border security. I support that effort.

Let me tell my colleagues what I do not support. What I do not support is that at a time when nearly 14 percent of Americans do not have a full-time job, at a time when youth unemployment is somewhere around 16 percent and kids from California to Maine are desperately seeking employment, I do not support the huge expansion in the guest worker program that will allow hundreds of thousands of entry-level guest workers to come into this country.

This is important for at least two reasons. We have kids all over America who are wondering how they are going to afford to be able to go to college. Many of these young people are going out looking for summer jobs, looking for part-time jobs in order to help them pay for college. That is terribly important. We should not pass legislation which makes it harder for young people to get jobs in order to put away a few bucks to help pay for college.

Then there is another group of people, and those are young people whom we don't talk about enough. Not everybody in America is going to college. There are millions of young people who graduate high school and want to go out and start their careers and make some money and move up the ladder. There are others who have dropped out of high school. We cannot turn our backs on those young people. They need jobs as well. If young people—young high school graduates, for example—are unable to find entry-level jobs, how will they ever be able to develop the skills, the experience, and the confidence they need to break into the job market? And if they don't get those skills—if they don't get those jobs and that income—there is a very strong possibility they may end up in antisocial or self-destructive activities.

Right now, on street corners all over this country, there are kids who have nothing to do. And what are they doing when they stand on street corners? What they are doing is getting into drugs, they are getting into crime, they are getting into self-destructive activity. We already have too many young people in this country using drugs. We already have too many young people involved in criminal activity. As a nation, we have more people in jail than any other country on Earth, including China. Let's put our young people into jobs, not into jails.

As I have heard on this floor time and time again, the best antipoverty program is a paycheck. Well, let's give the young people of this country a paycheck. Let's put them to work. Let's give them at least the entry-level jobs they need in order to earn some income today, but even more importantly, let's allow them to gain the job skills they need so they know what an honest day's work is about and can move up the economic ladder and get better jobs in the future.

At a time when poverty in this country remains at an almost 50-year high, and when unemployment among young people is extremely high, I worry deeply that we are creating a permanent underclass—a large number of people who are poorly educated and who have limited or no job skills. This is an issue we must address and must address now. Either we make a serious effort to find jobs for our young people now or we are going to pay later in terms of increased crime and the cost of incarceration.

Now, why is this issue of youth unemployment relevant to the debate we are having on immigration reform? The answer is obvious to anyone who has read the bill. This immigration reform legislation increases youth unemployment by bringing into this country, through the J–1 program and the H–2B program, hundreds of thousands of low-skilled, entry-level workers who are taking the jobs young Americans need. At a time when youth unemployment in this country is over 16 percent and the teen unemployment rate is over 25 percent, many of the jobs that used to be done by young Americans are now being performed by foreign college students through the J–1 summer work travel program.

Other entry-level foreign workers come into this country through the H–2B guest worker program. We have heard a lot of discussion about high-tech workers and how they can create jobs and all that. That is an issue for another discussion. Right now, what we are talking about is hundreds of thousands of foreign workers coming into this country not to do great scientific work, not as great entrepreneurs to start businesses, not as Ph.D. engineers, but as waiters and waitresses, kitchen help, lifeguards, front desk workers at hotels and resorts, ski instructors, cooks, chefs, chambermaids, landscapers, parking lot attendants, cashiers, security guards, and many other entry-level jobs.

Does it really make sense to anyone when so many of our kids are desperately looking for a way to earn an honest living that we say to those kids: Sorry, you have to get to the back of the line because we are bringing in hundreds of thousands of foreign workers to do the jobs you can do tomorrow?

The J–1 program for foreign college students is supposed to be used as a cultural exchange program—a program to bring young people into this country to learn about our customs and to support international cooperation and understanding. That is why it is administered by the State Department. But instead of doing that, this J–1 program has morphed into a low-wage jobs program to allow corporations such as McDonald's, Dunkin Donuts, Disney World, Hershey's, and many other major resorts around the country to replace American workers with cheap labor from overseas.

Each and every year companies from all over this country are hiring more than 100,000 foreign college students in low-wage jobs through the J–1 summer work travel program. Unlike other guest worker programs, the J–1 program does not even require businesses to recruit or advertise for American workers. What they can do is pay minimum wage. They don't have to advertise for American workers. And guess what. For the foreign worker, they do not have to pay Social Security tax, they don't have to pay Medicare tax, and they don't have to pay unemployment tax. So, essentially, we are creating a situation where it is absolutely advantageous for an employer to hire a foreign worker rather than an American worker.

So what I have done is introduced two pieces of legislation to address this

issue. No. 1 basically says while I strongly support cultural programs—bringing young people here from abroad is a great idea—at this moment, with high unemployment, we cannot have those people competing with young Americans for a scarce number of jobs. So we eliminate the employment element of the J–1 program.

The second bill says if we can't do that—and I hope we can—at the very least we need a jobs program for American kids, not just a summer jobs program but a yearlong jobs program. Let's not turn our backs on kids who want to get into the labor market, who want to develop a career. They need something in the summertime, they need something year round, and we have introduced legislation to do just that.

My time has expired. I yield my time, if he wants it, to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1197

Mr. GRASSLEY. Madam President, we will soon be voting on the Thune amendment, and I rise to speak in support of the Thune amendment.

The Thune amendment would strengthen the bill and beef up the triggers that precede the legalization program.

The Thune amendment would ensure that current law regarding double-layer fencing is implemented.

Over the years, administration after administration—and not just Democrat or just Republican but both—has failed to enforce the laws on the books. The American people don't want more laws that will simply be ignored, they want the laws on the books to be enforced. This amendment offered by Senator THUNE would ensure that the border is more secure before any legalization program is carried out.

In a new CNN poll released just today, 36 percent of those polled said they favored a path to citizenship for people who have come to this country undocumented. But 62 percent of those polled said it is more important to increase border security to reduce or eliminate the number of immigrants coming into the country without permission from our government. So if we stand with the American people, and if we want the border secured, we will vote for the Thune amendment.

It is this simple: When issues come up in my town meetings in my State of Iowa and people are asking what is going on with immigration, and we sit down and try to explain to the people how this bill is moving along or what it might include, invariably there are a lot of people in the audience who say we don't need more legislation, we need to have the laws on the books enforced. I think this is backed up by this poll we have heard about from CNN today.

In addition to that, I think it very much clarifies that people want the laws on the books enforced. But, more importantly, they expect people who take an oath to uphold the Constitution and the laws would actually carry out the laws they are elected to carry out. So I hope my colleagues will vote for the Thune amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Under the previous order, the question is on agreeing to amendment No. 1197, offered by the Senator from South Dakota, Mr. THUNE.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 39, nays 54, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—39

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

NAYS—54

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

NOT VOTING—7

Cochran	Inhofe	Wicker
Feinstein	Mikulski	
Harkin	Shelby	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Vermont.

Mr. LEAHY. I yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1222

Ms. LANDRIEU. Mr. President, I offer this amendment. It is a technical amendment, three technical but important changes to the Child Citizenship Act of 2000. Senator COATS, Senator BLUNT, and Senator KLOBUCHAR have helped lead this effort. I have explained it numerous times on the floor. I think the leaders have agreed on a voice vote.

Mr. LEAHY. Mr. President, I have spoken with the distinguished ranking member, Mr. GRASSLEY. I understand we are able to agree to the Landrieu amendment by voice vote.

I ask unanimous consent that the 60-vote threshold with respect to the Landrieu amendment be waived.

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

Mr. LEAHY. Mr. President, I urge the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1222) was agreed to.

AMENDMENT NO. 1228

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1228 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Vermont.

Mr. LEAHY. Before we do that, I wish to remind everybody the next vote will be a 10-minute vote.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is very simple but it is important. It would finally demand and require execution and enforcement of the so-called US-VISIT system, an entry-exit system to catch visa overstays. This system was first mandated by Congress in 1996. We have had six additional votes by Congress demanding it then. The 9/11 terrorists were visa overstays. As a result, this system was strongly recommended, one of the top recommendations of the 9/11 Commission. We must put this in place as we act on immigration. This amendment would get that done.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I agree that we need to better track visa overstays. But a fully biometric entry-exit system at all air, sea, and land ports of entry is the kind of unrealistic trigger we can't adopt. Implementation of this amendment would be prohibitively expensive and cause all kinds of delays.

In the Judiciary Committee we adopted an amendment offered by Senator HATCH which presents a more reasonable approach.

I would urge a ''no'' vote on this amendment.

I ask for the yeas and nays.

Mr. VITTER. Mr. President, may I inquire how much time is remaining?

The PRESIDING OFFICER. The Senator has 9 seconds remaining.

Mr. VITTER. Mr. President, we have talked about this since 1996 and 9/11 happened. When are we going to do it if not now?

I urge support of the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 36, nays 58, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—36

Alexander	Cruz	McConnell
Barrasso	Enzi	Moran
Blunt	Fischer	Paul
Boozman	Grassley	Portman
Burr	Hatch	Pryor
Chambliss	Heller	Risch
Chiesa	Hoeven	Roberts
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter

NAYS—58

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

NOT VOTING—6

Cochran	Inhofe	Shelby
Harkin	Mikulski	Wicker

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LEAHY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1198

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on amendment No. 1198, offered by the Senator from Montana.

Mr. TESTER. Mr. President, this amendment will include the tribal representatives on the DHS Border Task Force.

In this country within 100 miles of the border we have 13 Indian reservations, some of them right on the border. If we are going to make sure the borders are secure in the north and the south, Indians need to be a part of the conversation, our Native American friends. They have a unique government-to-government status. As I said before, their input is critically important.

This amendment would not be costing anything, has bipartisan support, and it will add tribal representatives—two on the north and two on the southern region—to the Department of Homeland Security Border Task Force. I encourage a ''yea'' vote on this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have no problems with this amendment. It ensures that tribal communities are represented.

The bill's task force is a new and independent entity designed to provide recommendations about immigration and border security. Mr. TESTER is adding four additional members to the task force to ensure that the tribes are represented; however, this amendment does not fundamentally change the bill.

There is no opposition to making sure that the tribes have a voice in policy. Of course, this task force doesn't have any real power, it only makes recommendations. The Secretary isn't required to address their concerns or enact their recommendations. Too often, the Secretary does not take into consideration our recommendations. Even now she has a hard time implementing laws.

So, again, while the amendment is noncontroversial, Members should know this task force is a figleaf for actual border security.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—94

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

NOT VOTING—6

Cochran	Inhofe	Shelby
Harkin	Mikulski	Wicker

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. LEAHY. I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. I am here to speak to what is a historic debate here on the floor of the Senate; that is, the debate we are having with regard to comprehensive immigration reform. We have a major opportunity here in the Congress to finally pass meaningful, strong, bipartisan legislation. Immigration reform is something Congress has grappled with in fits and starts for over a decade. In fact, I remember the summer 7 or 8 years ago when this Senate came very close to passing comprehensive immigration reform and fell just short of that goal.

Today the need to act has become imperative. We cannot ignore it. There are constituents in Colorado from across the spectrum who are hardworking. They are small business owners, religious leaders, farmers, and citizens. They believe that now is the time.

If we look at our economy, it is beginning to gain strength. Our economy is beginning to get its legs under it.

Our economy also needs the labor market certainty that would come from immigration reform. So let's seize this opportunity to pass commonsense legislation that our constituents expect.

I am looking right over the dais. Above the dais, I see ''e pluribus unum,'' which translates to ''out of many, one.'' That is a simple motto which is engraved in this great Senate Chamber, and it is one of the daily reminders that we are a nation of immigrants. Throughout our history, millions of immigrants—including my ancestors and the Presiding Officer's—braved hardship and great risks to come here. Why was that? They sought freedom, opportunity, and a better life for their families. Today's immigrants, in that same spirit, continue to brave great risks and hardships to obtain the American dream.

We have heard from fellow Americans who are opposed to fixing our broken system. There are those among us who unfortunately see immigrants as a burden on our country or want to enact overly punitive measures to punish undocumented immigrants. I ask that they remember that our country was built and forged by immigrants whose blood and sweat built the America we know today.

To oppose this legislation, with all due respect, is to deny the promise our ancestors and even the Framers expected us to extend to those outside our borders. Yes, we are a nation of laws, and we don't take lightly the violation of our laws, but we are also a nation that welcomes foreigners who want to build the American dream.

I would like to challenge my colleagues to remember that we are a better, stronger country because of our immigrants whose first glimpse of America was the Statue of Liberty emblazoned with the words of poet Emma Lazarus:

> Give me your tired, your poor, your huddled masses yearning to breathe free.

Our country and our economy were built from the ground up by the hard work and ingenuity of immigrants and their families. In recent years, one in four of America's new small business owners has been an immigrant. One in four high-tech startups in America was founded by immigrants. And 40 percent of Fortune 500 companies—when they started—were created by first- or second-generation immigrants. If we look at our system today, unfortunately, because it is broken, it has made it harder for would-be business owners as I just described to create jobs and help spur our Nation's economic development.

Let me give another example. Right now our system invites the best and brightest from all over the world to come and study at our top universities. Once they have the training they need to create a new invention or build a new business—listen to this—our system tells them to go back home. That is not right.

I am pleased, honored, humbled, and a little bit proud that I have worked for years with Coloradans at my side to solve this problem and to make the United States a place where entrepreneurs are encouraged to stay, build businesses, and grow our economy. In that vein, I want to thank the Gang of 8 for their hard work in crafting a bill that is built upon those principles. Entrepreneurs embody the American dream.

Fixing our broken system is about more than businesses and startups; it is principally about families. To say that our current broken immigration system is bad for our families would be an understatement. Thousands of fathers—myself included—gathered with their families this past weekend to celebrate Father's Day. I couldn't help but think of the thousands of fathers our immigration system has separated from their loved ones or the countless fathers living today in Colorado who struggle with the fear every day that they could be separated from their families.

There are fathers like Jorge, who has been living in the United States for 23 years. He is the proud father of four U.S. citizen children, including a U.S. Army corporal. He has been contributing to our economy in Colorado and therefore to the American economy and his community for many years. With immigration reform, Jorge will be able to come out of the shadows, where he will finally be able to realize the American dream without the constant fear of being deported and separated from his children. As I have suggested, unfortunately Jorge's situation is not unique. The fact that our current system has brought us to the place where at any moment thousands of families can be ripped apart is just not right.

This bill would give Jorge and millions of others like him a tough but fair shot at earning legal status and eventually citizenship. Make no mistake. This process will not be without significant cost, and it will not be easy.

Let me explain how I draw that conclusion. In order to get earned legalization, Jorge will have to pass a background check, pay back taxes, penalties, and fees, demonstrate work history, learn English, and go to the back of the line behind others who have also gone through the process. This is a tough but fair road ahead. It is a path negotiated by Senators of both parties and supported by the American people.

Today there are an estimated 11 million undocumented immigrants in the United States. Some cross the border illegally, others have overstayed their visas. Regardless of how they came, the overwhelming majority of these folks, just like Jorge, are trying to earn a living and provide for their families.

There are thousands of immigrants in Colorado who are working in the shadows, where they are vulnerable to exploitive employers paying them less than minimum wage, making them work without overtime, and denying them any of the benefits given to their other employees. That pushes down standards for all workers. What I am saying is that our current immigration system has fostered an underground economy that exploits a cheap source of labor while depressing wages for everyone else.

My conclusion is that this bill will ensure that businesses are all playing by the same set of rules, and it includes tough penalties for businesses that do not. The underlying bill implements an effective employment verification system that will prevent identity theft, the hiring of unauthorized workers, and send a clear message that will help prevent future waves of illegal immigration. It is a commonsense solution. It is the kind of solution I have heard Coloradans ask for.

I will now turn my attention to the border. This legislation contains historic resources and measures to better secure our borders. Last week I heard time and time again: Borders first, borders first. To the Coloradans who expect border security, as I do, I say the best thing we can do for border security is pass a comprehensive immigration reform bill.

We have made significant progress over the past several years. We have put $17 billion in resources into protecting our borders. As a result, illegal border crossings are at their lowest levels in decades. Let's be clear. There is still room for significant improvement, and the strong border security provisions in this bill help us get there. In fact, the underlying bill would be the single biggest commitment to border security in our Nation's history. Why? It would put another $6.5 billion on top of what we are already spending toward stronger, smarter, more innovative security along our borders. It would also direct the Secretary of Homeland Security to submit to Congress a comprehensive border security plan and a southern border fencing strategy. Moreover, the legislation would delay the process of granting legal status to immigrants until the plan and strategy have been deployed, a mandatory employment verification system has been implemented, and an electronic biographic entry-exit system is in place at major airports and seaports.

Finally, this legislation would hold employers more accountable if they knowingly hire undocumented workers. We are saying that no longer will we tolerate an underground market of workers who are illegally employed and many times exploited.

As I begin to close, I would like to turn to a special group of Coloradans who would be helped. This is a group about whom we all should care and about whom I deeply care, and that is our students. I am very pleased and excited that the provisions for the DREAM Act are included in the comprehensive immigration reform bill we are considering.

I have stood alongside a steadfast group of my colleagues as we fought for

passage of the DREAM Act for many years. Along the way I have talked to and more importantly listened to countless Colorado students who have looked me in the eyes and asked for their government to help give them status, opportunity, and potential so they can go on to be the next generation of American leaders without the daily fear of deportation. We are talking about thousands of Colorado students who were brought to the United States at a very young age. It wasn't their decision to be brought here, but they came here with their parents. That cohort—literally thousands of these wonderful, enthusiastic, energetic Coloradans—is poised to graduate college or join the military and in the process strengthen our country and grow our economy. Let's do the right thing by the DREAMers.

I say and implore my colleagues, let's not stand in the way of what Americans want and what our economy needs. Our Nation will be stronger when our borders are secure, when employers are held accountable for the workers they have hired, when jobs are filled with qualified and documented workers who contribute to the economy and undocumented workers who are currently here are held accountable and given an opportunity to earn their legal status and then citizenship.

So for my colleagues who are here today and are serious about fixing our broken immigration system, let's actually have a serious debate to improve this legislation. Let's vote on amendments with a sincere intent to really improve this bill. Let's work productively to find a bipartisan solution to this huge national issue in the same way the Gang of 8 has worked for the past many months.

As I said in my opening remarks, we have a historic opportunity to finally pass comprehensive immigration reform. We have an extraordinary opportunity to show the Senate at its best. Having the opportunity to openly and honestly debate this legislation is one of the many reasons we ran to serve in the Senate in the first place. The public has placed their trust in us to get this right, and we can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to present and discuss the next amendment I personally offered which I am going to be bringing to the Senate floor; that is, amendment No. 1330, to prohibit anyone who has been convicted of offenses under the violence against women and children act from gaining legal status under the bill.

I think if we ask the American people if they support the outline that has been presented as the guiding outline for the Gang of 8, the vast majority would say we absolutely support those principles. I would say I support those principles as they were enumerated. The trouble is, in my opinion, when we actually read the bill—and let's remember, particularly as we are in the middle of the debacle of executing ObamaCare, it is important to read the bill, it is important to know what is in the bill—in my opinion, the trouble is when we actually read the bill, it doesn't stand up to those principles. It doesn't match.

One example is the absolute commitment made by the Gang of 8 early on in this process that individuals with a serious or significant criminal background would not get legal status and would be deported. They were very specific about that. In their bipartisan framework for comprehensive immigration reform, which the authors of this bill—the so-called Gang of 8—released in January of this year—they said very specifically:

> 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.

It is very clear.

But then, again, when we actually read the bill, I believe it comes up far short of that. It does not include significant crimes, serious crimes which it should include as a disqualification.

One of the areas I think is the clearest example of that is offenses under the Violence Against Women Act, offenses that have to do with domestic violence, with child abuse. Those are serious violent offenses that every American citizen—particularly women—would certainly consider very consequential, very significant, very serious, undermining their fundamental security.

This Vitter amendment No. 1330, which I will be presenting and getting a vote on later in this debate, is simple. It simply says those criminal offenses, a conviction of any of those criminal offenses under the Violence Against Women Act—we are talking about domestic violence, we are talking about child abuse—are disqualifiers. Nobody can gain legal status if they are convicted of any of those offenses. That is a disqualifier and it is grounds for deportation.

Again, it is very important to read the bill. It is very important that if anything passes here, it actually matches the promises made to the American people, the rhetoric the American people have heard for weeks and months. This is an important area where we need to get it right.

So I hope all of my colleagues, Democrats and Republicans, agree that these are serious offenses. Certainly, everybody seemed to agree in the important discussion about the Violence Against Women Act. Certainly, everybody seemed to agree then that those offenses that are all about domestic violence and child abuse are very serious, very significant, involve or threaten violence, and certainly they should be disqualifiers for a person becoming legalized under this bill and they should be grounds for immediate deportation. I hope this is beyond debate. I hope this amendment, as it should, gets widespread bipartisan support.

I very much look forward to continuing this discussion about amendment No. 1330. I very much look forward to getting the vote it will get because it deserves to get it—and I will demand it—and I very much hope for and look forward to a strong bipartisan vote in support of stopping violence against women, in support of furthering the protections of the Violence Against Women Act.

Thank you. I yield the floor.

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

Mr. CORNYN. Madam President, I know the parties are working on a unanimous consent agreement for the next tranche of amendments to come forward. I expect and hope mine will be one of them, but it is not quite completed yet. So rather than ask for unanimous consent to call up my amendment now, what I would like to do is just talk about it a little bit and explain to my colleagues what is in it.

We call my amendment the RESULTS amendment because it is necessary, because in the current form of the so-called Gang of 8 bill, it does not include any genuine guarantee of border security. My colleagues don't have to take my word for it. All they have to do is take a look at the chart behind me. Senator DURBIN, one of the four Democrats and four Republicans who were responsible for coming up with the so-called Gang of 8 bill, said in January that in that bill, a pathway to citizenship ''would be contingent upon securing the border.'' He said that in January. I think a lot of people took him and others at their word, only to find out otherwise in June, 6 months later—June 2013—when he was quoted as saying that the gang has ''delinked the pathway to citizenship and border enforcement.''

What that means is the underlying bill gives a promise—another hollow, unenforceable promise—and, based upon our experience, I think the American people would be justified in saying they are asking us to trust them at a time when there is a genuine trust deficit with regard to the Federal Government. We have heard too many promises. We want guarantees that these promises will be delivered on, and that is what my amendment is all about.

In the underlying bill, all we have is—first of all, we have a 100-percent situational awareness requirement and a 90-percent apprehension requirement of people who are crossing the border illegally. But all that is required in the underlying bill is the submission of a plan and substantial completion of that plan for which nobody has seen the contents. That is 10 years from now. I don't think anyone would be out of bounds in saying there may be good intentions—people may actually believe what they say, but how can we possibly know that some unwritten plan that is going to be in place 10 years from now will actually be successful in accomplishing the very goals that were set out in the bill?

My amendment is slightly different because it embraces those same standards, including 100 percent situational awareness and 90 percent cross-border apprehensions, and it says a person can't transition from probationary status to legal permanent residency until it is certified that they have accomplished those goals. What that does, simply stated, is—it doesn't punish anything, but it lines up all of the incentives for those of us who want to secure the border and have a border immigration system that actually works and incentives for those for whom a pathway to citizenship is the holy grail; that is what they want more than anything else. So it realigns incentives on the right and the left and gets us in a position where we can actually look the American people in the face and say we have as close as humanly possible a guarantee that these promises will ultimately be kept.

My amendment requires the Secretary of the Department of Homeland Security and the Commissioner of Customs and Border Protection and the Department of Homeland Security inspector general, in consultation with the Government Accountability Office and the Comptroller General, to jointly certify that the following triggers are met before registered provisional immigrants can adjust to lawful permanent residency or green card status. First, as I said, the Department of Homeland Security has to have achieved and maintained full situational awareness of the entire southern border for not less than 1 year. That means the Department of Homeland Security has the capability to conduct continuous and integrated monitoring, sensing or surveillance of each and every 1-mile segment of the southern border or its immediate vicinity.

Some may say: Full border situational awareness? How are we going to do that? Are we going to link Border Patrol agents arm to arm across a 2,000-mile border? Are we going to just build a fence, as some have advocated, along the 2,000-mile border? The fact is we are going to use the best technology and the best strategy to make sure the resources our U.S. military has deployed in Afghanistan and Iraq and which have been tested along the southern border are available for border control, so that by virtue of radar, eyes in the sky, dirigibles, and unmanned aerial vehicles, a combination of these connected to the sensors on the ground will make sure the Border Patrol knows what is happening along the border when people try to cross and enter illegally. Then it is up to them to hit the 90-percent operational control requirement in both the underlying bill and in my amendment.

The Department of Homeland Security is required to achieve that operational control for not less than 1 year, meaning it has an effectiveness apprehension rate of not less than 90 percent in each and every sector of the southern border.

I saw this morning that Senator MCCAIN said he expects to have a letter from the head of the Border Patrol which states that standard is imminently doable, given the proper resources. So if it is imminently doable, then I would like to suggest, contrary to what the majority leader said a few days ago, that this amendment is not a poison pill. This amendment would give the American people the confidence that we are actually going to do what is technologically feasible and which I believe they have a right to expect if we are going to be generous in the way we treat the 11 million people who are here and provide them not only an opportunity to apply for probation and to work, if they qualify and if they maintain the terms of that probation, but if they are successful, to ultimately apply 10 years hence for legal permanent residency for those who want that and who have played by the rules.

The third trigger in my amendment is one that maintains the underlying provision requiring the Department of Homeland Security to implement an E-Verify system nationwide. The current situation is such that individuals who want to work may have fake documents claiming to be somebody they are not—maybe it is somebody else's Social Security number—in order to get hired. But the employer is not expected to be the police; they are not expected to be able to look behind these documents. We know that massive identity theft and document fraud occur in such a way as to circumvent the efforts to enforce our system and to restore legality into the system when it comes to people who come to this country and want to work here. So that is the third one.

The fourth one, in order to fill a gaping hole in the bill with respect to interior enforcement, the RESULTS amendment requires the Department of Homeland Security to initiate removal proceedings for at least 90 percent of visa overstays who collectively currently account for 40 percent of illegal immigration. I think it surprises a lot of people to learn it is not just our porous borders, it is people who enter the country legally who simply overstay their visa and melt into the great American landscape, unless they happen to get caught for committing a crime of some kind, and they typically are not identified or detained. This is simply unacceptable, and my amendment is designed to guarantee that the Department of Homeland Security will implement a procedure which has been required for 17 years now. President Clinton signed a provision into law requiring a biometric entry and exit system.

When a person enters the country on a foreign visa, they are required to give fingerprints—that is their biometric identifier—but there is no way and no means by which to check whether a person has left the country when their visa has expired. This is designed to deal with that 40-percent source of illegal immigration.

My amendment authorizes the creation of a southern border security commission similar to the one in the underlying bill, but does so in a way that respects the Constitution and federalism.

My amendment removes Washington, DC, appointees from the commission and allows State Governors to immediately begin advising the Department on gaining operational control of the southern border. I think this is very important because while I have heard colleagues here in the Senate who have good intentions—but I think sometimes their only consciousness of what the border may look like is derived from movies they have seen or novels they have read—this requires consultation with the people who know the border communities best, and that is the people who live there and the State Governors who govern States on our U.S.-Mexico border.

My amendment also requires the Secretary of Homeland Security to issue a comprehensive southern border security strategy within 120 days of enactment. People who are listening may say: I thought the Department of Homeland Security already had a southern border security strategy. And if it does not, why in the heck not?

Well, this would compel the Secretary—who, amazingly to most people in my State, when she declared the border is secure, nearly provoked laughter, as much as anything else, because it is patently and demonstrably not true—but this amendment would require such a strategy within 120 days of enactment of the bill and chart a course for achieving and maintaining full situational awareness and operational control of the southern border.

The Secretary would also be required to submit semiannual reports on implementation. This amendment would also streamline and improve the strategy required under the underlying bill. For example, it combines the southern border security strategy and the southern border fencing strategy for administrative clarity and economies of scale.

It also addresses an oversight in the underlying bill by requiring the Department of Homeland Security to develop a strategy to reduce land port of entry wait times by 50 percent in order to facilitate legitimate commerce and encourage lawful cross-border trade.

This is something that is not sufficiently appreciated. Mexico is our third largest trading partner. Six million jobs in America depend on cross-border trade with Mexico. Why in the world would we want to do anything that would make cross-border lawful trade worse? Right now, by failing to update our infrastructure at the ports of entry—and to make sure we have adequate staffing here—there are huge wait lines which prove very useful to the people who want to smuggle drugs and people across the border. So this would have a way of separating the legitimate trade and traffic from the

people who are up to no good: the drug dealers, the human traffickers, and the like.

There is a question that has arisen, as you might expect, about how we are going to pay for all this. That is a good question, and it is an important question. My amendment creates a comprehensive immigration reform trust fund similar to that in the underlying bill. Ultimately, the goal is for fees and fines to fund this entire piece of legislation. But my amendment combines all border security funding streams and makes $6.5 billion of these funds available immediately for implementing the southern border security strategy.

The RESULTS amendment increases the number of Border Patrol agents and Customs and Border Protection officers by 5,000 each. Some people have mistakenly said I want to add 10,000 Border Patrol agents to the border on top of the 20,000 who are already there. Well, that is not entirely accurate. We want 5,000 more because if you have this great technology—which is going to give you eyes in the sky; 100-percent situational awareness—when this technology identifies people trying to cross the border, you have to have somebody to go get them and to detain them. That is why Border Patrol agents are important. In some parts of our 1,200-mile border in Texas alone, there are huge stretches of land that are vulnerable to cross-border traffic. That is why the Rio Grande sector in South Texas is now the single most crossed sector.

The other day, when I was in Brooks County—Falfurrias, TX—the head of the Border Patrol sector in that area told me that in 1 day they had 700 people coming across the border whom they detained. We do not know how many got away, but they did detain 700 people. Madam President, 400 of them came from countries other than Mexico. In other words, Mexico's economy is doing much better, and it is less and less incentive for people to cross into the United States to work if they have a job where they live. But in Central America things are pretty bad right now. So 400 out of the 700 in 1 day came from Central America. Literally people could come from anywhere around the world if they have the money and the determination to penetrate our southern border. So it is important we have increased numbers of Border Patrol agents as well as Customs and Border Protection officers to help facilitate legitimate commerce and to detain people trying to cross illegally.

By the way, the underlying bill already has a provision for additional CBP officers—Customs and Border Protection officers—and my amendment would increase that number by 3,500, and add 5,000 Border Patrol agents to it.

The RESULTS amendment also improves emergency border security resource appropriations by ensuring that deployment decisions are consistent with the comprehensive strategy and not done in a piecemeal, disconnected sort of way. It is important that we have a combination of not only boots on the ground, infrastructure, but also that technology I think we would all agree upon, much of which the American taxpayer has already paid for because it is being deployed by the U.S. military in places such as Afghanistan and Iraq. What we need to do is transfer some of that to the Homeland Security Department—another part of the Federal Government—and to implement it to help provide that situational awareness and enforcement.

My amendment also authorizes $1 billion a year for 6 years—it does not appropriate it; it authorizes it—in emergency port of entry personnel and infrastructure improvements. I already touched on that a moment ago. But the whole idea of the underlying bill is to provide a guest worker program, a legal means to come and work in the United States. The idea is that will allow law enforcement to focus on the bad actors. This has the similar rationale.

The RESULTS amendment further improves the land ports of entry by allowing the General Services Administration to enter into public-private partnerships to improve infrastructure and operations.

This amendment also repurposes the Tucson sector earmark in the underlying bill to the full southern border to help ensure that effective border security prosecutions are increased in every sector, not just in one, in Tucson.

By making improvements to the State Criminal Alien Assistance Program—the so-called SCAAP bill—my amendment would help ensure that State and local governments are swiftly and fully compensated for their assistance in detaining criminal aliens who have been convicted of offenses and who are awaiting trial.

One of the great frustrations in my State—given our common border with Mexico and the failure of the Federal Government to live up to its responsibilities when it comes to border security—is that much of the cost of that is borne by local governments and local taxpayers in counties along the U.S.-Mexico border, particularly when it comes to education, health care, and law enforcement.

This SCAAP provision in my amendment would help make sure that in the law enforcement area State and local law enforcement officials are indemnified and, indeed, encouraged to help cooperate in detaining criminal aliens who have been convicted of offenses and are awaiting trial.

My amendment would also create the southern border security assistance grant program to help border law enforcement officials target drug traffickers, human traffickers, human smugglers, and violent crime. Again, the Federal law enforcement agencies cannot do it by themselves, and local and State law enforcement in Texas do not expect them to, but they do expect a little bit of help, financial help, particularly, when it comes to overtime, when it comes to equipment that is necessary to supplement the Federal effort or to fill the gap when the Federal Government leaves a gap in law enforcement efforts.

My amendment would also remove a controversial provision in the underlying bill that would prevent the emergency deportation of serious criminals.

My amendment would remove a controversial disclosure bar that would prevent law enforcement and national security officials from obtaining critical information contained in legalization applications filed under this bill. My amendment would allow these officials to request and obtain information in connection with an independent criminal, national security, or civil investigation.

This is directed at one of the biggest problems in the 1986 amnesty Ronald Reagan signed, because he signed an amnesty for 3 million people premised on the idea that we were actually going to enforce the law and we would never need to do that again. But so much of that amnesty was riddled with fraud and criminal activity because of the confidentiality provisions which prohibited law enforcement from investigating and detecting fraud and criminality. If we want to maintain the integrity of the provisions of this bill, we need to make sure our law enforcement officials are not blinded, but that they actually have the ability to investigate these matters for a criminal, national security, or civil investigation.

My amendment would allow Citizenship and Immigration Services to turn over evidence of criminal activity or terrorism contained in legalization applications filed under the bill to other law enforcement agencies after the application has been denied and all administrative appeals have been exhausted.

This would greatly work to reduce the potential for mass fraud that occurred in the 1986 amnesty bill, and it would allow the application process to maintain its basic integrity and ensure that national security is protected.

My amendment would also give American diplomatic officials more flexibility to share foreigners' visa records with our allies by clarifying that the State Department may share visa records with a foreign government on a case-by-case basis for the purpose of determining removability or eligibility for a visa, admission, or other immigration benefits—not just for crime prevention, investigation, and punishment—or when the sharing is in the national interest of the United States.

My amendment would further improve the public safety by denying probationary status—something called RPI, or registered provisional immigrant status—to any person who has been convicted of a crime involving domestic violence, child abuse, assault

with bodily injury, violation of a protective order under the Violence Against Women Act, or drunk driving. These are serious offenses, and the consequences are often tragic. The underlying bill would allow the vast majority of illegal immigrants who have committed these crimes to automatically become registered provisional immigrants and, ultimately, hold open to them the possibility they could become American citizens. I think we need to draw a very bright line between those whose only offense is to try to come here for a better life and those who have shown such contempt for our laws and American law and order that they commit crimes. We should not reward them with a registered provisional immigrant or probationary status.

My amendment also removes an unjustified provision in the underlying bill that would allow repeat criminals with multiple convictions to automatically obtain legal status, so long as they were convicted of the multiple offenses on the same day. I know that sounds very strange, but in the underlying bill, if you commit multiple offenses on one day, they do not count as separate offenses for purposes of the bar—if you commit three misdemeanors or a felony. So my amendment would fix that.

My amendment would also remove a dangerous provision in the underlying bill that would allow the Secretary of the Department of Homeland Security unfettered discretion to waive this criminal activity prohibition and to allow people to gain legal status, even if they are repeat criminals who have been convicted of three or more offenses.

My amendment would strike a controversial provision allowing deportees and persons currently located outside the United States to qualify for probationary status. I do not know how many people have actually focused on this provision. I think most people thought this was for people who were in the shadows in the United States whose only offense was simply a violation of our immigration laws to come here and work. But this underlying bill would allow people who have already been deported and who have committed crimes already to reenter the country and to qualify for probationary status. My amendment would change that and fix that.

My amendment would require the Secretary of Homeland Security, through her designees, to conduct interviews of applicants for RPI status who have been convicted of a criminal offense in order to determine whether the applicant is a danger to the public safety.

Now, I can imagine that somebody might have committed some misdemeanor offense, but upon further inquiry and examination they may not be deemed a threat to the public safety. That is what the purpose of that interview requirement would be. We also close a judicial review loophole that would allow dangerous individuals to remain in the United States after their RPI application has been denied by the Department of Homeland Security.

Finally, my amendment would take a hard line against human smuggling and the transnational criminal organizations that are the primary movers of people and drugs across the southern borders. I do not know how many of our colleagues really understand this now, but this is a major business that is primarily occupied by organized crime. It is the drug cartels. It is what we sometimes call transnational criminal organizations and the people who work for them.

They are the primary agency moving people, drugs, and contraband across the border. That is what my amendment is designed to attack—increased penalties for human smuggling and the transnational criminal organizations that facilitate them. My amendment adds aggravated penalties for human smuggling that is committed by repeat offenders which result in death, result in human trafficking, or include involuntary sexual conduct.

I had the humbling experience the other day when I was in south Texas in meeting a young lady who is from Central America. Her parents paid $6,000 for her to be smuggled into the United States and to be reunited with relatives in New Jersey, only to find out that did not work out too well, and she had to rejoin the person who brought her across the border, the human smuggler, who promptly prostituted her and put her into involuntary servitude where she was afraid to escape lest she be deported and have to leave the country.

There are innumerable human tragedies which occur day in and day out under the status quo, which is one reason why I believe we need to fix our broken immigration system, and particularly our porous border, that allows these predators to prey on innocent young women like this young woman I met from Guatemala, and to basically commit them to human slavery in the United States in places like Houston, where she worked in a bar and was prostituted out numerous times a day. Because she felt so vulnerable, she believed the only way she could actually stay here was to submit to the demands of this sexual predator.

My amendment respects the victims of abuse of human smuggling by requiring the Department of Justice to ensure that information about missing and unidentified migrant remains found on lands near the southern border is uploaded into the National Missing and Unidentified Persons System. We provide state and local officials with resources to identify the victims.

This is another experience I had when I was in Brooks County recently in south Texas, where just last year alone they found 129 dead bodies—human remains—that they were unable to identify because these were people simply left behind by the human smugglers who basically did not care anything about them—only for the money they would provide, which once provided, they could care less about whether these people actually made their way into the United States, particularly if they were slowing down the rest of the group.

My RESULTS amendment disqualifies persons who have used a commercial motor vehicle to commit a human smuggling offense from operating a commercial vehicle for a year. We ban repeat human smugglers from operating commercial motor vehicles for life. This is a penalty that will have teeth in it and deter this heinous crime. My amendment creates special penalties for illegal immigrants convicted of drug trafficking or crimes of violence.

Now, we understand that, again, some people have come across our borders without observing our immigration laws who want nothing but a chance to work. But if people have come across the border and engaged in drug trafficking or criminal violence, they deserve the special penalties provided for in my amendment. My amendment would create a new crime for illegal border crossing with the intent to aid, abet, or engage in a crime of terrorism. Again, this is something I wonder whether my colleagues really understand because they do not live along the southwestern border.

We have had people from 100 different countries, including countries of special interest as state sponsors of terrorism, come across our southwestern border. When I was in Falfurrias the other day, the Border Patrol showed me rescue beacons which, if you get sick enough and dehydrated enough and exposed enough to the elements and just want to give up, you can hit the beacon and the Border Patrol will come and rescue you.

They are listed in three languages: English, Spanish, and Chinese. I asked the Border Patrol: Well, Chinese, that seems a little bit out of place in south Texas. They said: Well, for $30,000, if you are from China, you can hire someone to smuggle you into the United States. So, as we have heard from both the Director of National Intelligence and the head of the Defense Intelligence Agency, this vulnerability along our southwestern border is literally a national security vulnerability, and one reason we need to adopt my amendment.

My amendment closes loopholes in current laws that allow drug cartel mules to transport bulk cash and launder money with near impunity. So what happens is, the drugs come from the south of the border to the north of the border. Then the transaction is made by somebody buying those drugs. The cash has to make its way back. We have developed pretty sophisticated means through a wire transfer process to identify when large amounts of cash are transferred by wire. But there is also a huge trade in bulk cash, where

literally cash is transferred in bulk across the border south in order to launder it with near impunity. My amendment would address that problem.

My amendment targets money-laundering efforts through stored value cards and blank checks. So why do it on the wire? Why do it in bulk cash if you can just do it through a gift card you can buy at a local grocery store or blank checks? These are tactics that are frequently used by cartels to transport criminal proceeds across the southern border and launder money.

In sum, my amendment goes beyond promises and platitudes. It demands results. Again, it realigns the incentives for everybody to make sure the Department of Homeland Security hits the standards in this bill of 100 percent situational awareness, 90 percent operational control.

These are not my standards alone. These were standards that the Gang of 8 wrote initially into their bill. Their bill offers promises but no real enforcement means to make sure it actually happens.

Under my amendment, people who applied for registered provisional status are not eligible for legal permanent residency until the American people have the assurances that the border security measures, the E-Verify provision, the biometric entry-exit system, all those things have been done.

That seems like a small price to pay with a generous gift that the American people are being asked to confer upon people who have entered the country illegally or who came in legally and overstayed their visa in violation of our laws. Now, this is what a real border security trigger looks like. Unfortunately, some of our colleagues do not want a trigger at all. Above all, they want a pathway to citizenship regardless of whether we have secured our borders.

We have tried that before—in 1986. We have also promised people since 1996 that we would implement a biometric entry-exit system and have never delivered that. The 9/11 Commission identified the need for a biometric entry-exit system as a national security imperative in the 9/11 Commission report. We still have not done it. So why in the world would the American people, at a time when their trust in the Federal Government is at an all-time low, why in the world would we simply say trust us once more. We are going to promise you the Sun and the Moon and the aurora borealis, but we are not going to have any means necessary in the bill to actually require the implementation of those promises. By the time the empty promises are realized, we know there will be 11 million people on registered provisional immigrant status and potentially on the way to legal permanent residency and citizenship.

CNN reported a poll today that said 6 out of 10 Americans in their poll were OK with providing people humane and compassionate treatment, including an opportunity to earn legal status in this country if they could just be assured that the borders would be secured and our laws would be enforced. My amendment accomplishes exactly that.

As I have repeatedly emphasized, my amendment uses the same border security standards as the Gang of 8 bill. Again, the difference is that in my amendment it has a real trigger that is based on demonstrable results, while their so-called trigger can be activated whether or not our borders are ever secured.

To put it another way, their trigger demands border security inputs. My trigger demands border security results or outputs. We have now had 27 years of inputs since the 1986 amnesty, and we still do not have secure borders. It is long past time to demand results, or outputs, and not just more hollow promises.

One final point about immigration reform. Whatever legislation we pass in this Chamber will head over to the House of Representatives. If we want the Senate bill to have any chance to become law, then we have to include real border security provisions and a real border security trigger. Our House colleagues have made that abundantly clear.

In other words, my amendment is not a poison pill. It is an antidote because it is the only way we are ever going to truly get bipartisan immigration reform, something which I hope and pray we will because the status quo is simply unacceptable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I understand I am not supposed to call up my amendment. But I would like to discuss amendment No. 1298. If it were appropriate, I would ask to make it pending. But, again, I understand we are not quite ready for that.

I am offering this amendment, when the time is right, because I think it is crucial that we have the strongest possible border protection system in place if this bill, in fact, does someday go into law. To that end, I would like to ensure that we have the best trained personnel securing our borders and overseeing the activity that contributes to the safety of our Nation every day.

Therefore, I am proposing an amendment to require the Department of Homeland Security to set up a program to recruit highly qualified veterans of the Armed Forces as well as members of the Reserves to fill crucial positions within Customs and Border Protection and Immigration and Customs Enforcement.

The security provided by these agents depends on the line watch agents who identify and apprehend undocumented aliens, smugglers, and terrorists. It depends on the agriculture and trade specialists, aircraft pilots, and mission support staff. It also depends on the intelligence research specialists, report officers, and systems engineers. Although the role and responsibilities within ICE and CBP are varied, each plays a critical role in protecting the border. The ability of these agencies to protect the border depends on the skills, training, and judgment of its employees.

The men and women who have served our Nation in the Armed Forces, as well as those who have served in the Reserves, have a broad range of capabilities that make them well suited to work in these important agencies. These men and women embody endurance and adaptability. Many of them have the human intelligence skills that ICE and CBP agents and officers need to detect illegal border crossers and respond to other nefarious activities. They are familiar with the security equipment and technologies that these agencies rely upon.

They have experience responding to leads provided by electronic sensor systems and aircraft sightings, as well as interpreting and following tracks and other physical evidence. They are trained in target assessment and have experience in disseminating the intelligence needed to make informed operational strategies.

These men and women, in short, have the physical skills, operational experience, and decisionmaking abilities needed by ICE and CBP to ensure that our borders are stronger than ever.

Let me say this is one of these amendments that is a no-brainer. This makes sense, and it helps our veterans in a couple of different ways. It helps with the unemployment rate, but it also helps them continue to serve our country. The bottom line is it helps our country to have the best, the brightest, most capable, and most experienced personnel we can possibly have on the border.

This is a bipartisan amendment. Senator JOHANNS is my partner, and I am honored to be joined by him. Certainly, I would like to have broad-based bipartisan support as we proceed when the time is right.

I hope to have this amendment included in the bill. Again, when the time is right, I would ask that my colleagues consider supporting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. My colleagues have heard me mention so many times that we tend to delegate more and we ought to be legislating. This bill is another example of delegating too much and giving too much authority to Cabinet-level people, in this case the Secretary of Homeland Security, and not making enough hard decisions on the floor of the Senate.

It is reminiscent of the 1,693 delegations of authority we gave to Cabinet people in the health care reform bill to a point where you can read that 2,700 pages and understand it, but we truly don't know what the health care system in the United States is going to be

until those 1,693 regulations are put in place. That is going to be a long way down the road.

I wish to point out to my colleagues, I think we are making the same mistake in this immigration bill that is before the Senate. I wish to take some time to talk about how important it is to emphasize the need for Congress to legislate, not delegate, especially with this immigration bill before us.

When an immigration bill is nearly 1,200 pages long, the American people should expect that it is their elected representatives writing the legislation and making most of the decisions. They should expect the executive branch and the Secretary of Homeland Security, in particular, to carry out those policies.

There are individual circumstances that Congress cannot fully anticipate, so it is understandable, then, delegating some authority. With direction from Congress, the Secretary should be able to issue regulations to enforce legislative policies in those situations. Those regulations and any discretion the Secretary exercises, such as other delegations of power from Congress, should be subject to judicial review to ensure that the policies Congress established are being carried out according to congressional intent.

But this immigration bill takes a different and wrong-headed approach. It provides highly general discretion to the Secretary. It gives the Secretary tremendous, often unilateral, discretion to implement the bill. In many instances, that discretion is not even subject to judicial review.

This, obviously, is not the way power is supposed to work in our representative system of government. Uncontrolled unilateral discretion is not what the Framers of the Constitution envisioned for a government with separation of powers, checks, and balances. We have seen, for instance, and recently with the IRS, what can happen when the executive branch exercises authority with too much discretion and not enough oversight.

By some accounts, there are 222 provisions in the bill that give the Secretary of Homeland Security discretion or even allow her to waive otherwise governing parts of the bill. Other people have counted even more than the 222 provisions I have just referred to. Whether it is more or less, it is still a lot. In some cases, it is not just the delegation, it is how it is delegated.

The Secretary's unbridled waiver authority makes a bill that is already weak on immigration enforcement then even weaker.

Ironically, when the Judiciary Committee marked up the immigration bill, it rejected amendments that I and others offered to limit judicial review of immigration enforcement proceedings against people who are in this country illegally. The majority argued against them by claiming that judicial review, which historically has been limited to these enforcement actions, should be expanded to cover these decisions and that is an expansion of judicial review.

Let me speak of the inconsistency of when they didn't think judicial review should be there. The majority wants unlimited judicial review when the Secretary would take enforcement action against people in the country illegally.

At the same time, the bill provides more judicially unreviewable discretion for the Secretary when she decides not to enforce the law against undocumented immigrants.

The people of this country should be aware of the one-way ratchet for discretion that the bill contains. Then it adds judicial review when the Secretary would enforce the law and does not provide judicial review when the Secretary decides to withhold enforcement of border security and other measures designed to reduce illegal immigration.

I believe it is worth noting some of the specific provisions of the bill that give the Secretary discretion in enforcement, sometimes without judicial review. Some of the specific language that allows her to waive provisions that supporters of the bill claim make this bill even tough on illegal immigration and border security should also be discussed.

When they are contrasted, the legislation's goal is very clear: enact very general border security measures that are said to be tough, while giving the Secretary often unilateral discretion and waiver authority to water down those measures.

For instance, the Secretary can commence processing petitions for registered provisional immigrant status—RPI status we call it—based on her determination of border security plans and how she views the status of their implementation. The fencing that the bill seems to demand can be stopped by the Secretary when she believes it is sufficient.

The Secretary has the ability to decide whether certain criminal offenses should bar someone from the legalization program. She can waive, with few exceptions, the grounds of inadmissibility prescribed in law. She is given discretion whether to bring deportation proceedings against those who do not qualify for RPI status. If they are denied, shouldn't they be deported?

The Secretary is also allowed to waive various requirements when a person adjusts from RPI status to legal permanent resident status, including what counts as passing a background check.

The Secretary has broad authority on how to use the $8.3 billion in upfront funds transferred from the Treasury. On top of that, she has wide discretion on how to use the additional $3 billion in startup costs that don't have to be entirely repaid to the Treasury.

Notwithstanding the constitutional powers of Congress over the purse, she is given authority to establish a grant program for nonprofit organizations.

With respect to the point system, the Secretary is given discretion to recalculate the points for particular petitioners and to decide not to deport inadmissible persons.

She also has the discretion to waive requirements for citizenship that otherwise apply under the bill.

The Secretary is also given a great deal of discretion in the operation of the electronic employment verification system; for instance, which businesses will be exempt from the requirement; which documents can individuals present to prove identity or work authorization. She also has the authority to determine when an employer who has repeatedly violated the law is required to use the system. Those decisions will be vital in determining whether the employment verification system will be effective.

Members of this body can opine all day about what this bill does, but we may not know for years, as in the case of ObamaCare, until these regulations are written or these waivers are used, the extent to which this bill is carried out with the intent that we believe it is carried out.

We don't know that for years. I use the example of the health care law because we are learning, after 4 years that the bill has been passed, there are a lot of unknowns in it. We also learned there is not a lot of certainty. That is the fallout from delegating so much power in one Secretary. We shouldn't repeat that mistake when we pass this bill next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I wish to say thank you to Senator MANCHIN, former Governor Manchin, for his willingness to let me slip ahead of him for a few minutes. He is going to talk about the birthday of the State in which both of us were born, West Virginia. I am happy to be here to cheer him on and to applaud all the good work that goes on in my native State and the great work he is doing.

The Presiding Officer has a baseball team up there in Massachusetts, those Red Sox, and every now and then there is a pitcher who telegraphs a pitch. I wish to telegraph a pitch this afternoon.

I was surprised to find out last month from the chair of the Senate Committee on Homeland Security, when I was down at the Mexican border of South Texas, that three out of every five people who come into our country illegally in Texas come not from Mexico, but they come from Central American countries. They come from Guatemala, they come from Honduras, and they come from El Salvador—3 out of 5, 6 out of 10.

For the most part, they don't realize what they are getting into. They don't realize the risks they face on their way to the north to go to the border of Mexico and even when they get across the border into the United States. The dangers they face are of getting robbed,

raped, beaten, drown in the river, and die of starvation and dehydration in the desert. Finally, they get to this country at a time when employers are tightening up in terms of whom they actually hire. They are not hiring those who are here and undocumented.

There is the prospect of detention, not a very pleasant experience, followed shortly thereafter by literally being transported back to their native countries. Most of the people who are trying to get here from those three countries, Honduras, Guatemala, El Salvador, don't know what they are getting into.

They need to know what they are getting into. When I was Governor, as part of the 50–State deal negotiated by the States' attorneys general, you may recall, with the tobacco industry, we created a foundation out of that and called it the American Legacy Foundation. We ran something called a truth campaign. The idea was to convince people, such as these pages, not to start smoking and, if they were smoking, to stop. It was hugely successful.

What we need is something similar to that, particularly in those Central American countries, where the majority of people are now coming from in order to get into Texas and to the United States.

The other thing I would have us keep in mind, we have spent a fair amount of resources in this country trying to help the Mexicans go after the drug lords and to quash the drug trade. What is happening is it is akin to squeezing a balloon. The bad guys in Mexico have worked their way down to El Salvador, Guatemala, Honduras and created mischief there, setting up a drug trade, creating a lot of violence, and making life very unpleasant.

What you have in those countries is not a good situation. One can understand why people want to get out of it: for jobs, hope, and for personal safety. One of the things we have done to help in Mexico—and we are part of the problem. Our country's consumption of illegal drugs has created this problem for Mexico. This deal where drugs come north and guns go south—we are part of that problem, and we need to acknowledge that. But we want to be part of the solution in Mexico, and I think we are playing a constructive role.

We need to be part of the solution in Honduras, El Salvador, and Guatemala and do a similar kind of thing we are doing in Mexico. Part of that is to help a little on their own public safety, the law enforcement efforts in those three countries. Part of it is helping on economic development, job creation, so people don't feel the need to leave those countries and try to flee to our country. The last piece is to actually work with Mexico so they can do a better job of controlling their own borders, to make sure folks don't get, from south of them, into Mexico and eventually work their way into Texas and into the United States.

I will be offering an amendment—not tonight but I suspect tomorrow—that tries to say: Let's put together a truth campaign, convey what is really facing the people, particularly from those three Central American countries, who are trying to get to the United States and to also see, while we are doing that, if we can't help a little on the economic development and job creation side in those countries and in terms of helping them face lawlessness and crime. We can do a little to help there as well. I call this going after the underlying causes—not just treating the symptoms of the problem but going after the underlying cause—and I think we should do this. So I will offer this tomorrow, and I hope my colleagues will agree.

I want to say again to my fellow native West Virginian, thank you for the chance to go ahead. Thank you most of all for the great job you are doing here and for being here to tell us a little bit of the good coming out of the Mountain State.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

WEST VIRGINIA'S 150TH BIRTHDAY

Mr. MANCHIN. Madam President, this week the State of West Virginia will celebrate the sesquicentennial of its birth—a brave and daring declaration of statehood that is unprecedented in American history.

West Virginia was born out of the fiery turmoil of the Civil War 150 years ago. It was founded by true patriots who were willing to risk their lives and fortunes in a united pursuit of justice and freedom for all.

To West Virginians, the names of Pierpont, Willey, and Boreman are nearly as familiar as Washington, Jefferson, and Franklin. Each of these men was a pivotal figure in our States's improbable journey to independence from Virginia and to our very own place in the Union.

But, of course, our forefathers could not have brought forth a new State conceived of liberty without the hand of Abraham Lincoln. It was Lincoln who issued the proclamation creating West Virginia and establishing our State's birthday as June 20, 1863. And characteristically with few words, the 16th President dismissed the arguments of the day that his proclamation was illegal. Lincoln wrote:

> It is said that the admission of West Virginia is secession, and tolerated only because it is our secession. Well, if we call it by that name, there is a difference between secession against the Constitution, and secession in favor of the Constitution.

Indeed, the people of West Virginia had a choice of two different flags to follow during the Civil War. There was, as Francis Pierpont pointed out, ''no neutral ground.'' The choice, he said, was ''to stand by and live under the Constitution'' or support ''the military despotism'' of the Confederacy. We chose wisely. We chose the Stars and Stripes. We chose allegiance to the country for which it stands. We chose to live under a constitution that promised the constant pursuit of ''a more perfect union'' of States. And ever since that historic beginning, we the people of West Virginia have never failed to answer our country's call. No demand has been too great, no danger too daunting, and no trial too threatening.

The abundant natural resources of our State and the hard work and sacrifice of our people have made America stronger and safer. We mined the coal that fueled the Industrial Revolution. We powered the railroads across the North American continent and still today produce electricity for cities all across this country. We stoked the steel factories that armed our soldiers for battles all across the globe and built the warships that plowed the oceans of the world. And we have filled the ranks of our military forces in numbers far greater than should ever be expected of our little State.

Consider this: According to U.S. census data, West Virginia ranked first, second, or third in military casualty rates in every U.S. war of the 20th century—twice that of New York's and Connecticut's in Vietnam and more than 2½ times the rates of those two States in Korea. Today 13.8 percent of West Virginia's population is made up of veterans—the seventh highest percentage among all States. That is higher than the national average of 12.1 percent. That is higher than States with much larger populations, States such as Florida, New York, Texas, Pennsylvania, Ohio, Michigan, or Massachusetts. It is like I always say: West Virginia is one of the most patriotic States in the country.

The best steel comes from the hottest fires. We have all been told that. Well, the fires of the Civil War transformed West Virginia from a fragile hope to a well-tempered, steely reality, dedicated to the ideals of the Declaration of Independence and guarantees of the U.S. Constitution. But West Virginia is great because our people are great—mountaineers who will always be free. We are tough, independent, inventive, and honest. Our character is shaped by the wilderness of our State, its rushing streams, its boundless blue skies, its divine forests, and its majestic mountains.

Our home is, in the words of the best-selling novelist James Alexander Thom, ''a place for health and high spirits, where one's first look out the cabin door every morning [makes] the heart swell up.'' Thom wrote of our magnetic land as it existed long before it achieved statehood, but his words ring just as true of today's West Virginia. They pay homage to a State of natural beauty, world-class outdoor recreation, year-round festivals, ancient crafts, rich culture, strong tradition, industry, and trade. It is a place of coal mines and card tables, racing horses and soaring eagles, Rocket Boys and right stuff test pilots, sparkling lakes and magical mountains, breathtaking backcountry and barbecue

joints, golf and the Greenbrier, battlefields and big-time college football, college towns and small towns that are pure Americana. It is a place of power, pulse, and passion. It is the special place we call West Virginia, the special place we call home.

I admit we have had our ups and downs and setbacks and triumphs. We have had some pretty famous family feuds—a few you might have heard of—and life can be tough sometimes. But the spirit of West Virginia has never been broken, and it never will. I learned that a long time ago growing up in a small coal-mining town of hard-working men and women called Farmington, WV. When things got tough, they got tougher.

It is as if we still hear the words of Francis Pierpont to the delegates to the Second Wheeling Convention in 1861 as they debated whether to secede from Virginia. Pierpont said:

> We are passing through a period of gloom and darkness . . . but we must not despair. There is a just God who rides upon the whirlwind and directs the storm.

It is as if we still hear the words of President John F. Kennedy from the rain-soaked steps of the State capitol in Charleston during our State's centennial celebration. President Kennedy said:

> The sun does not always shine in West Virginia, but the people always do.

We are West Virginians. Even in the darkness and the gloom, we look to a just God who directs the storm. We are West Virginians. We are the 35th State of these United States. We are West Virginians, and like the brave, loyal patriots who made West Virginia the 35th star on Old Glory, our love of God and country and family and State is unshakable, and that is well worth celebrating every year.

I thank the Chair, and I yield the floor.

Mr. CARPER. Madam President, if the Senator will yield, that was wonderful. I am sorry more of us weren't hear to hear those words.

The Senator holds the seat once held for many, many year by Robert Byrd, who until maybe this month was the longest serving person in the history of our country to serve in Congress. I think the record was just eclipsed by JOHN DINGELL from Michigan—a most worthy successor.

The Senator from West Virginia knows there is another notable West Virginian who is rising now to national prominence to serve our country as the new Director of the Office of Management and Budget. She grew up in Hinton, WV, graduated from Hinton High School, played on the girls basketball team, and her name is Sylvia Mathews Burwell.

So West Virginia is a State that has produced certainly a lot of coal, a lot of natural resources, but also a lot of good people and a lot of good leaders. And this Senator came to us from West Virginia having been a two-term Governor and chairman of the National Governors Association, and I know he is marked maybe for greatness—maybe for greatness. And I think his wife has a birthday tomorrow; West Virginia has a birthday the day after tomorrow.

Mr. MANCHIN. Hers is the 20th also.

Mr. CARPER. The fact is that West Virginia sort of separated itself from Virginia, and about 237 years ago this past Saturday, the State of Delaware gave Pennsylvania its independence. It is quite common to talk about what is Delaware and what is not Delaware—Pennsylvania and Delaware were joined at the hip—but as I said, on June 15, 1776, Delaware gave Pennsylvania its independence and also declared our independence from the tyranny of the British throne. But here we are 5 days later celebrating West Virginia giving Virginia its independence, and now they are on their own and making us all proud.

Mr. MANCHIN. I know the Senator from Delaware was also, like myself, born in West Virginia. And when we think about all the famous people who have come from West Virginia, we think about the men with the right stuff—Charles Yeager, General Yeager, who broke the sound barrier in 1947; we think about the Rocket Boys and the movie ''October Sky.'' We think about the Hatfield and McCoy feud—a couple of feuds we have had and some might say are still going on; and we think about the logo for the National Basketball Association. Jerry West is the person dribbling the basketball. That is his picture. That is the logo. So we think about so many contributions, but most important of all the people in West Virginia and all over this great country have contributed to who we are today, and I am a proud West Virginian through and through.

Mr. CARPER. If I could add, Madam President, every Sunday night I turn on the radio to WNCN to hear simulcast across the country West Virginia Mountain State—it is great music, eclectic music that is wonderful and reminds me of home.

I thank the Senator for enabling us to help him celebrate West Virginia's birthday as well.

Mr. MANCHIN. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Madam President, I rise to discuss the report by the Congressional Budget Office that was just released. This is a long-awaited report, and we have all been waiting with bated breath to see what they would say. The report assesses the economic and fiscal impact of S. 744, the bipartisan immigration bill being debated here in the Senate. We are still digesting the report, but at first glance it contains some very positive news for comprehensive immigration reform on a number of fronts.

At the beginning of our bipartisan negotiations on this bill, we made an important promise: Our bill will not add to the deficit. CBO found that we kept our promise—and then some. Let me review some of the top-line findings of the CBO report.

CBO found our bill decreases Federal budget deficits by $197 billion over the 2014–2023 period. CBO finds we achieve about $700 billion in deficit reduction in the second decade of implementation, from 2024 to 2033. So the first 10 years, our bill, according to CBO, decreases the deficit by $175 billion and in the second 10 years by $700 billion.

The CBO also released an economic analysis that found the bill will increase GDP by 3.3 percent in 2023, and between 5.1 percent and 5.7 percent in 2033.

The second-decade figure on deficit reduction is quite relevant and remarkable. Many of the bill's opponents were specifically urging the CBO to look at the second decade in hopes it would show major costs, but CBO found just the opposite.

I cannot overstate the significance of these findings. Simply put, this report is a huge momentum boost for immigration reform. It debunks the idea that immigration reform is anything other than a boon to our economy, and robs the bill's opponents of one of their last remaining arguments.

The report proves once and for all that immigration reform is not only right to do to stay true to our Nation's principles, it will also boost our economy, reduce the deficit, and create jobs. Immigration reform should be a priority of progressives and conservatives alike.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ROSOBORONEXPORT

Mr. CORNYN. Madam President, I come to the floor to say a few words about Rosoboronexport, the Russian State arms dealer which has been supplying the Syrian Government with deadly weapons and thereby facilitating mass murder. Last November I sponsored an amendment to prohibit the use of taxpayer dollars in America to enter into contracts or agreements with Rosoboronexport. My amendment had strong bipartisan support, and it passed unanimously. Yet just yesterday, as President Obama met with Russian leader Vladimir Putin at the G8 Summit in Northern Ireland, we learned the Pentagon signed a brandnew $572 million contract with Rosoboronexport to buy MI–17 helicopters for the Afghan Army.

How did the Obama administration get around the prohibition in my amendment? They argued that the Rosoboronexport contract was in our national security interests. In other words, they want us to believe we are promoting U.S. security by doing business with a Russian arms dealer who is helping an anti-American, terror-sponsoring dictatorship commit mass atrocities. Unbelievable.

Last year the Pentagon agreed to audit the contract with Rosoboronexport and make good-faith efforts to find other procurement sources for the Afghan military. Now they are refusing to complete that audit on the grounds that Rosoboronexport simply has refused to cooperate.

Meanwhile, my office has learned that Army officials within the Non-Standard Rotary Wing Aviation Division, whose primary focus is the Mi-17 program, are the subjects of an ongoing criminal investigation. This, obviously, raises troubling questions about whether the terms of the new Mi-17 procurement contract resulted from criminal misconduct.

I want to take this opportunity to say once again that American taxpayers should not be indirectly subsidizing the murder of Syrian civilians, especially when there are perfectly good alternatives to dealing with Rosoboronexport. If the Pentagon continues this relationship, it will undermine American efforts to stand by the Syrian people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for perhaps up to 20 minutes as in morning business.

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

GLOBAL CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am here again—I think it is the 36th time—to speak as I do every week on global climate change, to remind us that it is time for us to wake up and to take action to protect our communities. The risks that we ignore will not go away on their own. The longer we remain asleep, the greater the challenges we leave for our children and grandchildren. The changes we are already seeing—rising sea levels, floods, and erosion, more powerful storms—are taking their toll in particular on our aging infrastructure which I would like to talk about today—our roads, our bridges, our sewers and water pipes. This kind of infrastructure is designed to operate for 50 to 100 years and to withstand expected environmental conditions. So what happens if expected weather and climate patterns change? Well, they are.

According to the Draft National Climate Assessment:

> U.S. average temperature has increased by about 1.5 degrees Fahrenheit since 1895; more than 80% of this increase has occurred since 1980. The most recent decade was the nation's hottest on record.

We are also getting more precipitation with more and more of our rain coming in big, heavy downpours. Between 1958 and 2011, the amount of rain that fell during individual rainstorms increased in every region of the country—up to 45 percent in the Midwest and 74 percent in our northeast.

Last month the Government Accountability Office issued a report revealing the risks posed to U.S. infrastructure by climate change. The report—which I requested, along with finance chairman MAX BAUCUS—shows we can no longer use historical climate patterns to plan our infrastructure projects.

First, limited resources often must be focused on short-term priorities. Fixing an unexpected water main break, for example, won't usually allow for upgrades to account for climate change. And long-term projects that do include climate change safeguards usually require more money upfront. That is GAO's warning.

GAO also found that local decisionmakers—folks in our home communities—need more and better climate information. The faster someone drives, the better their headlights need to be, and carbon pollution is accelerating changes to our climate and weather. Our communities need the information—the headlights—to see these oncoming changes, and it needs to be local.

When a bridge is constructed in Cape Hatteras, it is more helpful to know how climate change will affect North Carolina than North America. Thankfully, leaders across the country are waking up to the reality of climate change and are making evidence-based, not ideological, decisions about how to best serve their communities.

This is the Interstate 10 twin span bridge that crosses Lake Pontchartrain near New Orleans. During Hurricane Katrina, the storm surge rocked the bridge's 255-ton concrete bridge spans off of their piers, twisting many, and toppling others into the lake. Hurricane Katrina brought the largest storm surge on record for Lake Pontchartrain. Scientists tell us that climate change loads the dice for these stronger and more frequent storms. So the recovery design team decided to strengthen and raise this bridge. They made a larger initial investment in order to reduce maintenance costs in the future. That is smart planning.

In 2012, Hurricane Isaac was the first major test for the new bridge, and it passed. The damage was limited to road signs and electrical components. This is the new higher bridge over here and that is the old bridge down on the left there.

To the south, Louisiana State Highway 1 is the only access road to Port Fourchon. Senator VITTER, who is from Louisiana and our ranking member on the Environment and Public Works Committee, has told us that 18 percent of the Nation's oil supply passes through Port Fourchon. It is a pretty important port, and Highway 1—the only access road to it—is closed on average 3½ days a year due to flooding, according to GAO. NOAA scientists project that within 15 years portions of Louisiana Highway 1 will flood an average of 30 times each year. State and local officials raised 11 miles of Highway 1 by more than 22 feet. So when Hurricane Isaac brought a 6½ foot storm surge up the gulf, those raised portions were unaffected.

Up north in Milwaukee, WI, the metropolitan sewerage district spent $3 billion in 1993 to increase the capacity of its sewer system based on historical rainfall records dating back to the 1960s. But extreme rainstorms in the Midwest have changed drastically. Milwaukee experienced a 100-year storm 3 years in a row. Milwaukee experienced 100-year storms in 2008, again in 2009, and again in 2010. The University of Wisconsin projects these storms will be even more common in the future, so Milwaukee took steps to improve the ability of nearby natural areas like wetlands to absorb the extra runoff from rainstorms. This eased the pressure on the city's wastewater system.

The GAO infrastructure report also found that areas recently hit by a natural disaster tend to get proactive about adaptation. I think it is easy to see how getting clobbered by a hurricane will help people to rethink their emergency preparedness. But waiting for disaster is not risk management, and we can and must do better.

In my home State of Rhode Island, local leaders are wide awake to climate change. For instance, North Kingstown is a municipality with planners who have taken the best elevation data available and modeled expected sea-level rise as well as sea-level rise plus 3 feet of storm surge. By combining these with the models and maps that show the roads, emergency routes, water treatment plants, and estuaries, the town can better plan its transportation, conservation, and relocation projects.

Last week, North Kingstown's efforts were recognized by a grant from the EPA and will be a model for communities throughout the country.

Other coastal States face many of the same risks we are facing in Rhode Island—none more than Florida. A study of sea-level rise on U.S. coasts found that in Florida more than 1.5 million residents and almost 900,000 homes would be affected by 3 feet of sea-level rise. Both numbers, 1.5 million residents and almost 900,000 homes, are almost double any other State in the Nation.

These maps show what 3 feet of sea-level rise means for Miami-Dade County in southeastern Florida. The map on the left shows the current elevation in southern Miami-Dade compared to 3 feet of sea-level rise shown here on the right. The blue regions, which are green here, are the regions that have gone underwater with 3 feet of sea-level rise. They would lose acres and acres of land. This nuclear power station and this wastewater treatment plant are virtually cut off from dry land.

And the flooding won't just be along the coast; low-lying inland areas are also at risk. That is because in Florida, particularly in the Miami metropolitan area, the buildings are built on limestone. Florida stands on a limestone geological base, and limestone is porous. Up in New England, we can build levees and other structures to hold the water back. In Miami, they would be building those structures on a geological sponge. The water will seep under and through the porous limestone.

Rising seas don't just threaten southern Florida. According to the American Security Project, Eglin Air Force Base on the Florida panhandle coast, which is the largest Air Force base in the world, is one of the five most vulnerable U.S. military installations because of its vulnerability to storm surges, sea-level rise, and saltwater intrusion.

Responsible Floridians looking at these projections have decided to take action. Four counties in Florida—Miami-Dade, Palm Beach, Broward, and Monroe—have formed the Southeast Florida Regional Climate Change Compact. Using the best available science, they have assessed the vulnerability of south Florida's communities to sea-level rise. In their four counties in Florida alone, a 1-foot rise in sea level would endanger approximately $4 billion in property—just in those four counties. A 3-foot sea-level rise would endanger approximately $31 billion in property.

In Monroe County, 3 of the 4 hospitals, two-thirds of the schools, and 71 percent of emergency shelters are in danger by a 1-foot rise. That is a lot of infrastructure at risk.

Together, these Florida counties, which are led both by Republicans and Democrats—this is a bipartisan county effort in Florida—have adopted a plan to mitigate property loss, make infrastructure more resilient, and protect those essential community structures such as hospitals, schools, and emergency shelters.

This past October, those member counties signed a 5-year plan with 110 different action items, including efforts to make infrastructure more resilient, reduce the threats to vital ecosystems, help farmers adapt, increase renewable energy capacity, and educate their public about the threat of climate to Florida. Looking at all of those risks to Florida and looking at the bipartisan action taken by those county leaders in Florida, I have to ask: If you are a Member of Congress from Florida, how can you credibly deny climate change?

Studies show about 95 percent of climate scientists think climate change is really happening and humans really are contributing to it. About 5 percent disagree or aren't so sure. Can Floridians here in Congress really take the 5-percent bet? Does that seem smart, cautious, prudent, and responsible? This is the only Florida we have, and the Sunshine State is ground zero for sea-level rise. It is long past time for us to act on climate change, but it is not too late to be ready and it is not too late to be smart in Florida and elsewhere. In Florida, and in other States, infrastructure has to be designed for and adapted to the climate changes we can foresee.

I thank the Government Accountability Office for this report. Nature could not be giving us clearer warnings. Whatever higher power gave us our advanced human capacity for perception, calculation, analysis, deduction, and foresight has laid out before us more than enough information for us to make the right decisions. Fortunately, these human capacities provide us everything we need to act responsibly on this information if only we will awaken.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maine.

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

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

AMENDMENT NO. 1255

Ms. COLLINS. Madam President, I rise this evening to discuss an amendment I have filed to the immigration bill. It is Senate amendment No. 1255. It would ensure that the funding for an important border security program known as Operation Stonegarden continues to be allocated by the Department of Homeland Security based on risk. Without my amendment, 90 percent of the $50 million in funding for this program awarded annually would be earmarked for the southwest border. What I am proposing is that we not put a percentage in the bill but, rather, allow for a risk-based assessment of where Operation Stonegarden monies would best be spent. This program has been extraordinarily successful in my State of Maine. It has helped Federal, county, State, and local law enforcement to pool their resources and work together to help secure our border.

While the southwest border is much more likely to make the evening news, we must not forget about our northern border. As the Department of Homeland Security pointed out when it released its first northern border strategy in June 2012: ''The U.S.-Canadian border is the longest common border in the world'' and it presents ''unique security challenges based on geography, weather, and the immense volume of trade and travel.''

According to a report released by the GAO in 2010, the Border Patrol had situational awareness of only 25 percent of the 4,000-mile northern border and operational control of only 32 miles—less than 1 percent. We will hear those terms discussed a lot during the debate on immigration with respect to the southwest border. I think it is important that we not forget we also have a 4,000-mile northern border.

This lack of situational awareness and operational control is especially troubling because as GAO has observed: ''DHS reports that the terrorist threat on the northern border is actually higher [than the southern border], given the large expansive area with very limited law enforcement coverage.''

In the same report, GAO noted that the maritime border on the Great Lakes and rivers is vulnerable to use by small vessels as a conduit for the potential smuggling and exploitation by terrorists, alien smuggling, trafficking of illicit drugs, and other contraband and criminal activity. Also, the northern border's waterways frequently freeze during the winter and can be easily crossed by foot, vehicle, or snowmobile. The northern air border is also vulnerable to low-flying aircraft that, for example, smuggle drugs by entering U.S. airspace from Canada.

Additionally, Customs and Border Protection reports that further threats result from the fact that the northern border is exploited by well-organized smuggling operations which can potentially also support the movement of terrorists and their weapons.

There is also, regrettably, significant criminal activity on the northern border. In the same report, GAO noted that in fiscal year 2010 DHS has reported spending nearly $3 billion in its efforts to interdict and investigate illegal northern border activity, annually making approximately 6,000 arrests and interdicting approximately 40,000 pounds of illegal drugs at and between the northern border ports of entry.

The Operation Stonegarden grant program is an effective resource for addressing security concerns on our northern, southern, western, and coastal borders. Over the past 4 years, approximately $247 million in Operation Stonegarden funds has been allocated to 19 border States using a risk-based analysis for determining the allocations rather than the formula-based analysis that is included in this immigration bill.

Earmarking 90 percent of funding from Operation Stonegarden to the southwest border is ill-advised. Operation Stonegarden grants should be used to help secure our northern, southern, and coastal borders by funding joint operations between the Border Patrol and State, county, and local

law enforcement. These joint operations can act as a force multiplier in areas that would otherwise be unguarded altogether.

My amendment would ensure that DHS continues to have the flexibility it needs to make risk-informed decisions about where Operation Stonegarden funds will best serve the security of our Nation's borders.

I urge my colleagues to support my amendment, and I hope it will be brought up at some point tomorrow.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the following amendments be in order to be called up and that they not be subject to modification or division, with the exception of the technical modifications to the Merkley and Paul amendments contained in this agreement: Manchin No. 1268; Pryor No. 1298; Merkley No. 1237, as modified with the changes at the desk; Boxer No. 1240; Reed No. 1224; Cornyn No. 1251; Lee No. 1208; Paul No. 1200, as modified with the changes at the desk; Heller No. 1227; and Cruz No. 1320; finally, that no second-degree amendments be in order to any of these amendments prior to votes in relation to the amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, we now have these amendments in order and we will work with all the parties to see if we can have some way of proceeding to set up votes. I would hope we can work something out so we do not have to do procedural things to try to get rid of them. We are going to do our utmost. I appreciate everyone's cooperation getting this long list of amendments so we can start voting on them.

I think it would be a pretty fair assumption that we are not going to have any votes tonight on these amendments. We will work something out tomorrow. It is about 7 o'clock and we still have a little more work to do on other issues.

The PRESIDING OFFICER. The Senator from Pennsylvania.

LUIS RESTREPO CONFIRMATION

Mr. CASEY. Madam President, I rise this evening to make some brief comments regarding a judicial nominee we voted on yesterday—one of two—Judge Luis Restrepo from Philadelphia, from the southeastern corner of Pennsylvania.

I rise tonight because my train was late last night so I was not able to make some comments about his nomination, his qualifications, prior to the vote. But I was honored that he received the vote of the Senate last night.

I also rise because it is timely in another way because we are considering immigration reform. I was on the floor last week talking about yet another judicial nominee from Pennsylvania—now a judge, as of last week. Judge Nitza Quinones, who is a native of Puerto Rico, came to this country after her education and became a lawyer and an advocate, and then, ultimately, a judge for more than two decades now, and now will serve on the Federal District Court for the Eastern District of Pennsylvania.

So it is true of now Judge Restrepo. A native of Colombia, Judge Restrepo became a U.S. citizen in 1993. He earned a bachelor of arts degree from the University of Pennsylvania in 1981 and a juris doctor degree from Tulane University's School of Law in 1986.

He is highly regarded by lawyers and members of the bench. He exhibits an extraordinary command of the law and legal principles, as well as a sense of fairness, sound judgment, and integrity.

Judge Restrepo has served as a magistrate judge for the U.S. District Court for the Eastern District of Pennsylvania since June of 2006.

Prior to his judicial appointment, he was a highly regarded lawyer and a founding member of the Kreasner & Restrepo firm in Philadelphia, concentrating on both civil rights litigation as well as criminal defense work.

He served as an assistant Federal defender with the Community Federal Defender for the Eastern District of Pennsylvania from 1990 to 1993, and as an assistant defender at the Defender Association of Philadelphia from 1987 to 1990.

An adjunct professor at Temple University's James E. Bensley School of Law, he was also an adjunct professor at the University of Pennsylvania School of Law from 1997 to 2009 and has taught with the National Institute for Trial Advocacy in regional and national programs since 1992.

I know the Presiding Officer knows something about being a law professor and the demands of that job and the demands of being an advocate.

I think anyone who looks at Judge Restrepo's biography and background would agree he is more than prepared to be a Federal district judge, and I am grateful that the Senate confirmed him.

Finally, Judge Restrepo has also served on the board of governors of the Philadelphia Bar Association and is a past president of the Hispanic Bar Association of Pennsylvania.

So for all those reasons and more, I believe he is not only ready to be a Federal judge, but I am also here to express gratitude for his confirmation and for the vote in the Senate.

As we consider immigration reform, we should be ever inspired by the stories we hear from not only judges who are nominated and confirmed here, but others as well who come to this country, who work hard, who learn a lot, and want to give back to their country by way of public service. Judge Restrepo, this week, and Judge Quinones, last week, are two fine examples of that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, the prime sponsor, I suppose, of the immigration bill before us—this 1,000-page document—Senator SCHUMER, announced earlier today, based on the Congressional Budget Office report, that lower deficits were promised, and that the bill, indeed, produces lower deficits. I do not believe that is an accurate statement, and I will share with you some of my concerns about that.

We have been through this before, where the budget numbers, in reality, have been utilized in a way that is not healthy, and it creates a false impression of what is occurring here.

Secondly, I do not know that he talked about this—I doubt he did—the CBO report is explicit. Under this legislation, if it were to pass, the wages of American workers will fall for the next 12 years. They will be lower than the inflation rate. They will decline from the present unacceptably low rate, and continue to decline for 12 years, according to this report. That alone should cause us to defeat this bill.

We have been told it is going to create prosperity and growth, but what it is going to produce is more unemployment, as this report explicitly states. It is going to produce lower wages for Americans, as this report explicitly states. And it is going to increase the deficit.

So I think we need to have an understanding here that something very serious is afoot: to suggest that you can bring in millions of new workers to take jobs in the United States at a time of record unemployment and that will not impact wages, that will not make unemployment go up, goes beyond all common sense.

Dr. Borjas at Harvard has absolutely proven through peer-reviewed research that that is exactly what is going to happen. Wages go down, as they have been going down, and unemployment will go up. So this report confirms that.

I will read some of the things that are in it.

I am on page 7 of ''The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act.''

S. 744 would allow significantly more workers with low skills and with high skills to enter the United States—. . . .

No doubt about that. They say it is a move to merit-based immigration. But it is not a move to merit-based immigration. It increases low-skill workers substantially, as well as increasing other workers.

Taking into account all of those flows of new immigrants, CBO and JCT [Joint Tax] expect that a greater number of immigrants with lower skills than with higher skills would be added to the workforce. . . .

In other words, another group coming in, more lower skilled than higher skilled, just as I indicated and other commentators have indicated previously.

The report said this:

Slightly pushing down the average wage of the labor force as a whole.

Pushing down the wage of the labor force as a whole. But they go on to say this. Get this. The next sentence:

However, CBO and Joint Tax expect that currently unauthorized workers——

Illegal workers, in other words——

who attain legal status under 744 will see an increase in their wages.

So I think this underestimates, if you read the report carefully, the adverse impact that the flow of workers will have on the wages of American workers and lawful immigrants who are here today. But at any rate, it is clear that is so.

It goes on to say this, dramatically, I suggest:

The average wage would be lower than under current law over the first dozen years. CBO estimates that it would increase unemployment for at least 7 years.

So this is supposed to be good for the people we represent? Of course, I would like to ask our colleagues to think carefully about our duty. Who is it we represent in this body? What kind of responsibilities do we have to decent, hard-working Americans who experts have told us have seen their wages decline every year, virtually, since 1999.

Wages have declined by as much as 8 percent since 2009 for a number of reasons. One of the reasons, according to Professor Borjas, is that immigration is already pulling down wages by as much as 40 percent. So this will add to the problem.

This report said, quite clearly, unequivocally, it is going to increase unemployment, and it is going to pull down wages. That is exactly the wrong thing that ought to be happening at this time. How in the world can we justify passing a bill that hammers the American working man and woman who is out trying to feed a family, get a job, that has a little retirement, a little health care, some money to be able to take care of the family, and hammer them with additional adverse economic impacts?

I suggest to you this is not a report that in any way justifies advancing this legislation. Let me just take a moment. I wrestle with these numbers. I see the Presiding Officer who is on the Budget Committee understands these numbers. They say it pays down the deficit. Let me show you what it really says. This is the way they double counted the money to justify ObamaCare.

Basically, they created, through cuts in Medicare, savings and they lengthened the life of Medicare, but they claim they used that same money to fund ObamaCare. At one point, Mr. Elmendorf, the Director of the Office of Management and Budget, who wrote this said it was double counting the money. You cannot use the same money to fund ObamaCare and use that same money to strengthen Medicare. How simple is that?

We are talking about hundreds of billions of dollars in double counting of the money. That is what is happening in here. Look at this report. Impact on the deficit over the 10-year period, 2014 to 2023, the budget deficit would increase by $14.2 billion. The debt would increase by $14.2 billion. But then they say the off-budget money would decrease the deficit by $211 billion.

My colleague, Senator SCHUMER, said this is all great. We have a big surplus now. We have $200 billion in the off-budget account. But what is that money?

What is that money? That is the payroll taxes. That is your Social Security payment and your Medicare payment. When more of the illegal aliens come in and get a Social Security number and pay Social Security and Medicare, the money comes into the government. All right? But is it free to be spent on bridges and roads and aircraft and salaries for Congressmen and Senators? No.

This is money that is dedicated to Social Security and Medicare. This is the trust fund money that goes to Social Security and Medicare. Yes, when people are legalized, they will pay more Social Security and Medicare taxes on their payroll, but it is going to that fund to pay for their retirement and their health care when they retire. You cannot use that money. You cannot spend the money today and pretend it is going to be there to pay for their retirement when they retire.

They are going to pay into Medicare. They are going to pay into Social Security. They are going to draw out Social Security and Medicare when they reach the right age. What we know is, as Mr. Elmendorf indicates, as I have said repeatedly, most of these individuals are lower income, lower skilled workers. Therefore, what we know is in that regard, the lower skilled workers who pay into Social Security and Medicare take out more than they pay in. So this is not going to be positive, it seems to me, particularly when you account for the fact that a lot of people have scored this, but they have not scored it from the fact that most of the workers who will be paying Medicare and Social Security are lower income workers and they will be paying the lower rates. Not a huge difference, but it is a difference.

So I would contend, I think, without fear of serious contradiction, although I expect political contradiction, that the off-budget money is your Medicare and Social Security money. See, you paid into that. The government, if it takes and spends it, does not have anything now to pay your Social Security and your Medicare benefits when you get old. We know it is already actuarially unsound. Those programs are in danger of defaulting a lot sooner than a lot of people think. We need to be saving these programs, not weakening them.

So in the short run you get this bubble effect. You get an extra group of money. Since a lot of the workers are younger, it will look good on the budget for 10 years. It looks good on the budget for 10 years, but this is not money to be spent by the government. This is money that is dedicated to their retirement and will be drawn out by these individuals when they go into retirement.

So I would suggest that this 10-year score, 2014 through 2023, shows that the real impact is a $14.2 billion dollar reduction—increase in the deficit of the United States over 10 years in the general fund account. The off-budget section says it reduces the deficit by $200 billion. But that money is utilized—it has to be in the trust fund to be utilized for future payments to these individuals when they retire. It is not money we can account for.

The mixing of these two matters is one of the most dramatic ways this country has gotten itself into an unsound financial course. We have double counted this money repeatedly. We have money coming in to Social Security and Medicare and we spend it immediately. We pretend it is still there to pay for someone's retirement. This is going to be the same except it is guaranteed to be a financial loser over the long run.

Again, I know Senator SANDERS has talked about this, my colleague from Vermont. In a free market world, when you bring in more labor, the wages go down. I think CBO is probably underestimating this, frankly. Professor Borjas at Harvard, his numbers look more grim than these. But this is what they came up with. They have been trying to do guesswork and tell the truth the best they can, but they are getting a lot of pressure from the other side.

A lot of Members here seem to think we can just bring in millions of people and those millions of people will somehow create more revenue. We are going to be like Jack Kemp. You know, everything is wonderful. It is just going to grow. But we have to be prudent. We have to be responsible. What we know is that since at least 1999, the wages of average American people have not kept up with inflation. That means those wages are on a net serious decline.

Professor Borjas says it declined by 8 percent. That is very real. My Democratic colleagues used to be very critical when it was President Bush because it was all his fault that wages were not keeping up with inflation, people were being hurt. So now they do not talk about that anymore. If they do, they blame it on President Bush even though he has been gone 5 or 6 years.

The reality is, I came to believe there is truth to this. It is not just a temporary cyclical thing that workers'

wages have not been keeping up. I think it is something deeper than that. I think it is several things. Businesses are getting very intent on reducing the number of employees they have to produce certain products and widgets. They are getting far more efficient. So we are making more widgets with less people.

If you go into plants like I do, you see these incredible robotics where you get dramatic improvements of productivity for widgets with less people. This creates, in some ways, unemployment.

Last month we had a moderate increase in jobs in May, but there was an 8,000-job reduction in manufacturing. The increase was in service industries like restaurants and bars and that kind of thing. The increase was also temporary. So this is not healthy. You have this unhealthy trend out there when you bring in large amounts of labor, a majority of which the CBO says is low skilled, and you are hammering the American worker.

Further, Peter Kirsanow, one of the outstanding members of the U.S. Commission on Civil Rights, along with Abigail Thernstrom, a brilliant lady who has written on these matters over the years, they wrote a letter recently that warned that passage of this bill will harm poor people in America, particularly African Americans.

They said they had hearings on this matter. They have had the best economists come and testify. They studied those reports. They say not a single one of the economists they dealt with denied that the wages would be pulled down or unemployment would go up.

That is what CBO told us today: Unemployment will go up, wages will go down. We have good Republican colleagues and they cannot conceive that we are in such a circumstance. They just believe growth is always good, and if you bring in more people you will have more growth. That is correct.

Let me tell you the brutal truth based on the in-depth analysis by Professor Borjas at Harvard. He says the prosperity, the growth enures to the benefit of the manufacturers, of the employers who use a lot of low-skilled labor. Their income will go up, but the average wage of the average working person will go down. That is what large flows of immigration will do when there is high unemployment.

Peter Kirsanow, a member of the Civil Rights Commission, in his letter, said that it is absolutely false that we have a shortage of low-skilled labor. He says we have a glut of low-skilled labor. The facts show that.

The number of people employed in the workforce today has reached the level of the 1970s. That was before women were going into the workplace. As a percentage of the American population, the percentage of people who actually have a job today has been falling steadily, and it has now hit the level of the 1970s. Now they are going to bring in all these masters of the universe, these geniuses who have this plan that somehow is going to fix everything. We will just bring in more people.

We had a Senator today say that it is going to increase wages. How can that be? What economic study shows that? Not any, to my knowledge. CBO says—wages are going to fall. Unemployment is going to go up, and it is not going to fix our deficit either.

I feel very strongly that we have to put on a realistic hat. We are going to have to ask ourselves: Whom do we represent? Are we representing a political idea that is going to bring in more votes? Are we representing people who entered the country illegally? Are those our first priority? Do we have any obligation to the people who fight our wars, raise our next generation of children, try to do the right thing, pay their taxes, want to be able to have a decent job, a decent retirement plan, have a vacation every now and then, and have a health care plan they can afford? Don't we owe them that? Shouldn't that be our primary responsibility right now? I think it is. I think that is our primary responsibility.

One says: Well, don't you care about people who are here illegally?

I say: Yes, I care about them. I care about them deeply.

I think we can work on this situation to not be in a position to say we are going to deport all of those who are here illegally. We can treat people compassionately. We are going to do the right thing about that.

In the future, should we have a work flow every year in that doubles the amount of guest workers who come in for the sole purpose of working and not becoming an immigrant, and should we increase the annual legal flow of immigrants from 1 million a year to 1.5 million a year, increasing it 50 percent? Is that what good legislation would do? I mean, how did this happen?

Thomas Sowell, a Hoover Institution scholar and economist at Stanford University, says there are three interests out here. One is the immigrants. They win. This report says their salaries go up. The other one is the politicians. They have it all figured out. They have written a bill that they think serves their political interests. The question is, Who is representing the national interests? Who is representing the American people's interests? Were they in these rooms when the chamber of commerce was there, La Raza was there, the business groups, agricultural groups, the labor unions and Mr. Trumka were there dividing up the pie, making sure their interests were protected? Who was defending the interests of the dutiful worker who is out trying to find a job today?

There was a report in the New York Times last week about an event in Queens. Apparently, there was a group of jobs that were going to be offered as elevator repair personnel in New York. The line started forming 5 days in advance. People brought their tents, they brought their food, they brought their sleeping bags, and they waited in line for days to be able to get a job as an elevator repair person. We have people saying these are jobs Americans won't do. That Americans won't work, and that's why we need more labor.

Well, I always cut my own grass when I am home, but I am up here a lot, so there is a group that comes and cuts my grass in Mobile. These were two African-American gentlemen in their 40's. They came out, did a great job in the heat in Alabama, and took care of my yard.

What is this—jobs Americans won't do? They want a job that has a retirement plan. They want a job that has some permanency to it. They want a job that has a decent wage. Americans will work, and all hard work should be honored.

I will acknowledge that in seasonal work, temporary work, certain circumstances, we could develop a good migrant guest worker program that could serve this. Maybe in different times, if unemployment is low, we could justify bringing in even more workers than you would expect. But at a time of high unemployment, we have low participation in the workforce, and we ought to be careful about bringing in large amounts of labor that pleases rich businesses and manufacturing and agribusiness groups but doesn't necessarily protect the honest, decent, legitimate interests of American workers. I think they are being forgotten too often in this process.

I wanted to push back to that. This report might look like it's saying that we are creating a service and we are reducing the debt. In one sense, on the on-budget analysis, the way we do our accounting around here, that impression is certainly created. It is a false impression, and it is that false understanding of the reality of the on-budget and off-budget accounting of revenue to America that has gotten us fundamentally in the problem we are now facing.

Again, I repeat, the on-budget deficit, according to the CBO report, goes up over 10 years by $14 billion. It claims, though, that the deficit drops on the off-budget. Remember, that money is obligated. That is your withholding. That is your FICA. That is your Social Security, Medicare—withholdings on your paycheck. It goes up there, and it has been set aside for you, for your retirement, for your medical care when you are elderly. It is not available for us to spend today willy-nilly.

And we think we have now created a circumstance where billions of dollars are being double-counted. Can you imagine that? That is what we are doing in this country. We are counting trillions of dollars—really double-counting it. Money that comes in we count in a unified budget as income to the budget, but it is dedicated income. We owe the people who paid it into their Social Security check, their Medicare coverage. It is owed to them.

What we know is that when you have particularly lower—well, the whole

program is unsustainable, but particularly the lower income workers pay in less than they will eventually take out over a lifetime. Adding all of these workers into the Social Security and Medicare system, where they pay in, will not place us on a sound path.

Again, we need to be honest about where we are. The numbers do not look good. This Congress needs to wrestle with how to deal compassionately with the people who have been here a long time. We need to do it in a right way, but we have a responsibility, a financial duty to the people who sent us here to manage their money wisely and not make our financial situation worse than it is today. We have an obligation to try to figure out a way to reverse the steady, long-term trend of wage decline for millions of American workers. It needs to be getting better. What this report says is that if this bill is passed, this immigration bill is passed, it will make the long-term wage situation of Americans worse. How wrong a direction could that be?

Look, if we let the labor market get a little tighter, we are going to find businesses that are willing to pay more to get a good worker. That is the free market. These business guys don't mind trying—Walmart seeks the very lowest priced product it can get, whether it is China or the United States. They are ruthless about it. It is free market, we say. We value it. OK, we support free market. But if there is a labor shortage, why shouldn't the laboring man be able to get a little higher wage for a change around here? This large flow of immigration will impact, adversely, their ability to find a job—unemployment will go up, according to the report—and we'll get a decrease in wages.

I yield the floor.

● Mr. INHOFE. Madam President, today I would like to indicate support for two amendments I cosponsored and were introduced by Senator THUNE and Senator VITTER.

The first is amendment No. 1197 introduced by Senator THUNE. Border security should be the number one priority in any immigration discussion, and building this fence which is already required by law will help in that endeavor.

The second is Amendment No. 1228 introduced by Senator VITTER. This requires that the biometric border check-in and check-out system be fully implemented prior to any legal status being granted to an illegal alien. Our national and economic security depends on us knowing who is in our country, and this amendment will help achieve that goal.

While I strongly disagree with granting amnesty to those who broke the law, on the chance that this bill passes I want to make sure that amendments like the two of these are included in the final legislation.●

MORNING BUSINESS

Mr. KAINE. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO ARNOLD LEE WATSON

Mr. MCCONNELL. Madam President, I rise today to honor and pay tribute to a selfless Kentuckian, Mr. Arnold Lee Watson of Letcher County, KY. Watson voluntarily devotes his time and skills to raise money for the Veterans Program Trust Fund.

Mr. Watson is the father-in-law of Letcher County Clerk Winston Meade. Together they have created a service that is becoming popular among many Kentucky counties. As license plates are dropped off in the Letcher County office, Watson turns the old plates into pieces of art. Meade and Watson build and sell license plate birdhouses statewide in an effort to raise money for veterans' homes in eastern, central, and western Kentucky.

Meade first saw these birdhouses after he purchased two at a meeting with the Kentucky County Clerks Association. Mr. Watson is retired and saw that he could spend time making birdhouses to raise money for H.A.V.E, or Help A Veteran Everyday. His interest in helping veterans is inspired by his brothers, all who have served our country.

Help a Veteran Everyday, or H.A.V.E, is a program that was adopted in 2005 by the County Clerks of Kentucky. Across the Commonwealth, counties are taking actions to collect donations for the organization which helps ensure that Kentucky's 339,000 veterans are provided for.

I ask unanimous consent that an article from a local publication extolling the work of Mr. Watson be printed in the RECORD. Since this article was published, Watson has built more than 7,000 birdhouses and raised $140,000 in proceeds for Kentucky veterans. In addition, he placed third in an arts-and-crafts competition at the Kentucky State Fair in 2010.

Mr. Arnold Lee Watson's dedication and hard work not only helped Letcher County raise the most funds across the State, but also provided Kentucky veterans with the support and benefits they deserve.

''He loves working on them,'' Meade said of Watson in regard to building the license plate birdhouses.

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

[From the Mountain Eagle, Jan. 21, 2009]

TURNING OLD PLATES INTO $$$

(By Sally Barto)

If old newspapers can be used to line birdcages, then old license plates can be used to build birdhouses—about five a day, in the case of one Letcher County man.

Arnold Lee Watson has been building birdhouses using old license plates as a roof, then selling them to raise money for the Veterans Program Trust Fund on behalf of the Letcher County Clerk's Office.

Watson, of McRoberts, is the father in-law of Letcher County Clerk Winston Meade. He decided to begin building the unique and colorful birdhouses after Meade attended a meeting of the Kentucky County Clerks Association and brought home two similar birdhouses that were made elsewhere.

Watson has made about 50 birdhouses so far and the clerk's office has sold 19, with proceeds going to the Help a Veteran Everyday, or H.A.V.E. program.

Meade said Watson, who has three brothers who are veterans, donates the materials and time used to make the birdhouses.

''He wanted to do something to help veterans and this is his way to help,'' said Meade.

The birdhouses, which are being sold for $20 each, are made to resemble a mailbox and have a painted wooden base with an old license plate draped over the top.

Depending on the specialty license plates obtained by Meade, the roofs of the birdhouses have different themes including nature, colleges, and volunteer fire fighting. Meade said the most popular style of birdhouse is made using an old University of Kentucky license plate.

Meade has traveled to several counties looking for unique plates to use for making more birdhouses. People can donate old plates to the clerk's office for the birdhouse project.

Selling license plate birdhouses is the latest effort by Meade's office to raise money for the H.A.V.E. program. All money raised through H.A.V.E., created by the Kentucky County Clerk's Association, goes to the Kentucky Veterans Program Trust Fund. The trust fund, established by the Kentucky General Assembly in 1988, helps support projects and programs for Kentucky veterans.

The Homeless Veterans Transitional Treatment program in Lexington was established with funds from the trust. Money from the fund was also used to purchase 10 vans for the Disabled American Veterans organization, to purchase land for a state veterans cemetery, and to enhance state veterans' nursing homes.

''Every penny is spent on the veterans,'' said Meade. ''None of it is spent on salaries or anything like that.''

Meade was named 2008 clerk of the year for the H.A.V.E. program for his efforts of raising money for the program.

''This county has raised more money for the H.A.V.E. fund than any other county in the state,'' said Meade. ''I was real honored to receive this. I give the girls in the office the credit for the funds they have raised for H.A.V.E.''

The clerk's office hosted a golf scramble at Raven Rock Golf Course in September in which funds raised from the scramble were used to finance a Christmas party for the East Kentucky Veterans' Center in Hazard. During that time, the center served seven residents from Letcher County.

When people purchase the veterans' specialty license plate, $5 of the cost of the plate goes into the H.A.V.E. fund. The clerk's office also welcomes cash donations to H.A.V.E.

''This is one way to give back and to thank (veterans) for what they have done for us,'' said Meade.

TRIBUTE TO MARK AND MICHELE PANOZZO

Mr. DURBIN. Madam President, Eunice Kennedy Shriver, founder of the

Special Olympics once said, ''You are the stars and the world is watching you. By your presence, you send a message to every village, every city, and every nation. A message of hope. A message of victory.''

Today, I would like to recognize a father and daughter who are sending their own message of hope and victory Mark and Michele Panozzo from Rockford, IL.

Last week, Michele Panozzo was recognized as the 2013 Outstanding Athlete Award by the Special Olympics of Illinois. Earlier this year, Michele and Mark Panozzo were both recognized as the Northern Illinois Special Olympics Athlete and Coach of the Year.

This father-daughter duo started their involvement in the Special Olympics more than 25 years ago when Michele, who has Down syndrome, was 8 years old. Her first sport was basketball. Over the years she has competed in a variety of sports, including softball throw, bowling and bocce.

Her dad, Mark, has been by her side as her coach the whole time. And it is not just Michele who Mark helps. He is also the coach of the Rockford Red Hots, a team of 45 Special Olympics athletes from the Rockford region. Mark and Michele spend nearly every weekend with the Red Hots, whether at a competition, a practice, or at social outings with teammates and their families.

Special Olympics is more than sports and competitions to Mark and Michele. It is a community that has welcomed and befriended them. Mark says he treasures Special Olympics because of the smiles he sees on Michele's face after a competition, whether she won a gold medal or finished last. Mark still proudly shows off a photo of the first time Michele competed in the Special Olympics; she was just 8 years old, her hair was in pigtails and her face was lit with excitement

Mark has worked for the U.S. Postal Service for more than 30 years. Years ago he switched his schedule to work nights so he could pick up Michele from school every day. Michele volunteers 3 days a week delivering meals to home-bound seniors, helping at the food pantry and sorting clothes at the local donation center.

In July of 1968, the first Special Olympics Summer Games were held at Soldier Field in Chicago. Only one thousand athletes competed. Today, it is a growing, global movement in more than 170 countries, serving nearly 3.5 million athletes with intellectual disabilities. In Illinois, Special Olympics is making a difference in the lives of 21,000 athletes and nearly 40,000 volunteers and by organizing 170 competitions each year.

I join the Special Olympics of Illinois in commending Michele and Mark Panozzo for their dedication to Special Olympics. I am sure that Eunice Kennedy Shriver would be proud of what Michele and Mark have contributed to the Special Olympics community, and I am too.

TRIBUTE TO PIER ODDONE

Mr. DURBIN. Madam President, next month Piermaria Oddone will retire as the director of Fermi National Accelerator Laboratory in Batavia, IL, after 8 years of service in that position. Pier has led Fermilab through some challenging times, but he has also led the lab to many remarkable achievements.

Pier was born in Peru and after earning degrees from Massachusetts Institute of Technology and Princeton University, he worked at Caltech, Lawrence Berkeley National Laboratory, and Stanford Linear Accelerator Center.

Then in 2005, Pier and his wonderful wife, Barbara, moved to Fermilab, giving up the sunny west coast for cold Chicago winters. They arrived to 6,800-acres of former farmland that Pier and the Fermilab team have worked to restore to its native prairie. The laboratory maintains strong ties with the descendants of the farm families that once worked the land where Fermilab now sits, and every summer the families are invited to a picnic the lab hosts for the community.

No other national lab director can boast of barns and a herd of bison.

An avid photographer, Pier has spent many weekends walking the lab's grounds trying to capture its natural beauty through the lens. This is one of the things he has loved most about Fermilab. Whether raising bison or maintaining high-tech facilities, Pier has worked diligently to ensure that Fermilab continues to attract some of the best scientists from around the world.

And it does.

Today, Fermilab is America's premier particle physics laboratory, supporting thousands of scientists as they solve the mysteries of matter, energy, space, and time.

Fermilab's mission is to drive discovery in particle physics by building and operating world-class accelerator and detector facilities, performing pioneering research with global partners, and transforming technologies for science and industry.

It has often been said that physicists build huge, complex machines to study the tiniest, most basic particles. Well, Fermilab physicists build facilities and create new technologies to carry out discovery science and contribute to America's technology base.

During Pier's tenure as director, Fermilab launched a new era of scientific research focused on high-intensity particle beams through its cutting-edge muon and neutrino experiments.

Fermilab also pushed forward the world's understanding of the dark matter and dark energy that constitute 96 percent of the universe with its leadership roles in the Sloan Digital Sky Survey and the state-of-the-art Dark Energy Camera.

While this work was advancing, more than 100,000 students, from kindergarten through high school, were welcomed to the laboratory. Fermilab's strong partnership with Illinois schools and teachers helps achieve their shared goal of inspiring young people to learn more about particle physics, environment, ecology, and accelerator science—and ultimately encouraging them to pursue careers in STEM fields.

In addition, Fermilab's Tevatron particle collider laid the groundwork for the discovery of the Higgs particle last year by developing the technologies and analysis tools that helped confirm evidence of the Higgs boson's existence.

And though the Tevatron has ended its extraordinary 28-year run, under Pier's guidance Fermilab has maintained its position at the forefront of scientific research by serving as the U.S. hub for more than 1,000 physicists working at the Large Hadron Collider.

The laboratory contributed large magnets and other components key to the construction of the Large Hadron Collider and its experiments. Pier even created a control room at Fermilab so U.S. scientists can perform experiments at the Collider remotely.

In his last year as director, Fermilab partnered with the State of Illinois to construct the Illinois Accelerator Research Center, or I-ARC, which aims to accelerate the transition of technologies developed for particle physics research to other sectors of society.

I-ARC will also assist small businesses as a test facility, providing technical expertise in accelerator technology and serving as a training ground for the next generation of accelerator scientists and engineers.

Beyond the lab's accomplishments, Pier has been awarded many honors in his own right. He won the Panofsky Award of the American Physical Society for the invention of the Asymmetric B-Factory, a new kind of particle collider designed to study the difference between matter and antimatter. He is a fellow of the American Physical Society and the American Academy of Arts and Sciences and is an elected member of the National Academy of Sciences. And, in case one was not enough, he also holds an honorary doctorate from the Illinois Institute of Technology.

Needless to say, it is likely that Pier's contributions to particle physics and to Fermilab will continue to benefit Illinois and the international research community long after he retires next month.

When asked what he plans to do upon his retirement, Pier talks about making wine on the vineyard he and his wife own in California.

At one point he even thought of this as a field of research at Fermilab. He would try planting grapevines at the lab, hoping that the heat from the beam lines would keep the vines warm enough to survive the winters. This way, the lab could make wine while unlocking the mysteries of the universe. It might not be a bad idea, but unfortunately he never had any time to test the experiment.

Now, after 8 years as director, Pier's wine-making skills may be a little rusty, but I am sure he will be back to harvesting his Cabernet and Zinfandel grapes in no time. And I am also sure that Pier and Barbara will find more time to spend with their 2-year-old granddaughter and the rest of their family.

On behalf of the people of Illinois and the global community of particle physicists, I thank Pier for his 8 dedicated years at Fermilab and congratulate him on his successful career. I wish him all the best in his retirement.

SMALL BUSINESS DISASTER REFORM ACT

Ms. LANDRIEU. Madam President, I come to speak on S. 415, the ''Small Business Disaster Reform Act of 2013.'' As Chair of the Senate Committee on Small Business and Entrepreneurship, as well as a senator from a state hard hit by disasters, I am proud that yesterday our committee reported out S. 415 favorably on a bipartisan basis. In particular, Section 2 of S. 415 modifies the SBA requirement that borrowers must use their personal home as collateral for business disaster loans less than $200,000. This is a very important provision for businesses impacted by natural and manmade disasters. For that reason, I want to provide additional information on the need to enact this provision.

In terms of the legislative history of Section 2, a similar provision passed the House of Representatives twice in 2009: on October 29, 2009 by a vote of 389–32 as Section 801 of H.R. 3854 and again by voice vote on November 6, 2009 as Section 2 of H.R. 3743. The same provision that is in S. 415 passed the Senate 62–32 on December 28, 2012 as Section 501 of H.R. 1, the Hurricane Sandy Supplemental. However, it was not included in H.R. 152, the House-passed ''Disaster Relief Appropriations Act'' that subsequently was enacted into law. Despite the setback earlier this year, I remind my colleagues that this provision has a history of bipartisan Congressional support and has previously passed both chambers of Congress.

This Congress, we also have significant bipartisan support. S. 415 has six cosponsors: Senators THAD COCHRAN, ROGER WICKER, HEIDI HEITKAMP, KIRSTEN GILLIBRAND, MARK PRYOR, and BEN CARDIN. The House companion to S. 415, H.R. 1974, was introduced by Representative PATRICK MURPHY last month and has 11 cosponsors: Reps. MICK MULVANEY, JUDY CHU, MIKE COFFMAN, TED DEUTCH, PETER KING, ALAN NUNNELEE, DONALD M. PAYNE, Jr., CEDRIC RICHMOND, TOM COLE, TREY RADEL, and FREDERICA WILSON.

While I understand the need to secure the loans and minimize risk to the taxpayers; SBA has at its disposal multiple ways to secure these loans. If business owners have literally lost everything, requiring a $400,000 home as collateral for a $150,000 loan is maddening especially when other repayment options are available. One can understand that requirement for loans of $750,000 or $2 million. For the smaller disaster loans, however, it is a nonstarter for many businesses we have heard from. The bill requires the SBA to seek other business assets—such as commercial real estate, equipment, or inventory—before requiring a primary residence be used as collateral.

I want to reiterate that Section 2 is very clear that these business assets should be of equal or greater value than the amount of the loan. Also, to ensure that this is a targeted improvement, the bill also includes additional language that this bill in no way requires SBA to reduce the amount or quality of collateral it seeks on these types of loans. I want to especially thank my former Ranking Member Olympia Snowe for working with me to improve upon previous legislation on this particular issue. The provision that I am re-introducing, as part of this disaster legislation, is a direct result of discussions with both her and other stakeholders late last year. I believe that this bill is better because of improvements that came out these productive discussions.

Furthermore, SBA has repeatedly said publicly and in testimony before my committee that it will not decline a borrower for a lack of collateral. According to a July 14, 2010 correspondence between SBA and my office, the agency notes that ''SBA is an aggressive lender and its credit thresholds are well below traditional bank standards . . . SBA does not decline loans for insufficient collateral.'' SBA's current practice of making loans is based upon an individual/business demonstrating the ability to repay and income. The agency declines borrowers for an inability to repay the loan. In regards to collateral, SBA follows traditional lending practices that seek the ''best available collateral.'' Collateral is required for physical loans over $14,000 and Economic Injury Disaster Loans, EIDL, loans over $5,000. SBA takes real estate as collateral when it is available, but as I stated, the agency will not decline a loan for lack of collateral. Instead it requires borrowers to pledge what is available. However, in practice, SBA is requiring borrowers to put up a personal residence worth $300,000 or $400,000 for a business loan of $200,000 or less when there are other assets available for SBA.

This provision does not substantively change SBA's current lending practices and it will not have a significant cost. I believe that this legislation would not trigger direct spending nor would it have a significant impact on the subsidy rate for SBA disaster loans. Currently for every $1 loaned out, it costs approximately 10 cents on the dollar. Most importantly, this bill will greatly improve the SBA disaster loan programs for businesses ahead of future disasters. If a business comes to the SBA for a loan of less than $200,000 to make immediate repairs or secure working capital, they can be assured that they will not have to put up their personal home if SBA determines that the business has other assets to go towards the loan. However, if businesses seek larger loans than $200,000 or if their business assets are not suitable collateral, then the current requirements will still apply. This ensures that very small businesses and businesses seeking smaller amounts of recovery loans are able to secure these loans without significant burdens on their personal property. For the business owners we have spoken to, this provides some badly needed clarity to one of the Federal government's primary tools for responding to disasters.

To be clear though, while I do not want to see SBA tie up too much of a business' collateral, I also believe that if a business is willing and able to put up business assets towards its disaster loan, SBA should consider that first before attempting to bring in personal residences. It is unreasonable for SBA to ask business owners operating in very different business environments post-disaster to jeopardize not just their business but also their home. Loans of $200,000 or less are also the loans most likely to be repaid by the business so personal homes should be collateral of last resort in instances where a business can demonstrate the ability to repay the loan and that it has other assets.

As I have mentioned, there are also safeguards in the provision that ensures that this provision will not reduce the quality of collateral required by SBA for these disaster loans nor will it reduce the quality of the SBA's general collateral requirements. These changes will assist the SBA in cutting down on waste, fraud and abuse of these legislative reforms. In order to further assist the SBA, I believe it is important to clarify what types of business assets we understand they should review. For example, I understand that SBA's current lending practices consider the following business assets as suitable collateral: commercial real estate; machinery and equipment; business inventory; and furniture and fixtures.

At our markup of S. 415 yesterday, there were concerns raised by some Minority members of our committee regarding the impact of this provision. One argument was that SBA has not seized many personal homes in the last five years. However, the SBA has been more aggressive since 2011 on foreclosures—sending out 113 foreclosure letters since then. This year alone they have seized 4 homes in Minnesota, Virginia, Illinois, and Texas. Furthermore, borrowers my office has spoken to are less concerned about a personal home being seized than they are about liens tying up personal property and the general roadblock this requirement

sets up in applying for SBA disaster assistance. This requirement is discouraging successful businesses from applying to SBA and causing current applicants to withdraw their applications. As of May 2013, 35 percent of Sandy business applications were withdrawn, most citing burdensome lending requirements like this as the main factor.

Also, it is my understanding that another concern that has been cited was that business equipment depreciates over time so this is a riskier asset for the Federal government than a personal home. This argument, however, is false. As it relates to equipment, the SBA factors in depreciation when considering collateral from potential borrowers. They value equipment or inventory significantly less than real estate, due to depreciation. If equipment is not deemed a suitable asset to collateralize the loan, SBA will not take it. Also, Section 2 still allows SBA to determine the appropriate business asset if not the home. It is not specific to equipment. Other assets the SBA could consider include commercial real estate; machinery and equipment; business inventory; and furniture and fixtures.

Yet another concern that was raised was that, in utilizing business assets instead of personal homes, this makes it tougher for SBA to recover funds in the event of a default. As I previously mentioned, the SBA factors in depreciation and potential recovery in the event of a default when considering collateral from potential borrowers. SBA will not make a loan if it deems the business assets being offered will be difficult to recover or that it does not have sufficient value to collateralize the loan. Also, again the bill does not prohibit homes outright nor require business assets as collateral. It strikes a delicate balance to instead require the SBA to review if suitable business assets are available before using a personal home. If business assets are sufficient, SBA can use them. If business assets are not sufficient and the borrower is unwilling to put up their home, the SBA will not make the loan.

Lastly, it was also put forward that that if Congress allows business assets to be used as collateral instead of homes, this increases the likelihood of defaults. Again, this argument is false. In an April 1, 2013 letter to my office, the SBA Inspector General confirmed that there are no findings relative to business assets increasing defaults. The Inspector General wrote that it has ''. . . conducted numerous reviews of key aspects of the SBA Disaster Assistance Program; however, there are no specific findings relative to the 'type' of collateral secured relative to disaster assistance loans.'' Furthermore, the Inspector General also confirmed that the SBA is still required to secure the loans and Section 2 does not change that. The Inspector General wrote that ''. . . Section 2 does not remove SBA's policy for securing loans with collateral equivalent to 100 percent equity of the loan. Section 2 also explicitly provides that nothing in the Section can be construed to require the Administrator to reduce the amount of collateral required to secure the loan.'' Again, if the business does not have sufficient business assets or the SBA deems them risky, Section 2 does not change their ability to not make the loan.

In closing, I would like to note that Section 2 addresses a key issue that is serving as a roadblock to business owners interested in applying for smaller SBA disaster loans. After the multiple disasters that hit the Gulf Coast, my staff has consistently heard from business owners, discouraged from applying for SBA disaster loans. When we have inquired further on the main reasons behind this hesitation, the top concern related to SBA requiring business owners to put up their personal home as collateral for smaller SBA disaster loans for their business. So let me provide you with two examples of businesses impacted by this requirement.

The first example is LiemCo, a Long Island, NY specialty beverage repair service with 15 employees. Think of ''Starbucks''-type espresso machines in restaurants and coffee shops—LiemCo fixes them. The company is family-owned and the son of the owners, Dominic Chieco runs it. His parents are still partial owners and he pays them a quarterly draw which serves as their retirement income. Ownership is being gradually transferred to Dominic.

Prior to Hurricane Sandy, they did everything right. Dominic moved his vehicles to higher ground; loaded key inventory in the trucks—inventory with high value or long delivery times; raised items to 6 feet above the floor; purchased extra gas; and withdrew $5,000 in cash in case electricity went out at the banks. According to their local Small Business Development Center, SBDC, they are well run and these preparations show that.

Despite that, Hurricane Sandy flooded his building about 4 to 5 feet. The water went down after a couple of days but power was out for 3 weeks. The day after it came back on, a Nor'easter snow storm knocked out power for another week and a half. This caused physical property damages of more than $250,000. Dominic kept employees on payroll—full time—throughout recovery. He could not give them the customary Christmas bonus but once they re-opened after Christmas, he gave 1 employee their bonus each week.

Dominic's biggest concern was the collateral requirement from SBA. His building is valued at $1.2 million and only carried a $150,000 mortgage. The parents are still partial owners, so notwithstanding the value of the building, SBA still wanted a lien against the parents' home for the guarantee for a $200,000 loan. This bothered them tremendously as it was their retirement security. Much of this would have been eliminated if the collateral position on the parents' home had not been required when sufficient collateral existed with the business.

Another business impacted by this burdensome requirement is Water Street Bistro in Madisonville, LA. Water Street Bistro is a small family-owned restaurant overlooking the sail boats on the Tchefuncte River just across the street. Tony Monroe and his wife Constance have owned their business for 9 years and have about 9 employees. Monroe started his culinary career at Café Sbisa in New Orleans and then went to Colorado before returning to the place he was born and raised.

Fortunately, after Hurricane Katrina, the Monroe's escaped damage to their restaurant and did not need to apply for SBA assistance. However, this was not the case following Hurricane Isaac. Hurricane Isaac brought 6 to 10 inches of water into their restaurant which caused them to close their business for 3 weeks. The Monroe's had to start all over and buy all new food and replace equipment, such as refrigerators, which cost around $30,000. In addition to the physical damage to their property, the Monroe's could not pay their staff during this time.

Mr. and Mrs. Monroe's biggest concern in applying to the SBA was the collateral requirement. SBA required them to pledge their family home for a loan of around $40,000 to $45,000. Once they found out the requirement for pledging primary residence was firm, the Monroe's decided not to pursue the loan. The Monroe's are in their 60's and could not imagine using their home—valued around $200,000 to $250,000—as collateral. They ended up doing all of the repairs, for the restaurant, on their own because they could not afford to pay for these services.

I thank the Chair and I ask unanimous consent that a copy of the April 1, 2013, letter from the SBA Inspector General and other letters of support for S. 415 be printed in the RECORD.

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

U.S. SMALL BUSINESS ADMINISTRATION, OFFICE OF INSPECTOR GENERAL,

Washington, DC, April 1, 2013.

Hon. MARY L. LANDRIEU,

Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR CHAIR LANDRIEU: Thank you for your March 20, 2013 letter regarding S. 415, the Small Business Disaster Reform Act of 2013. The U.S. Small Business Administration, Office of Inspector General (SBA, OIG) shares the understanding articulated in your letter relative to the plain reading of Section 2 of S. 415. In context of the potential concerns brought to the attention of the Committee on Small Business & Entrepreneurship, two questions were posed to the OIG.

The OIG offers the following responses for your consideration:

Does Section 2 of S. 415 remove SBA's ''one-to-one'' policy for securing loans?

Section 2 of S. 415 states, ''. . . shall not require the owner of the small business concern to use the primary residence of the

owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: Provided further, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral' . . .''

According to SBA standard operating procedures (SOP 50 30 7), SBA generally deems collateral is adequate if the equity is at least 100 percent of the loan amount. As such, a plain reading of Section 2 does not remove SBA's policy for securing loans with collateral equivalent to 100 percent equity for the loan. Section 2 also explicitly provides that nothing in the Section can be construed to require the Administrator to reduce the amount of collateral required to secure the loan.

Does alternative collateral (i.e., to a business owner's primary personal residence) that is equal to or exceeding the amount of a potential business disaster loan, as established in Section 2 of S. 415, increase the likelihood of default?

The Office of Inspector General (OIG) has conducted numerous reviews of key aspects of the SBA Disaster Assistance Program; however, there are no specific findings relative to the ''type'' of collateral secured relative to disaster assistance loans. OIG's work has found that SBA officials have not always adhered to established policies and procedures in managing the program, increasing the risk of default and subsequently, of loss to the taxpayer. We have made numerous recommendations for corrective action based on our work. Regardless of the type of collateral, SBA officials' adherence to established policy and procedures during loan origination, servicing, and if necessary liquidation, decreases the risk of default and loss to the taxpayer.

The OIG appreciates your continued interest in our work. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

PEGGY E. GUSTAFSON,
Inspector General.

ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS,
Burke, VA, February 10, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR LANDRIEU: Thank you for giving the Association of Small Business Development Centers (ASBDC) the opportunity to comment on your proposed legislative amendments to the disaster assistance provisions in the Small Business Act (15 USC 631 et seq.).

While Congress has taken a significant step in addressing the resource issues following Sandy and other disasters there are still restrictions in the SBDC assistance authority and the US Small Business Administration's loan making authority that could complicate future disaster recovery efforts. We applaud your efforts to deal with those issues.

Under section 21(b)(3) of the Small Business Act (15 USC 648(b)(3)) SBDCs are limited in their ability to provide services across state lines. This prevents SBDCs dealing with disaster recovery, like New York and New Jersey, from being able to draw upon the resources available in our nationwide network of nearly 1,000 centers with over 4,500 business advisors. It likewise prevents states with great experience in disaster recovery assistance like Louisiana and Florida, from providing assistance to their colleagues.

Your proposed legislation amends that SBDC geographic service restriction for the purposes of providing disaster support and assistance. Our Association wholeheartedly endorses that change. Allowing SBDCs to share resources across state lines or other boundaries for the purpose of disaster recovery is a common sense proposal, little different from utilities sharing linemen. In addition, we would like to note that this provision has been supported by the Senate Committee on Small Business and Entrepreneurship twice in previous Congresses.

In addition, the ASBDC wishes to express its support for your proposals to amend the collateral requirements in the disaster loan program for loans under $200,000. SBDCs routinely assist small business owners with their applications for disaster loan assistance and have often faced clients with qualms about some of those requirements.

We share a common goal of putting small business on the road to recovery after disaster strikes and getting capital flowing is a key factor in meeting that goal. To that end, ASBDC supports your efforts to ease collateral requirements and help improve the flow of disaster funds to small business applicants. We believe your proposal to limit the use of personal homes as collateral on smaller loans is consistent with the need to get capital flowing to affected businesses and ease the stress on these businesses. We also agree that this change will not undermine the underwriting standards of the disaster loan program.

Thank you again for kind attention and continuing support of small business.

Sincerely,

C. E. ''TEE '' ROWE,
President/CEO, ASBDC.

INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL,
Washington, DC, February 13, 2013.

Hon. MARY L. LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate.

Hon. JAMES E. RISCH,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU AND SENATOR RISCH, On behalf of the International Economic Development Council (IEDC), please accept our appreciation for this opportunity to provide comments related to proposed changes to federal disaster assistance programs offered by the United States Small Business Administration (SBA). Your continuing support of these critical programs is worthy of praise and we thank you for your leadership.

IEDC has a strong history of supporting disaster planning and recovery. Our organization, with a membership of over 4,000 dedicated professionals, responded to communities in need following the 2005 hurricane season, the BP Gulf oil spill and other disaster-related incidents by providing economic development recovery assistance. We have continued our work in this area through technical assistance projects and partnerships with federal agencies and other non-governmental organizations. Our profession is invested in helping our country prepare for and respond to disasters, much the same as you and your colleagues on the Committee on Small Business and Entrepreneurship. To this end, we support proposed changes that will allow SBA to more effectively deliver disaster recovery assistance to local businesses in need of federal aid.

Rebuilding the local economy must be a top priority following a disaster, second only to saving lives and homes. IEDC supports the targeted changing of the current collateral requirements that state a business owner must place their home up as collateral in order to secure an SBA disaster business loan of $200,000 or less. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Consequently, SBA loans put in place to help businesses rebuild following a disaster go underutilized. As lawmakers, you have a responsibility to protect the taxpayer, which is why we understand the need for posting collateral of equal or greater value to the amount of the loan. The proposed targeted change that eliminates the specific requirement of using a home as collateral to guarantee a loan of $200,000 or less, and instead allowing business assets to act as collateral, will promote greater utilization of the loans. This is an idea we can all get behind; one that will lead to greater, faster economic recovery.

When disaster strikes, we should do everything in our power to bring the full resources of the federal government to bear in the impacted community. This includes, most especially, bringing in top experts who can immediately begin helping businesses and local economies recover. The national network of over 1,100 Small Business Development Centers (SBDC) could be an excellent resource to stricken communities. Unfortunately, current rules prevent SBDC's from assisting their counterparts in other jurisdictions. For example, those communities in the mid-Atlantic and New England impacted by Sandy are not able to benefit from the enormous amount of knowledge and experience in storm recovery held by SBDC's in Florida and the Gulf region. Certainly, we can all agree that disasters warrant an extraordinary response and that response must include qualified expertise from all corners of the federal government.

Forty to sixty percent of small businesses that close as a result of a disaster do not reopen. This is an unacceptably high number. We would not accept that level of loss in homes and we cannot accept that level of loss in jobs; our communities cannot sustain such losses and duty dictates we make certain they don't have to. By enacting common sense legislation, like that which is under consideration here, and freeing the flow of capital and expertise, we are taking concrete steps to give our small businesses and local economies the greatest chance to recover.

IEDC is your partner in the work of job creation. We thank you for your leadership in support of small business and stand ready to offer our assistance in this and future efforts.

Sincerely,

PAUL L. KRUTKO,
Chairman, International Economic Development Council, and President and CEO, Ann Arbor SPARK.

NATIONAL EMERGENCY MANAGEMENT ASSOCIATION,
Washington, DC, March 21, 2013.

Senator MARY LANDRIEU,
Chairman, Senate Appropriations Subcommittee on Homeland Security, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU, On behalf of the National Emergency Management Association (NEMA), I write you today in support of the Small Business Disaster Reform Act of 2013. NEMA is comprised of the emergency management directors from the states, the U.S. territories, and the District of Columbia.

While not a traditional ''first responder'' agency, the US Small Business Administration (SBA) is a critical partner to States and localities affected by a wide variety of disasters. Following a disaster, SBA has the capability to mobilize staff from the Office of Disaster Assistance to begin disseminating public information about what services SBA can provide to supplement many long-term federal recovery programs. While the Federal Emergency Management Association (FEMA) is often thought of as the primary agency for disaster assistance, there are many unique situations where SBA loans can be utilized in creative ways to assist citizens in need. NEMA agrees that the SBA needs to be equipped with the flexibility and authority to adequately assist disaster victims and we believe this legislation accomplishes such an objective.

The images of homes and businesses affected by flooding and wind damage following Hurricane Irene and Tropical Storm Lee painted a devastating picture in September 2011. In New York State alone, the SBA approved over $100 million in loans for citizens affected by the storms. More recently, Hurricane Sandy reminded us of the critical role SBA has in the disaster community. Ninety days after Hurricane Sandy struck the Northeast, the SBA crossed the $1 billion threshold of approved loans to more than 16,800 homeowners, renters and businesses. This makes Hurricane Sandy, in terms of SBA disaster lending, the third largest natural disaster in U.S. history, behind Hurricanes Katrina/Rita/Wilma ($10.8 billion), and the Northridge Earthquake ($4 billion).

The continued challenge of protecting the nation from a variety of hazards within the reality of fiscal uncertainty elevates the importance of cooperation throughout the emergency management community. Leveraging resources from across the federal family imperative following a disaster and the communication and outreach by essential agencies is just the first step to community recovery. Positive relationships between federal, state, and local government stakeholders are the lynchpin to coordinated recovery efforts that support resilient individuals, prosperous businesses, and thriving economies.

NEMA believes SBA deserves adequate flexibility. Legislation such as this helps achieve that end. We remain available as a resource for you and your staff as this effort continues. Should you need any additional information or have questions regarding NEMA's policy positions, please do not hesitate to contact Matt Cowles, Director of Government Relations at (202) 624–5459.

Sincerely,

JOHN W. MADDEN,
President, National Emergency Management Association, Director, Alaska Division of Homeland Security and Emergency Management.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, DC, March 22, 2013.

Hon. MARY LANDRIEU,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. THAD COCHRAN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS LANDRIEU AND COCHRAN: The National Small Business Association (NSBA) is pleased to support the bipartisan Small Business Disaster Reform Act of 2013 (S. 415), which will make it much easier on small businesses impacted by and recovering from a disaster. By clarifying that the U.S. Small Business Administration (SBA) shall not use a small business owner's primary residence as collateral for disaster business loans less than $200,000 and authorizing the SBA Administrator to allow out-of-state small business development centers (SBDCs) to provide much-needed assistance in Presidentially-declared disaster areas, this bill will let small businesses do what they do best, create jobs and energize the economy.

The importance of reforming and enhancing federal programs to maximize their benefit to small businesses and entrepreneurs is certainly recognized by the membership of NSBA, and we greatly appreciate commonsense, bipartisan reform measures like the Small Business Disaster Reform Act, especially when they come at no cost to the American taxpayer.

On behalf of the NSBA and our over 65,000 members across the country, I would like to thank you and the cosponsors of this legislation for your tireless efforts to promote economic development and for your endless support of small businesses impacted by disasters. We look forward to working with you and your staffs to help enact this critical piece of legislation.

Sincerely,

TODD O. MCCRACKEN,
President.

MARCH 5, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. JAMES RISCH,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIR LANDRIEU AND RANKING MEMBER RISCH: We write to you today in strong support of the Small Business Disaster Reform Act of 2013. Greater New Orleans, Inc. is a regional economic development alliance serving the 10-parish region of Southeast Louisiana. The Partnership for New York City is a nonprofit organization of the city's business leaders. We represent very different regions of the country, but we are both strong contributors to the national economy and we have been seriously impacted by natural disasters that caused huge economic damage.

The overall economic impact of Hurricane Katrina was estimated to be $150B—the costliest natural disaster in U.S. history. Similarly, the disruption and damage inflicted by Super Storm Sandy—the second costliest natural disaster—is estimated at over $80 billion and resulted in daily loss of billions of dollars in economic output, not only locally but across the country. The impact of these storms has been particularly serious for small businesses, forcing some to close shop entirely and many to reduce services. The Federal government has programs that were intended to insure that small businesses and local economies can quickly recover from such disasters, but in our experience these programs are not working as effectively as they should be and require legislative amendment. That is why we are very interested in prompt action on the Small Business Disaster Reform Act.

Here are some examples of what needs to change:

Small business owners are currently required by the Small Business Administration (SBA) to put up their primary residence as collateral for SBA disaster loans of less than $200,000, even though the value of their home often exceeds the value of the loan. The Small Business Disaster Reform Act of 2013 would put in place a common sense solution that requires the SBA to collateralize small loans with available business assets of equal or greater value before requiring the business owner to put up his or her personal home. In a time of crisis, every possible measure should be taken to avoid business owners having to put their families at further risk. This reform would reduce pressure on affected business owners and increase utilization of the SBA disaster loan program, while still providing necessary protections to the government in the event of default.

Small Business Development Centers, SBDCs, have also played a critical role in helping businesses recover following disasters. However, under current law, SBDCs can only assist businesses in their prescribed geographic region, even though often times after major disasters like hurricanes, SBDCs are affected right along with businesses. Following a Presidential declaration of a disaster, effected regions need aid quickly and SBDCs in surrounding regions, including across state lines, should be able to help neighboring effected regions. This bill would allow for that.

Small businesses are often disproportionately damaged by natural disasters due to loss of customer base, thin profit margins, diminished access to capital and difficulty with relocation. The reforms proposed would help business owners take full advantage of available resources and accelerate their recovery by cutting bureaucratic red tape and providing businesses with the tools needed to resume normal business as quickly as possible—putting people back to work.

We appreciate the Committee's work on this critically important issue and urge the Senate to work together to deliver these much needed reforms. Thank you in advance for your work towards strengthening the economy.

Sincerely,

MICHAEL HECHT,
President & CEO, Greater New Orleans, Inc.
KATHRYN S. WYLDE,
President & CEO, Partnership for New York City.

ST. TAMMANY ECONOMIC DEVELOPMENT FOUNDATION,
Mandeville, LA, February 19, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR LANDRIEU: The St. Tammany Economic Development Foundation thanks you for the opportunity to comment on the proposed amendments to the disaster assistance provisions in the Small Business Act (15 US 6 31 et seq). As we learned from Hurricanes Katrina, Rita and most recently Isaac, the sooner our small businesses are able to recover, the better it is for the region, the state and the nation.

We fully endorse the proposed amendment to Section 1 of the bill regarding collateral on business disaster loans. If approved, no longer would small business owners have to use their primary personal residence for collateral towards SBA disaster business loans less than $200,000 if other assets are available of equal or greater value than the amount of the loan. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Allowing business assets to act as collateral will promote greater utilization of the loans; leading to faster economic recovery.

Under Section 2 of the bill, Small Business Development Centers (SBDCs) are limited in their ability to provide services across state

lines. This prevents SBDCs in affected areas from being able to draw upon the resources available from their colleagues nationwide. Louisiana SBDCs have great experience in disaster recovery assistance and should not be prevented from providing assistance to their colleagues outside of Louisiana in the event of disaster. Therefore, we fully support this provision.

We applaud your efforts to protect small businesses in the wake of disasters and thank you for continuing to be a strong advocate on their behalf. After all, small businesses are the lifeblood of our great nation.

Sincerely,

BRENDA BERTUS,
Executive Director, St. Tammany Economic Development Foundation.

CHARLESTON METRO CHAMBER OF COMMERCE,
North Charleston, SC, March 21, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR LANDRIEU: As President and CEO of the Charleston Metro Chamber of Commerce, I would like to offer our support of the Small Business Disaster Reform Act of 2013. As the region's largest private sector organization, the Chamber represents more than 1,750 businesses and represents more than 75,000 employees in our region. Small businesses are the backbone of the American economy and, not surprisingly, the Charleston Metro Chamber's largest customer group. More than 80 percent of our members employ 50 or fewer employees.

Your committee's proposed changes on the collateral requirements and allowing small business development centers to work across state lines following disasters are necessary. Anything that can be done after a major disaster to help speed-up the rebuilding efforts should be top priority.

I want to commend you on your leadership with this critical piece of legislation. Please let me know if our team can ever be of service to you or your committee.

BRYAN S. DERREBERRY,
President and CEO.

MOBILE AREA CHAMBER OF COMMERCE,
Mobile, AL, March 20, 2013.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Hon. JAMES RISCH,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC

DEAR SENATOR LANDRIEU AND SENATOR RISCH: The Mobile Area Chamber of Commerce would like to thank you for this opportunity to voice our support of the proposed changes to federal disaster assistance program legislation as it relates to programs offered by the U.S. Small Business Administration. We offer our support for two provisions in the ''Small Business Disaster Reform Act of 2013,'' S–115. We support section 2 which modifies the collateral requirements of Business Disaster Loans. We also support section 3 which authorizes the U.S. Small Business Administration to allow out-of-state small business development centers to provide assistance in Presidentially-declared disaster areas.

The Mobile Area Chamber has 2087 member businesses, and ninety percent of these businesses can be classified as small businesses. We have worked closely with the U.S. Small Business Administration office here in Mobile for over five years. We petitioned heavily to get a U.S. Small Business Administration office here locally, as this region received fewer small business loans than any other area of the country. Since opening the U.S. Small Business Administration office here in Mobile, small business loans have risen significantly.

As it relates to disaster assistance, the U.S. Small Business Administration office here in Mobile was ''on the ground'' and very helpful to area businesses in the aftermath of Hurricane Katrina and the December 2012 tornados.

The Mobile Area Chamber of Commerce's mission is to serve as a progressive advocate for business needs to promote the Mobile area's economic well-being. Our program structure and small business agenda reflect that as we offer disaster planning, survival and recovery workshops. Most all of these training sessions were done in conjunction with the local U.S. Small Business Administration office.

Thank you for your hard work and leadership, as we share the common goal of supporting the small business community. We appreciate the opportunity to show our support for your tremendous effort on behalf of small businesses in the Mobile Bay region.

Sincerely,

DARRELL W. RANDLE,
Vice President, Small Business Development.

FLAG DAY

Mr. ENZI. Madam President, for Americans all across the country, June 14 is a very special day—Flag Day. On that day, we all join together to celebrate our shared heritage and our history as a Nation as represented by our American flag.

We each have our own way of showing our respect and our great love for this symbol of our land. Down through the years it has been given many names, from the Stars and Stripes to Old Glory—to the Grand Old Flag that was memorialized in song. It has so many names because of all that it represents. The story of our Flag reminds us of all the sacrifices that have been made over the years so that our Nation would always be strong and free.

Each of us has our own favorite memory of the flag. There are some that we recall from the pictures of the wars that we have seen, or from our remembrance of all the veterans who proudly fought, especially those who died in the service of our Nation. Anyone who has seen a picture of the Marines raising the American flag during the battle of Iwo Jima will never forget that iconic image. It held such meaning to us we created a statue to memorialize that moment. It stands just a short distance from the Capitol, a reminder to us all that freedom is not free. It comes to us at great cost.

Although we celebrate our American flag's proudest moments on this day, we should also remember those days when we did not treat the Stars and Stripes so kindly. There were those who thought to use the flag to promote their own agenda by burning it in the streets. Fortunately, those moments were few and far between and were usually done by people who did not understand the symbolism of the flag or fully appreciate all they had received from their citizenship. Some of them just did not realize how blessed they were to be Americans.

Here in the Senate, we begin each session by joining together to recite the Pledge of Allegiance. As we do, we pledge our loyalty to our country, our determination to do everything we can to make this a better place for us all to live, and most specifically, we pledge our love and appreciation for this ''one Nation, under God, with liberty and justice for all.''

Over the years, our flags have inspired works of art of all kinds, most especially a song with a remarkable story behind its origin. Every American knows what happened on that day when our young Nation was in the midst of a great war. We were fighting for our very right to be free. As the battle waged, a young man, Francis Scott Key, mesmerized by the action of the battle, suddenly caught sight of our Flag, still flying proudly over the fort in the midst of all the gunshot, flame and fire around him. The words he wrote became another symbol of our Nation as he took up his pen to tell us about the sight. From where he stood he could see ''the rocket's red glare, the bombs bursting in air, which, gave proof through the night, that our Flag was still there''—the same Flag that still proudly flies ''o'er the land of the free and the home of the brave.'' The Flag that helped to inspire those words is still on display, one of the most popular attractions at the Smithsonian Institution just down the street from us.

On Flag Day, and every other day, I would encourage all Americans to fly their flag and to talk to their children and grandchildren about the meaning of the flag and the history of our Nation. The great gifts we have received of ''life, liberty and the pursuit of happiness'' should never become just words to us. They are our birthright as Americans and they should encourage us to continue to remember the sacrifices that have been made in our name. In a very real sense, Flag Day is a call to express the great pride we feel for this country and those who served in our Armed Forces—our great heroes of the past—and those who continue to serve our Nation all over the world—our heroes of the present.

I have often mentioned here on the floor what it means to me to be a grandfather and the thrill of holding the next generation of your family in your arms. Well, my granddaughter continues to share with us one of those special moments we all need to experience so we do not forget the legacy we have received from our citizenship. Every time she sees an American Flag she pauses, looks at it with an understanding that surpasses her years, and with a smile of pride and admiration, says ''God bless America!'' As she says those special words she looks around at everyone near her, expecting them to join her in expressing that sentiment—which we do. She is only 2 years old

and she is already learned to do that all by herself—which makes her twos not so terrible after all.

Friday morning, as I reflected about Flag Day I found myself reading the words of Lloyd Ogilvie who served as our Senate Chaplain for many, many years. In his book, One Quiet Moment, he wrote ''Thomas Jefferson inscribed in his memorial God, who gave us life, gave us liberty. Can the liberties of a Nation be secure when we have removed a conviction that these liberties are the gift of God?''

On Flag Day and throughout the year, those are good words of advice to consider and put into practice. We must never forget that all we have received from our citizenship ultimately comes from God. Then it is up to us to share those great blessings with all those we meet as we work together to make our Nation a better place not only for us, but for our children and our grandchildren so they will never lose their fondness and appreciation for this great land of ours.

I can think of no better way to celebrate Flag Day than to join with my granddaughter in her recognition of the flag with an exuberant ''God bless America!'' Yes! God bless America and God bless us all. May our future be as blessed as our past.

MACHIAS, MAINE

Ms. COLLINS. Madam President. I rise today to commemorate the 250th anniversary of the founding of Machias, ME, a remarkable town on the Downeast Coast that exemplifies the determination, resiliency, and courage of our Nation. It was there, in 1775, just 12 years after the village was established, that the first naval battle of the American Revolution was fought and won.

The word ''Machias'' translates from the language of the Passamaquoddy Indians as ''bad little falls.'' The rushing water where the Machias River plunges to the sea and the vast stands of virgin pine drew the first settlers in 1763, who built a successful sawmill and a thriving community.

In early June of 1775, word reached Machias of the Battles at Lexington and Concord in April, the first military engagements of the American Revolution. When two British cargo ships, escorted by the warship Margaretta, arrived at Machiasport to take on a shipment of lumber to build barracks for British troops under siege in Boston, they were met by patriots eager to join the fight for freedom.

On June 12, with the town under threat of bombardment if it did not cooperate with the lumber shipment, a militia of 30 men under the command of CPT Jeremiah O'Brien stormed the Margaretta. Armed with muskets, pitchforks, and axes, the militia captured the warship and sailed it triumphantly into harbor. The battle known as the ''Lexington of the Seas'' was a stunning American victory.

Among the heroes of that battle was a young woman named Hannah Weston. As the plans to seize the Margaretta were taking shape, this 17-year-old wife of militiaman Josiah Weston went house to house throughout the sparsely settled region collecting gunpowder and shot, and lugging the heavy load through the wilderness to the front lines. Today, the Hannah Weston Chapter of the Daughters of the American Revolution keeps her memory alive.

The Passamaquoddy gave Machias more than a name. By 1777, the town had become a center of revolutionary activity and the British sent an invasion fleet to crush the rebellion. Some 40 or 50 Passamaquoddy, led by Chief Joseph Neeala, joined the militia and the invaders were turned back.

Just outside of Machias stands Fort O'Brien, one of just a few forts to have been active in the American Revolution, the War of 1812, and the Civil War. On the road to that historic site, on the banks of a small stream, there is a plaque that wonderfully describes the spirit of this community.

It was at that place in June of 1775, when the Margaretta's cannons threatened Machias, that the townspeople met in open air to choose between a humiliating peace and a likely hopeless war. The words on the plaque tell the story: ''After some hours of fruitless discussion, Benjamin Foster, a man of action rather than words, leaped across this brook and called all those to follow him who would, whatever the risk, stand by their countrymen and their country's cause. Almost to a man the assembly followed and, without further formality, the settlement was committed to the Revolution.''

Today, that settlement is a thriving community. Machias is the shiretown of Washington County and, as the home of the University of Maine at Machias, it is a center for education and the arts in the region. Located in the heart of the blueberry industry, Machias hosts the Maine Wild Blueberry Festival, one of our State's great summer events. Beautifully restored Burnham Tavern, where the valiant militiamen met to plan their attack on the Margaretta, is a National Historic Site, so designated for its significance in America's independence.

In his marvelous history of the town published in 1904, George W. Drisko, a descendant of one of the heroes of the Revolution wrote this: ''The pioneers of Machias believed in destiny. They had faith in vitality. In their rough homes were courageous souls who believed they had a future.'' Those beliefs and that faith helped America achieve the freedom we cherish today, and all Americans congratulate the people of Machias on their 250th anniversary.

HOT SPRINGS COUNTY, WYOMING

Mr. BARRASSO. Madam President, it is my pleasure to honor the residents of Hot Springs County, WY as they celebrate their centennial.

Located in northern Wyoming, and nestled in the Big Horn Basin, Hot Springs County is an incredible place to live and work. Nearly 5,000 residents reside in the communities of Kirby, East Thermopolis, and Thermopolis, the county seat. The county boasts a wide range of recreational opportunities, and its residents share the beauty of the Big Horn River, the Owl Creek Mountains, and the Wind River Canyon with visitors from around the country.

Hot Springs County has a storied past and a promising future. The county is aptly named for the natural mineral hot springs in the area. For thousands of years, Big Spring has produced millions of gallons of mineral water at a constant temperature of 135 degrees Fahrenheit. Northern Arapahoe and Eastern Shoshone Native Americans relied on the spiritual and physical healing powers of the hot springs years before the first settlers arrived. In 1896, under the guidance of Chief Washakie, the tribal leaders transferred ownership of the land surrounding the springs to the U.S. Government. The treaty opened the natural beauty of the area to the public to be enjoyed in perpetuity. Today, this historic treaty is celebrated every August with the Gift of the Waters Pageant. This celebration recreates the treaty ceremony of 1896 and is a truly special attraction.

In the past 100 years, Hot Springs County has benefitted from a variety of industries and has enjoyed great economic success. The county played a key role in supplying oil to support the war effort during World War II. The communities of Grass Creek and Hamilton Dome were especially efficient producers of oil during this period. In addition, a portion of the Burlington Northern and Santa Fe Railroad travels through the county. The Railroad connects the State to important supplies and goods from around the country.

Tourism is arguably the county's most successful industry. In Thermopolis, Hot Springs State Park attracts thousands of guests every year. Created from the land purchased in the Treaty of 1896, the Park provides year-round recreation opportunities, including hiking, picnicking, and soaking in the world-famous hot springs. Just 20 miles away, folks can visit the Legend Rock Petroglyph Site, which is home to some to the best-preserved examples of Dinwoody rock art in the world. The Wyoming Dinosaur Center celebrates Wyoming's incredibly rich natural history. It is one of the few centers in the world that has an active excavation site within driving distance. Visitors can see active dig sites, explore modern preparation laboratories, and admire dozens of fossilized dinosaurs and specimens. Folks in the county have done an incredible job of preserving the county's rich history and sharing with its visitors.

Hot Springs County is a very special place to all of us in Wyoming. In addition to being the hometown of my wife,

Bobbi Brown Barrasso, Thermopolis is also the hometown of former Wyoming Governor Dave Freudenthal. The fine folks of the county are incredible leaders and greatly contribute to the success of the entire State.

It is an honor to recognize the residents of Hot Springs County as they celebrate their 100th anniversary. This year, the Hot Springs County Centennial Committee has planned a countywide celebration on June 22nd to commemorate this milestone. I invite my colleagues to visit the communities of Hot Springs County. The county's rich heritage, geological wonders, and genuine cowboy hospitality provide a truly wonderful experience to visitors from all over the world.

RECOGNIZING THE NEHEMIAN

Mr. RISCH. Madam President, during Small Business Week it is important to recognize the ingenuity of small business owners who take a leap of faith and invest in an idea in order to make their dream of being an entrepreneur a reality. I rise today to honor The Nehemian of Buhl, ID, a small business that has shown over the course of 25 years in business that they can take chances and survive in this economic climate.

Over 26 years ago, Nancy Tyrrell and her husband, Ed, opened The Nehemian, a shop that sold antiques and offered custom picture framing. But after years of being in business, the Tyrrells wanted to expand their services and increase their sales. Tyrrell began designing custom key fobs which depict Idaho points of pride, including the Boise State Broncos and the University of Idaho Vandals. As a result of this risk to produce and market new product, The Nehemian found great success in the sale of these local treasures.

Tyrrell has faced her share of entrepreneurial challenges. After a $25,000 loss on a project, Tyrrell considered going back to teaching instead of continuing as a small business owner. But her love for the creative opportunities her business provided convinced her that she wouldn't be happy doing anything else. Instead of giving up, Tyrrell rededicated herself to her store and sought to expand into an untapped market. Her custom key fobs are manufactured by Silver Creek Mint, another local business located in Buhl and where her son is employed. Tyrrell licensed both the Boise State Bronco and University of Idaho Vandal key fob with Collegiate Licensing Co. in order to sell to a market in which she recognized a demand for her product. After only 6 weeks of selling her custom key fobs, Tyrrell had recouped two thirds of her investment. Currently, The Nehemian sells 12 different variations of key fobs. There is even a Great Seal of Idaho key fob which is sold at the Idaho State Capitol gift shop. Tyrrell also offers key fob design services to large companies to commemorate special milestones.

Though The Nehemian is a small company, they have learned to manage their resources well and expand their products. Nancy Tyrrell's business has achieved a reputation of quality, as well as that of a unique Idaho gem. I would like to recognize The Nehemian as an Idaho Small Business of the Day based on their resiliency through hard times, their willingness to take a risk and their creative spirit.

ADDITIONAL STATEMENTS

TRIBUTE TO MIKE CURRY

● Mr. ENZI. Madam President, I wish to take a moment of the Senate's time to call your attention to the retirement of one of the true heroes of my home town of Gillette, WY. For 30 years our local basketball team, the Camels, has been coached by one of the finest high school coaches of all time—Mike Curry.

Mike has been doing a good job for so long we thought he would be on the bench on the Camels' side of the court forever. That is why it took us all by surprise when Coach Curry decided to retire from coaching at the end of this past season.

Over the years Coach Curry has been more than our coach—he's been a Wyoming tradition. Ask anyone who is a Camels fan who has been responsible for their success and every one will tell you our secret advantage has been the coaching ability and basketball knowledge of Coach Curry.

His concern for each of his players, and his great love of Campbell County High School, has been evident for all the years of his service to the people of Gillette. It shows itself in the hearts of those he has coached and in the lives of those he has worked with as their teacher. He has always been one to lead by quiet but focused example and that important quality of his has made him a role model that has helped to provide guidance and direction to all those with whom he has worked.

If you ask the members of all those championship teams that played for Coach Curry, they will tell you that they learned some important lessons from him that helped to shape their lives. Thanks to him they came to realize what high expectations, teamwork, making good, thoughtful decisions and refusing to ever give up on a goal can mean to the pursuit of a difficult challenge. Ask his current players and they will tell you what it has meant to play for Coach Curry and to receive the legacy of success from his past efforts that helped to get them inspired and motivated right from the start. They knew before they even made the team how successful Coach Curry's Camels had been and that made them ask more from themselves than anyone else would have ever thought was possible for them to achieve.

Coach Curry is now ending a remarkable career. In 30 years he has collected 605 wins and 12 State titles. If we were to ask him which one was sweeter—the first win or the last—I have a feeling he would tell us that they were all special because each one was made possible by a team of young men committed to winning and to each other.

For my family, we will always remember Coach Curry for the impact he had on our son, Brad. He also touched the rest of our family as we watched the Camels play for and learn from a very strong, steady coach. For the community of Gillette, we will always remember the key role Coach Curry played in strengthening Gillette's sense of community and increasing our sense of pride in our school and those who wore its colors.

Congratulations and good luck, Coach Curry. You did a great job and you can now look back on your coaching career with the satisfaction that comes from a job well done. You can also look ahead to some new adventures as this chapter of your life comes to a close and you begin a new one. God bless.●

TRIBUTE TO JOHN J. SWEENEY

● Mr. CARDIN. Madam President, I rise today to recognize the contributions that John J. Sweeney, AFL–CIO president emeritus, has made to improve the lives of working men and women and their families across America and around the world. The labor movement is the foundation of America's middle class, and John Sweeney understands that fact. He has devoted his life to fighting for workers so that they have safe working conditions, good benefits, and a paycheck big enough to support a family.

John Sweeney's life is an inspirational one. He was born in the Bronx, NY—the son of Irish immigrants. His parents knew the value of hard work. His father was a New York City bus driver and his mother worked as a domestic for wealthy families. John Sweeney's father was a member of the union and it was that union membership and steady income that made it possible for Sweeney to attend Iona College in New Rochelle, N.Y. and graduate with a degree in economics. He also holds honorary degrees from Georgetown University, Oberlin College, University of Massachusetts at Amherst, the University of Baltimore, Catholic University Law School, the University of Toledo's College of Law, Iona College and the College of New Rochelle.

Sweeney's first job in the labor movement was with the International Ladies' Garment Workers, which later merged with the Clothing and Textile Workers Union. He joined SEIU Local 32B in New York City in 1961 as a union representative. Sweeney was elected president of Local 32B in 1976 and led two citywide strikes of apartment maintenance workers during the 1970s.

John Sweeney was first elected president of the AFL–CIO in 1995 on a platform of revitalizing the federation,

which has 57 affiliated unions and 12 million members, including 3 million members in Working America, its new community affiliate. At the time of his election as president of the AFL–CIO, Sweeney was serving as president of the Service Employees International Union—SEIU. He became president emeritus of the AFL–CIO at the federation's constitutional convention in September 2009, stepping down after 4 terms as president.

There is no denying that the past few years have been difficult ones for the American labor movement, but John Sweeney continues to stand strong in the fight for American workers. The American workforce is the best trained and most efficient in the world. John Sweeney has been a big part of that success and I hope my colleagues will join me in thanking him for his lifelong commitment to American workers and their families.●

MESSAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 253. An act to provide for the conveyance of approximately 80 acres of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes.

H.R. 520. An act to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

H.R. 674. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

H.R. 862. An act to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

H.R. 876. An act to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 588) to provide for donor contribution acknowledgements to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 253. An act to provide for the conveyance of approximately 80 acres of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 674. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 862. An act to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; to the Committee on Energy and Natural Resources.

H.R. 876. An act to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

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–1935. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; West Coast Salmon Fisheries; 2013 Management Measures'' (RIN0648–XC438) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1936. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Emergency Action'' (RIN0648–BC79) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1937. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 18B'' (RIN0648–BB58) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1938. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 24 and Framework Adjustment 49'' (RIN0648–BC81) received during adjournment of the Senate in the Office of the President of the Senate on June 5, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1939. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retainable Amounts of Groundfish Bering Sea and Aleutian Islands'' (RIN0648–BA43) received in the Office of the President of the Senate on June 5, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1940. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC654) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1941. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC369) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1942. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XC634) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1943. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2013 Sector Operations Plans and Contracts and Allocation of Northeast Multispecies Annual Catch Entitlements'' (RIN0648–XC240) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1944. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Fisheries; Fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments'' (RIN0648–BA98) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1945. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; 2013 Recreational Accountability Measure and Closure for South Atlantic Snowy Grouper'' (RIN0648–XC672) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1946. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled ''Fisheries in the Western Pacific; 5-Year Extension of Moratorium on Harvest of Gold Corals'' (RIN0648–BC89) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1947. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; North and South Atlantic 2013 Commercial Swordfish Quotas'' (RIN0648–XC334) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1948. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Eastern Pacific Ocean'' (RIN0648–BC44) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1949. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program'' (RIN0648–BA82) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1950. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 37'' (RIN0648–BC66) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1951. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2013–2014'' (RIN0648–BC87) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1952. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Action #3'' (RIN0648–XC686) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1953. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC675) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1954. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure'' (RIN0648–XC683) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1955. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Big Skate in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC673) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1956. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC687) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1957. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report relative to the apportionment of membership on the regional fishery management councils; to the Committee on Commerce, Science, and Transportation.

EC–1958. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Connect America Fund'' ((RIN3060–AF85) (DA 13–1113)) received in the Office of the President of the Senate on June 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1959. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, Atlantic Intracoastal Waterway; Wrightsville Beach, NC'' ((RIN1625–AA00) (Docket No. USCG–2013–0174)) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1960. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Maritime Administrator, Department of Transportation, received in the Office of the President of the Senate on June 13, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1961. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert R. Allardice, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1962. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Frank J. Kisner, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1963. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Douglas H. Owens, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1964. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of five (5) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1965. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Fiscal Year 2011 Report on Department of Defense (DoD) Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC–1966. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Norway; to the Committee on Banking, Housing, and Urban Affairs.

EC–1967. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–1968. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1969. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1970. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, Bank's 2012 Management Report and statement on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–1971. A communication from the Assistant Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2013–37) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Finance.

EC–1972. A communication from the Chair of the Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Medicaid and CHIP''; to the Committee on Finance.

EC–1973. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0099–2013–0107); to the Committee on Foreign Relations.

EC–1974. A communication from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priority—National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers'' (CFDA No. 84.133B–10) received in the Office of the President of the Senate on June 11, 2013; to the

Committee on Health, Education, Labor, and Pensions.

EC–1975. A communication from the Director of the Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Black Lung Benefits Act: Standards for Chest Radiographs'' (RIN1240–AA07) received in the Office of the President of the Senate on June 13, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–1976. A communication from the Acting Chief Policy Officer, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on June 13, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–1977. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpyroximate; Pesticide Tolerances'' (FRL No. 9388–2) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1978. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus pumilus strain BU F–33; Exemption from the Requirement of a Tolerance'' (FRL No. 9389–2) received in the Office of the President of the Senate on June 12, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1979. A communication from the Acting Director of the Office of Regulatory Affairs and Collaborative Action, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulations; Buy Indian Act; Procedures for Contracting'' (RIN1090–AB03) received on June 13, 2013; to the Committee on Indian Affairs.

EC–1980. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled ''High Intensity Drug Trafficking Areas Program 2013 Report to Congress''; to the Committee on the Judiciary.

EC–1981. A communication from the President of the United States, transmitting, consistent with the War Powers Act, a report relative to deployments of U.S. Armed Forces for combat (OSS–2013–0859); to the Committee on Foreign Relations.

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 Ms. MIKULSKI:

S. 1172. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PORTMAN (for himself, Mr. WARNER, and Ms. COLLINS):

S. 1173. A bill to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL (for himself, Mr. CHAMBLISS, Ms. WARREN, Mr. RUBIO, Mr. NELSON, Mr. MENENDEZ, Mr. SCHUMER, and Mr. CASEY):

S. 1174. A bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN:

S. 1175. A bill to require the Secretary of the Treasury to establish a program to provide loans and loan guarantees to enable eligible public entities to acquire interests in real property that are in compliance with habitat conservation plans approved by the Secretary of the Interior under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 1176. A bill to impose a fine with respect to international remittance transfers if the sender is unable to verify legal status in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 1177. A bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND:

S. 1178. A bill to better integrate engineering education into kindergarten through grade 12 instruction and curriculum and to support research on engineering education; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 1179. A bill to improve the coordination of export promotion programs and to facilitate export opportunities for small businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mr. WYDEN, and Mr. BENNET):

S. 1180. A bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. ENZI, Mr. SCHUMER, Mr. BARRASSO, Mr. BEGICH, Mr. BOOZMAN, Mr. BENNET, Mr. CORNYN, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. ISAKSON, Mr. CARDIN, Mr. ROBERTS, Mr. CARPER, Mr. THUNE, Mr. COONS, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. NELSON, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, and Mr. WYDEN):

S. 1181. A bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. WYDEN, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. MERKLEY, and Mr. LEE):

S. 1182. A bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mr. MURPHY):

S.J. Res. 18. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. BENNET, Mr. HARKIN, Mr. SCHUMER, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. TESTER, Mrs. BOXER, Mr. COONS, Mr. KING, Mr. MURPHY, Mr. WYDEN, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. UDALL of Colorado):

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; 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 Mrs. FEINSTEIN (for herself, Mr. BURR, Mr. COBURN, Mrs. MURRAY, Mr. ENZI, and Mr. DURBIN):

S. Res. 173. A resolution designating September 2013 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. DURBIN, Mr. SESSIONS, Mrs. FEINSTEIN, Mr. COCHRAN, Mr. SCHATZ, Mr. ROBERTS, and Mr. CORKER):

S. Res. 174. A resolution designating June 20, 2013, as ''American Eagle Day'', and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. REID, his name was added as a cosponsor of S. 132, a bill to provide for the admission of the State of New Columbia into the Union.

S. 313

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 316

At the request of Ms. HIRONO, her name was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Maine (Mr.

KING) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 403

At the request of Mr. CASEY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors 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. 528

At the request of Mrs. HAGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 528, a bill to amend the Higher Education Opportunity Act to restrict institutions of higher education from using revenues derived from Federal educational assistance funds for advertising, marketing, or recruiting purposes.

S. 554

At the request of Mr. ISAKSON, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 554, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 562

At the request of Mr. WYDEN, the names of the Senator from Maine (Mr. KING) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 562, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 569

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 579

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 579, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

S. 623

At the request of Mr. CARDIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 623, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 635

At the request of Mr. BROWN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 650

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 650, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 676

At the request of Mr. NELSON, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 676, a bill to prevent tax-related identity theft and tax fraud.

S. 717

At the request of Ms. KLOBUCHAR, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors 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. 742

At the request of Mr. CARDIN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 742, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 765

At the request of Mr. BENNET, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 765, a bill to help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

S. 783

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 815

At the request of Mr. MERKLEY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 852

At the request of Mr. SANDERS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 852, a bill to improve health care furnished by the Department of Veterans Affairs by increasing access to complementary and alternative medicine and other approaches to wellness and preventive care, and for other purposes.

S. 896

At the request of Mr. BEGICH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 896, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 913

At the request of Mrs. SHAHEEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 913, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 942

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 967

At the request of Mrs. GILLIBRAND, the names of the Senator from Massachusetts (Mr. COWAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 1009

At the request of Mr. VITTER, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1009, a bill to reauthorize and modernize the Toxic Substances Control Act, and for other purposes.

S. 1091

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 1091, a bill to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp.

S. 1106

At the request of Mr. BENNET, the names of the Senator from Colorado (Mr. UDALL), the Senator from Alaska (Mr. BEGICH) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1106, a bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1117

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1117, a bill to prepare disconnected youth for a competitive future.

S. 1143

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1159

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1159, a bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit.

S. 1166

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1166, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S.J. RES. 16

At the request of Mr. RUBIO, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States to limit the power of Congress to impose a tax on a failure to purchase goods or services.

S. CON. RES. 6

At the request of Mr. BARRASSO, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 60

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. Res. 60, a resolution supporting women's reproductive health.

S. RES. 151

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 151, a resolution urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

S. RES. 172

At the request of Mr. BLUNT, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 172, a resolution designating the first Wednesday in September 2013 as ''National Polycystic Kidney Disease Awareness Day'' and raising awareness and understanding of polycystic kidney disease.

AMENDMENT NO. 1196

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1196 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1197

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1197 proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1228

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1228 proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of amendment No. 1228 proposed to S. 744, supra.

AMENDMENT NO. 1239

At the request of Mr. KIRK, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of amendment No. 1239 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1240

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 1240 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1251

At the request of Mr. CORNYN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 1251 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1261

At the request of Ms. KLOBUCHAR, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of amendment No. 1261 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1262

At the request of Ms. KLOBUCHAR, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of amendment No. 1262 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1278

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of amendment No. 1278 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1295

At the request of Mr. CRUZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 1295 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1297

At the request of Ms. KLOBUCHAR, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of amendment No. 1297 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 Mrs. FEINSTEIN:

S. 1175. A bill to require the Secretary of the Treasury to establish a program to provide loans and loan guarantees to enable eligible public entities to acquire interests in real property that are in compliance with habitat conservation plans approved by the Secretary of the Interior under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Infrastructure Facilitation and Habitat Conservation Act of 2013.

This legislation will make it easier for communities across the Nation to improve their public infrastructure by providing access to cost-effective Federal loan guarantees to mitigate the impacts of growth on the environment and endangered species.

This bill authorizes a 10-year pilot program, to be administered jointly by the Secretaries of the Interior and Treasury, making credit more readily available to eligible public entities which are sponsors of Habitat Conservation Plans, HCPs, under section 10 of the Endangered Species Act of 1973.

Habitat Conservation Plans were authorized by an amendment to the Endangered Species Act in 1982 as a means to permanently protect the

habitat of threatened and endangered species, while facilitating the development of infrastructure, through issuance of a long-term ''incidental take permit''.

Equally important, HCPs can be very effective in avoiding, minimizing and mitigating the effects of development on endangered species and their habitats. HCPs are an essential tool, as Congress intended, in balancing the requirements of the Endangered Species Act with on-going construction and development activity.

In California, the Western Riverside County multiple-species HCP is a prime example of effective habitat management. The Western Riverside MSHCP covers an area of 1.26 million acres, of which 500,000 will be permanently protected for the benefit of 146 species of plants and animals. To date, more than 347,000 acres of public land and 45,000 acres of private land have been protected, at a cost of $420 million. In the case of the Western Riverside MSHCP, as with other HCPs nationwide, this strategy for advance mitigation of environmental impacts has facilitated the development of much-needed transportation infrastructure. To date, the Western Riverside MSHCP has resulted in expedited environmental approval of 25 transportation infrastructure projects, which have contributed 32,411 jobs and $2.2 billion to the county's economy.

Riverside has been one of the Nation's fastest growing counties, with a rate of growth during the last decade of 42 percent. Unless the development of infrastructure can be made to keep pace with this explosive population growth, neither environmental or livability goals will be attained.

In recent years, the economic downturn has slowed the pace of habitat acquisition in Western Riverside and other similarly-situated communities. Revenue which had been generated by development fees to finance acquisition of habitat has also slowed.

Now, ironically, signs of economic recovery in the region also signal increasing real estate prices that will make the acquisition of mitigation lands more challenging. That's why it is important to provide communities like Western Riverside ready access to capital now to help fund habitat conservation projects while real estate costs remain relatively low, saving them and other communities implementing HCP's billions of dollars.

Under this bill, loan guarantee applicants would have to demonstrate their credit-worthiness and the likely success of their habitat acquisition programs. Priority would be given to HCPs in biologically rich regions whose natural attributes are threatened by rapid development. Other than the modest costs of administration, the bill would entail no federal expenditure unless the local government defaulted—a very rare occurrence.

These Federal guarantees will assure access to commercial credit at reduced rates of interest, enabling participating communities to take advantage of temporarily low prices for habitat. Prompt enactment of this legislation will provide multiple benefits at very low cost to the Federal taxpayer: protection of more habitat more quickly, accelerated development of infrastructure with minimum environmental impact, and reduction in the total cost of HCP land acquisition.

A broad coalition of conservation organizations and infrastructure developers supports this legislation. In fact, the Senate also expressed support for this concept when it approved a similar, albeit more narrowly defined innovative financing program as part of the Water Resources Development Act, WRDA, last month. But where the WRDA provisions would be applicable to mitigate the environmental impacts related to the development of water infrastructure, this legislation would broaden that eligibility to transportation and other public infrastructure.

I urge my colleagues to support this legislation. I believe it will encourage infrastructure development and habitat conservation at minimal Federal risk. It is exactly the kind of partnership with local government that should be utilized to maximize efficient use of Federal dollars.

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. 1175

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 ''Infrastructure Facilitation and Habitat Conservation Act of 2013''.

SEC. 2. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PUBLIC ENTITY.—The term ''eligible public entity'' means a political subdivision of a State, including—

(A) a duly established town, township, or county;

(B) an entity established for the purpose of regional governance;

(C) a special purpose entity; and

(D) a joint powers authority, or other entity certified by the Governor of a State, to have authority to implement a habitat conservation plan pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)).

(2) PROGRAM.—The term ''program'' means the conservation loan and loan guarantee program established by the Secretary under subsection (b)(1).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(b) LOAN AND LOAN GUARANTEE PROGRAM.—

(1) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a program to provide loans and loan guarantees to eligible public entities to enable eligible public entities to acquire interests in real property that are acquired pursuant to habitat conservation plans approved by the Secretary of the Interior under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539).

(2) APPLICATION; APPROVAL PROCESS.—

(A) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a loan or loan guarantee under the program, an eligible public entity shall submit to the Secretary an application at such time, in such form and manner, and including such information as the Secretary may require.

(ii) SOLICITATION OF APPLICATIONS.—Not less frequently than once per calendar year, the Secretary shall solicit from eligible public entities applications for loans and loan guarantees in accordance with this section.

(B) APPROVAL PROCESS.—

(i) SUBMISSION OF APPLICATIONS TO SECRETARY OF THE INTERIOR.—As soon as practicable after the date on which the Secretary receives an application under subparagraph (A), the Secretary shall submit the application to the Secretary of the Interior for review.

(ii) REVIEW BY SECRETARY OF THE INTERIOR.—

(I) REVIEW.—As soon as practicable after the date of receipt of an application by the Secretary under clause (i), the Secretary of the Interior shall conduct a review of the application to determine whether—

(aa) the eligible public entity is implementing a habitat conservation plan that has been approved by the Secretary of the Interior under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539);

(bb) the habitat acquisition program of the eligible public entity would very likely be completed; and

(cc) the eligible public entity has adopted a complementary plan for sustainable infrastructure development that provides for the mitigation of environmental impacts.

(II) REPORT TO SECRETARY.—Not later than 60 days after the date on which the Secretary of the Interior receives an application under subclause (I), the Secretary of the Interior shall submit to the Secretary a report that contains—

(aa) an assessment of each factor described in subclause (I); and

(bb) a recommendation regarding the approval or disapproval of a loan or loan guarantee to the eligible public entity that is the subject of the application.

(III) CONSULTATION WITH SECRETARY OF COMMERCE.—To the extent that the Secretary of the Interior considers to be appropriate to carry out this clause, the Secretary of the Interior may consult with the Secretary of Commerce.

(iii) APPROVAL BY SECRETARY.—

(I) IN GENERAL.—Not later than 120 days after receipt of an application under subparagraph (A), the Secretary shall approve or disapprove the application.

(II) FACTORS.—In approving or disapproving an application of an eligible public entity under subclause (I), the Secretary may consider—

(aa) whether the financial plan of the eligible public entity for habitat acquisition is sound and sustainable;

(bb) whether the eligible public entity has the ability to repay a loan or meet the terms of a loan guarantee under the program;

(cc) any factor that the Secretary determines to be appropriate; and

(dd) the recommendation of the Secretary of the Interior.

(III) PREFERENCE.—In approving or disapproving applications of eligible public entities under subclause (I), the Secretary shall give preference to eligible public entities located in biologically rich regions in which rapid growth and development threaten successful implementation of approved habitat conservation plans, as determined by the Secretary in cooperation with the Secretary of the Interior.

(C) ADMINISTRATION OF LOANS AND LOAN GUARANTEES.—

(i) REPORT TO SECRETARY OF THE INTERIOR.—Not later than 60 days after the date on which the Secretary approves or disapproves an application under subparagraph (B)(iii), the Secretary shall submit to the Secretary of the Interior a report that contains the decision of the Secretary to approve or disapprove the application.

(ii) DUTY OF SECRETARY.—As soon as practicable after the date on which the Secretary approves an application under subparagraph (B)(iii), the Secretary shall—

(I) establish the loan or loan guarantee with respect to the eligible public entity that is the subject of the application (including such terms and conditions as the Secretary may prescribe); and

(II) carry out the administration of the loan or loan guarantee.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary.

(d) TERMINATION OF AUTHORITY.—The authority under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. WYDEN, and Mr. BENNET):

S. 1180. A bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today, Senator WYDEN and I reintroduced the Medicare Data Access for Transparency and Accountability Act. This collaborative effort includes two ideas for making Medicare billing and spending more transparent.

The first provision comes from a bill I introduced in 2011 to enhance the government's ability to combat Medicare and Medicaid fraud. It would require the Secretary of Health and Human Services to issue regulations making Medicare claims and payment data available to the public, similar to other federal spending disclosed on www.USAspending.gov.

That website was created by legislation sponsored by then-Senator Obama and Senator COBURN. It lists almost all federal spending, but it doesn't include payments made to Medicare providers.

That means virtually every other government program, including some defense spending, is more transparent than the Medicare program.

Omitting Medicare spending is especially alarming when you consider the portion of Federal spending that goes through the Medicare program. In 2011, the Federal Government spent $549 billion on Medicare.

Taxpayers have a right to see how their hard-earned dollars are being spent. There should not be a special exception for hard-earned dollars that happen to be spent through Medicare.

Transparency will restore that taxpayers' right.

Also, if doctors know that each claim they make will be publicly available, it might deter some wasteful practices and overbilling.

Our bill accomplishes this by requiring the Secretary of Health and Human Services to make available a searchable Medicare payment database that the public can access at no cost.

The second provision in our bill clarifies that data on Medicare payments to physicians and suppliers do not fall under a Freedom of Information Act, FOIA, exemption.

In 1979, a U.S. District Court ruled that Medicare is prohibited from releasing physicians' billing information to the public.

For over three decades, third parties that tried to obtain physician specific data through the FOIA process have failed. Taxpayers have been denied their right.

Another recent court decision lifted the injunction, but it does not go far enough.

Our bill would make Congress' intent clear and provide the public with the tools to finally gain access to important Medicare data.

I would like to provide one example of how valuable access to Medicare billing data can be.

In 2011, using only a small portion of Medicare claims data, the Wall Street Journal was able to identify suspicious billing patterns and potential abuses of the Medicare program.

The Wall Street Journal found cases where Medicare paid millions to a physician sometimes for several years, before those questionable payments stopped.

That was only one organization using a limited set of Medicare data. When it comes to public programs like Medicare, the Federal Government needs all the help it can get to identify and combat fraud, waste and abuse, and that is why a searchable Medicare claims database should be made available to the public.

I have often quoted Justice Brandeis, who said, ''Sunlight is the best disinfectant.'' That is what Senator WYDEN and I are aiming to accomplish with the Medicare Data Act.

Mr. WYDEN. Mr. President, I rise today with Senator GRASSLEY to introduce the Medicare Data Access for Transparency and Accountability Act. I would like to begin by thanking my friend and esteemed colleague for his unwavering commitment to greater transparency and accountability in government. This Medicare DATA Act advances that goal.

Sunshine continues to be the greatest disinfectant. In that light, the Medicare DATA Act ensures all taxpayers have access to Medicare Claims Database, both to aid them in making medical decisions, and in understanding what their money is paying for in this vital, yet enormous, health program. The Medicare Claims Database is an important resource for public and private stakeholders as it captures healthcare provider payment and claims information for roughly one-third of the United States healthcare system. But why isn't this information already available?

In 1978, the Department of Health Education and Welfare attempted to release this information, upon request, under the premise that accessibility to the source data was in the public interest and therefore should be made available for public consumption. An injunction by a Florida court, however, ordered otherwise.

I am pleased that the Florida court has reevaluated that decision and recently lifted the injunction. This is a step in the right direction, but the decision still leaves access to this data ''opaque.'' Data requests are still subject to the Freedom of Information Act and can be denied by Health and Human Services. Passage of the Medicare DATA Act would put an end to that loophole.

Information affecting the American taxpayer should be part of the public domain in a free society. With this principle in mind, I join with Senator GRASSLEY in changing ''business as usual.''

I urge my colleagues to support this legislation so that Medicare data is finally fully transparent and available to Medicare beneficiaries and taxpayers alike. I look forward to working with my colleagues in this effort.

By Mr. UDALL of Colorado (for himself, Mr. WYDEN, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. MERKLEY, and Mr. LEE):

S. 1182. A bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes; to the Committee on the Judiciary.

Mr. UDALL of Colorado. Mr. President, I rise to speak on an issue that is critical to our constitutional rights and our national security. The revelation and subsequent declassification of the National Security Agency's intelligence gathering programs have shocked Americans in ways that I long ago had telegraphed. We are having a spirited and critical debate about what the right balance between privacy and security ought to be. With regards to NSA activity, I am introducing bipartisan legislation today, with several senators of both parties, designed to narrow Section 215 of the USA PATRIOT Act, known also as the ''business records'' provision, to better balance the authorities we give the federal government while protecting our constitutional rights. More specifically, my legislation would prevent the federal government from collecting millions of law-abiding Americans' phone call records without first establishing some nexus to terrorism. We all expect the NSA to target terrorists, but the revelations in the past few weeks have made clear that the information of millions of law-abiding Americans is being swept up in the process.

Let me start by saying that I continue to feel that a number of the permanent PATRIOT Act provisions

should remain in place to give our intelligence community important tools to fight terrorism. But I also believe, as I stated two years ago when offering this same legislation as an amendment to the PATRIOT Act reauthorization bill, that Section 215 of this Act fails to strike the right balance between keeping us safe and protecting the privacy rights of Americans. Indeed, my concerns about this provision of the law have only grown since I was first briefed on its secret interpretation and implementation as a member of the Senate Intelligence Committee.

From the recent leaks and information since declassified about the Section 215 collection program, we know that the Foreign Intelligence Surveillance Court has interpreted this provision of the PATRIOT Act to permit the collection of millions of Americans' phone records on a daily, ongoing basis. As a member of the Senate Intelligence Committee, I have repeatedly expressed concern that the interpretation of this provision of the PATRIOT Act, which allows the government to obtain ''any tangible thing'' relevant to a national security investigation, is at odds with the plain meaning of the law. This secrecy has prevented Americans from understanding how these laws are being implemented in their name. That is unacceptable.

Even before the nature of the bulk phone records collection program was declassified, there was support for narrowing the language of Section 215 from many in Congress and many Americans who feel strongly about their constitutional right to privacy. In fact, the PATRIOT Act reauthorization that passed the Senate in 2005 by unanimous consent included language that would limit the government's ability to collect Americans' personal information without a demonstrated link to terrorism or espionage. While that language did not prevail in conference, it demonstrated that bipartisan agreement on reforms to Section 215 is possible.

In 2011, as the Senate took up the extension of a number of expiring provisions of the PATRIOT Act, I offered an amendment drawn directly from language in the 2005 Senate-passed bill to narrow the application of this provision. That amendment unfortunately did not receive a vote. But today, along with my colleague Sen. WYDEN and others, I am back at it again—introducing bipartisan legislation drawn from that same language.

Our bipartisan bill would narrow the PATRIOT Act Section 215 collection authority to make it consistent with what most Americans believe the law allows. While this legislation would still allow law enforcement and intelligence agencies to use the PATRIOT Act to obtain a wide range of records in the course of terrorism- and espionage-related investigations, it would require them to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities—which is not the case today. I don't think it is unreasonable to ask our law enforcement agencies to identify a terrorism or espionage investigation before collecting the private information of American citizens.

Many Coloradans share my belief that we need to place common-sense limits on government investigations and link data collection to terrorist- or espionage-related activities. If we cannot assert some nexus to terrorism, then the government should keep its hands off the phone data of law-abiding Americans.

Let me be very clear: our government must continue to diligently and aggressively combat terrorism. We all agree with that critically important goal. But I do not think that it is unreasonable to ask that collection of phone data be limited to investigations that are actually related to terrorism or espionage. And I do not believe that we need to sacrifice national security to strike this balance. In fact, as a member of the Intelligence Committee who has studied our surveillance programs closely, it has not been demonstrated to me that the bulk phone records collection program has provided uniquely valuable information that has stopped terrorist attacks, beyond what is available through less intrusive means. But if we are going to continue providing this authority to collect phone data from Americans' communications, let's at least limit it to require a link to terrorism or espionage. This is a commonsense step that we can take to strike a better balance between keeping our country safe and respecting constitutional rights.

I thank my colleagues who have cosponsored this legislation, and ask other colleagues to give it a close look. I will continue to press for the PATRIOT Act to be reopened for debate, and when that occurs, I will push for passage of this bipartisan bill that strikes a better balance between keeping our nation safe and unduly trampling our constitutional rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 173—DESIGNATING SEPTEMBER 2013 AS ''NATIONAL CHILD AWARENESS MONTH'' TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THOSE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mr. BURR, Mr. COBURN, Mrs. MURRAY, Mr. ENZI, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 173

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2013 as National Child Awareness Month recognizes that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2013 as National Child Awareness Month—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

SENATE RESOLUTION 174—DESIGNATING JUNE 20, 2013, AS ''AMERICAN EAGLE DAY'', AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. DURBIN, Mr. SESSIONS, Mrs. FEINSTEIN, Mr. COCHRAN, Mr. SCHATZ, Mr. ROBERTS, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 174

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers in the Congress of the Confederation;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;
(2) the Office of the Vice President;
(3) Congress;
(4) the Supreme Court;
(5) the Department of the Treasury;
(6) the Department of Defense;
(7) the Department of Justice;
(8) the Department of State;
(9) the Department of Commerce;

(10) the Department of Homeland Security;
(11) the Department of Veterans Affairs;
(12) the Department of Labor;
(13) the Department of Health and Human Services;
(14) the Department of Energy;
(15) the Department of Housing and Urban Development;
(16) the Central Intelligence Agency; and
(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—
(1) the spirit of freedom; and
(2) the sovereignty of the United States;

Whereas since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named ''Eagle'';

Whereas the ''Eagle'' played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—
(1) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940''); and
(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately $7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas if not for the vigilant conservation efforts of concerned Americans and the enactment of conservation laws (including regulations), the bald eagle would face extinction;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas, November 4, 2010, marked the 25th anniversary of the American Eagle Foundation;

Whereas facilities around the United States, such as the Southeastern Raptor Center at Auburn University in the State of Alabama, rehabilitate injured eagles for release into the wild;

Whereas the dramatic recovery of the population of bald eagles—
(1) is an endangered species success story; and
(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—
(1) the continued progress of the recovery of bald eagles; and
(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—
(1) designates June 20, 2013, as ''American Eagle Day'';
(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and
(3) encourages—
(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and
(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1316. Mrs. GILLIBRAND (for herself and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1317. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1318. Mr. WYDEN (for himself, Mrs. BOXER, Mr. SCHATZ, Mr. WHITEHOUSE, Mr. HEINRICH, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1319. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1320. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1321. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1322. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1323. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1324. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1325. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1326. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1327. Mr. BLUMENTHAL (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1328. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1329. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1330. 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 1331. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1332. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1333. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1334. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1335. Mr. HARKIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1336. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1337. Mr. SCHATZ (for himself, Ms. HIRONO, Mrs. BOXER, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1338. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1339. Mr. WHITEHOUSE (for himself, Mr. REED, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1340. Ms. LANDRIEU (for herself, Ms. HIRONO, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1341. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1342. Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an

amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1316. Mrs. GILLIBRAND (for herself and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 2111, strike ''Except'' and insert the following:

(a) ELIGIBILITY FOR LEGAL ASSISTANCE.—Section 504(a)(11) of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–53) may not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance related to an application for registered provisional immigrant (referred to in this subsection as ''RPI'') status under section 245B of the Immigration and Nationality Act, legal assistance to an individual who has been granted RPI status, or legal assistance related to an application for adjustment of status under section 245C or 245D of that Act.

(b) RIGHT OR BENEFIT.—Except

SA 1317. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1300, between lines 11 and 12, insert the following:

SEC. 2554. TAXPAYER ELIGIBILITY FOR FEDERAL PROGRAMS.

(a) IN GENERAL.—Any individual who—

(1) is lawfully present in the United States;

(2) is employed; and

(3) has satisfied any applicable Federal tax liability (as defined in section 245B(c)(2)(B) of the Immigration and Nationality Act),

shall not be ineligible for any federally-funded program or tax credit allowed under the Internal Revenue Code of 1986 solely on the basis of the individual's immigration status.

(b) SATISFACTION OF REQUIREMENTS.—An individual may demonstrate compliance with the requirements described in subsection (a) by submitting appropriate documentation, in accordance with regulations promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Treasury. For purposes of paragraph (2) of subsection (a), such regulations shall allow for brief periods of unemployment lasting not more than 60 days.

(c) APPLICATION TO SPOUSE OR DEPENDENT.—Subsection (a) shall apply to the spouse of an individual described in that subsection and to any dependent (as defined in section 152 of the Internal Revenue Code of 1986) of the individual without regard to paragraph (2) of that subsection.

(d) APPLICATION OF HEALTH INSURANCE REQUIREMENTS.—Notwithstanding any provision of this Act or any amendment made by this Act, for purposes of sections 36B(e) and 5000A(d)(3) of the Internal Revenue Code of 1986 and section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)), an individual described in subsection (a) or (c) of this section shall be treated as lawfully present in the United States.

(e) NONAPPLICATION.—This section shall apply notwithstanding any provision of this Act or any amendment made by this Act.

SA 1318. Mr. WYDEN (for himself, Mrs. BOXER, Mr. SCHATZ, Mr. WHITEHOUSE, Mr. HEINRICH, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 855, strike lines 13 through 19.

Beginning on page 858, strike line 11 and all that follows through page 859, line 22.

On page 864, strike lines 8 through 10 and insert the following:

SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.

Beginning on page 870, strike line 3 and all that follows through page 871, line 22.

On page 877, beginning on line 1, strike ''technology'' and all that follows through line 6, and insert ''technology;''.

Beginning on page 908, strike line 8 and all that follows through page 911, line 3.

Beginning on page 1039, strike line 22 and all that follows through page 1040, line 2.

SA 1319. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PLACEMENT OF SERVICE CENTERS OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES.

The Director of U.S. Citizenship and Immigration Services, in reviewing the future space and staffing needs for service centers of U.S. Citizenship and Immigration Services, shall develop, to the extent practicable, an effective facility model that encourages each service center to centralize its operations into a single headquarters campus in the original geographic location of the center.

SA 1320. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 896, strike line 11 and all that follow through page 942, line 17, and insert the following:

TITLE I—BORDER SECURITY

SEC. 1101. BORDER SECURITY REQUIREMENTS.

(a) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall—

(1) triple the number of U.S. Border Patrol agents stationed along the international border between the United States and Mexico;

(2) quadruple the equipment and other assets stationed along such border, including cameras, sensors, drones, and helicopters, to enable continuous monitoring of the border;

(3) complete all of the fencing required under the Secure Fence Act of 2006 (Public Law 109–367);

(4) develop, in cooperation with the Department of Defense and all Federal law enforcement agencies, a policy ensuring real-time sharing of information among all Federal law enforcement agencies regarding—

(A) smuggling routes for humans and contraband;

(B) patterns in illegal border crossings;

(C) new techniques or methods used in cross-border illegal activity; and

(D) all other information pertinent to border security;

(5) complete and fully implement the United States Visitor and Immigrant Status Indicator Technology (US-VISIT), including the biometric entry-exist portion; and

(6) establish operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367)) over 100 percent of the international border between the United States and Mexico.

(b) TRIGGERS.—The Secretary may not commence processing applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 2101, or blue card status under section 2111 until the Secretary has substantially complied with all of the requirements set forth in subsection (a).

(c) BUDGETARY EFFECTS OF NONCOMPLIANCE.—

(1) INITIAL REDUCTIONS.—If, on the date that is 3 years after the date of the enactment of this Act, the Secretary has failed to substantially comply with all of the requirements set forth in subsection (a)—

(A) the amount appropriated to the Department for the following fiscal year shall be automatically reduced by 20 percent;

(B) an amount equal to the reduction under subparagraph (A) shall be made available, in block grants, to the States of Arizona, California, New Mexico, and Texas for securing the international border between the United States and Mexico; and

(C) the salary of all political appointees at the Department shall be reduced by 20 percent.

(2) SUBSEQUENT YEARS.—If, on the date that is 4, 5, 6, or 7 years after the date of the enactment of this Act, the Secretary has failed to substantially comply with all of the requirements set forth in subsection (a)—

(A) the reductions and block grants authorized under subparagraphs (A) and (B) of paragraph (1) shall increase by an additional 5 percent of the amount appropriated to the Department before the reduction authorized under paragraph (1)(A); and

(B) the salary of all political appointees at the Department shall be reduced by an additional 5 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal year 2014 through 2018.

(2) OFFSET.—

(A) IN GENERAL.—Any amounts appropriated pursuant to paragraph (1) shall be offset by an equal reduction in the amounts appropriated for other purposes.

(B) RESCISSION.—If the reductions required under subparagraph (A) are not made during the 180-day period beginning on the date of the enactment of this Act, there shall be rescinded, from all unobligated amounts appropriated for any Federal agency (other than the Department of Defense), on a proportionate basis, an amount equal to the amount appropriated pursuant to paragraph (1).

SA 1321. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INELIGIBILITY FOR MEANS-BASED BENEFITS OF ALIENS ENTERING OR REMAINING IN UNITED STATES WHILE NOT IN LAWFUL STATUS.

Notwithstanding any provision of this Act or any other provision of law, no alien who

has entered or remained in the United States while not in lawful status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be eligible for any Federal, State, or local government means-tested benefit, nor shall such alien be eligible for any benefit under the Patient Protection and Affordable Care Act (Pub. L. 111–148), regardless of the alien's legal status at the time of application for such benefit.

SA 1322. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1076, strike line 20 and insert the following:

SEC. 2215. IMMIGRANT CATEGORIES INELIGIBLE FOR UNITED STATES CITIZENSHIP.

Notwithstanding any other provision of law, aliens granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act, as added by section 2101, including aliens described in section 245D(b)(1) of such Act, and aliens granted blue card status under section 2211 are permanently ineligible to become naturalized citizens of the United States, except for aliens granted asylum pursuant to section 208 of such Act (8 U.S.C. 1158).

SEC. 2216. AUTHORIZATION OF APPROPRIATIONS.

SA 1323. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1076, strike line 20 and insert the following:

SEC. 2215. INELIGIBILITY FOR MEANS-BASED BENEFITS OF ALIENS ENTERING OR REMAINING IN UNITED STATES WHILE NOT IN LAWFUL STATUS.

Notwithstanding any provision of this Act or any other provision of law, any alien who, after entering or remaining in the United States while not in lawful status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), was granted legal status under section 245B of the Immigration and Nationality Act, as added by section 2101, including aliens described in section 245D(b)(1) of such Act, or blue card status under section 2211, regardless of the alien's legal status at the time the alien applies for a benefit described in paragraph (1) or (2), shall not be eligible for—

(1) any Federal, State, or local government means-tested benefit; or

(2) any benefit under the Patient Protection and Affordable Care Act (Pub. L. 111–148).

SEC. 2216. IMMIGRANT CATEGORIES INELIGIBLE FOR UNITED STATES CITIZENSHIP.

Notwithstanding any other provision of law, aliens granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act, as added by section 2101, including aliens described in section 245D(b)(1) of such Act, and aliens granted blue card status under section 2211 are permanently ineligible to become naturalized citizens of the United States, except for aliens granted asylum pursuant to section 208 of such Act (8 U.S.C. 1158).

SEC. 2217. AUTHORIZATION OF APPROPRIATIONS.

SA 1324. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1166, strike line 3 and all that follows through ''(d)'' on page 1217, line 8, and insert the following:

SEC. 2303. ELIMINATION OF ARBITRARY LIMITATION OF FOREIGN NATIONALITIES.

(a) REPEAL.—Section 202 (8 U.S.C. 1152) is repealed.

(b) CONFORMING AMENDMENT.—Section 203(b) (8 U.S.C. 1153(b)) is amended by striking paragraph (6).

SEC. 2304. ELIMINATION OF DIVERSITY VISA LOTTERY.

(a) REPEAL.—Section 203(c) (8 U.S.C. 1153(c)) is repealed.

(b) CONFORMING AMENDMENTS.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) in section 201—

(A) in subsection (a), by striking paragraph (3); and

(B) by striking subsection (e); and

(2) in section 204(a)(1), by striking subparagraph (I).

SEC. 2305. FAMILY-SPONSORED IMMIGRANTS.

(a) NUMERICAL LIMITATIONS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The maximum worldwide level of family-sponsored immigrants for each fiscal year shall be 337,500.''.

(b) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS .—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but not children) of a citizen of the United States or an alien lawfully admitted for permanent residence shall be allocated all of the visas made available under section 201(c).''.

(c) EXPANSION OF IMMEDIATE RELATIVE DEFINITION.—Section 201(b)(2)(A) (8 U.S.C. 1151(b)(2)(A)) is amended to read as follows:

''(A)(i) Immediate relatives.

''(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is an immediate relative.

''(iii) In this subparagraph the term 'immediate relatives' means the children, spouse, and parents of a citizen of the United States or of a lawful permanent resident. If the immediate relative is a parent, the citizen or permanent resident shall be at least 21 years of age. If the alien was the spouse of a citizen of the United States or of a lawful permanent resident and was not legally separated from the citizen or permanent resident at the time of the citizen's or permanent resident's death, the alien (and each child of the alien) shall be considered, for purposes of this subparagraph, to remain an immediate relative after the date of the citizen's or permanent resident's death and until the date the spouse remarries if the spouse files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such death. An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) shall remain an immediate relative if the United States citizen or lawful permanent resident spouse or parent loses United States citizenship or lawful permanent resident status on account of the abuse.''.

(d) CONFORMING AMENDMENTS.—The Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V), by striking ''203(a)(2)(A)'' each place it appears and inserting ''203(a)'';

(2) in section 201(f)—

(A) in paragraph (2), by striking ''203(a)(2)(A)'' and inserting ''203(a)''; and

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by striking ''(1) through (3)'' and inserting ''(1) and (2)''; and

(3) in section 204—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking ''paragraph (1), (3), or (4) of section 203(a)'' and inserting ''section 203(a)''; and

(ii) in subparagraph (B)—

(I) in clause (i)(I), by striking ''section 203(a)(2)'' and inserting ''section 203(a)''; and

(II) in clause (ii), by striking ''clause (iii) of section 203(a)(2)(A)'' each place it appears and inserting ''section 203(a)''; and

(III) in clause (iii), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)''; and

(iii) in subparagraph (D)(i)(I), by striking ''paragraph (1), (2), or (3) of section 203(a)'' and inserting ''section 203(a)'';

(B) in subsection (a)(2)(A), in the undesignated matter after clause (ii), by striking ''preference status under section 203(a)(2)'' and inserting ''status as an immediate relative under section 201(b)(2)(A)''; and

(C) in subsection (k)(1), by striking ''section 203(a)(2)(B)'' and inserting ''section 203(a)''.

SEC. 2306. EMPLOYMENT-BASED IMMIGRANTS.

(a) NUMERICAL LIMITATIONS.—Section 201(d) (8 U.S.C. 1151(c)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The maximum worldwide level of employment-based immigrants for each fiscal year shall be 1,012,500.''.

(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS .—Section 203(b) (8 U.S.C. 1153(a)) is amended to read as follows:

''(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for employment-based immigrants in a fiscal year shall be allocated visas as follows:

''(1) HIGHLY-SKILLED WORKERS.—Up to 607,500 visas shall be allocated each fiscal year to qualified immigrants described in this paragraph, with preference to be given to immigrants described in subparagraph (A).

''(A) ADVANCED DEGREES IN STEM FIELD.—An alien described in this paragraph holds an advanced degree in science, technology, engineering, or mathematics from an accredited institution of higher education in the United States.

''(B) ALIENS WITH EXTRAORDINARY ABILITY.—An alien described in this subparagraph—

''(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

''(ii) seeks to enter the United States to continue work in the area of extraordinary ability; and

''(iii) will substantially benefit the United States.

''(C) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien described in this subparagraph—

''(i) is recognized internationally as outstanding in a specific academic area;

''(ii) has at least 3 years of experience in teaching or research in the academic area; and

''(iii) seeks to enter the United States—

''(I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area;

''(II) for a comparable position with a university or institution of higher education to conduct research in the area; or

''(III) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

''(D) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien described in this subparagraph, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this subparagraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(E) SKILLED WORKERS, PROFESSIONALS, AND OTHER WORKERS.—An alien described in this subparagraph—

''(i) is capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

''(ii) holds a baccalaureate degree and is a members of the professions.

''(F) EMPLOYMENT CREATION.—An alien described in this subparagraph seeks to enter the United States for the purpose of engaging in a new commercial enterprise (including a limited partnership)—

''(i) in which such alien has invested (after the date of the enactment of the Immigration Act of 1990) or, is actively in the process of investing, capital in an amount not less than $1,000,000; and

''(ii) which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence or other immigrants lawfully authorized to be employed in the United States (other than the immigrant and the immigrant's spouse, sons, or daughters).

''(2) WORKERS IN DESIGNATED SHORTAGE OCCUPATIONS.—Up to 405,000 visas shall be allocated each fiscal year to qualified immigrants who—

''(A) are not described in paragraph (1); and

''(B) have at least 2 years experience in an occupation designated by the Bureau of Labor Statistics as experiencing a shortage of labor throughout the United States.''.

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(2) by adding at the end the following: ''The spouse, children, or parents of an alien receiving a visa under subsection 203(b) who are accompanying or following to join the alien shall be counted against the numerical limitations set forth in subsection (b).''.

SEC. 2307. ONLINE PORTAL FOR LAWFUL PERMANENT RESIDENT APPLICATIONS.

(a) ESTABLISHMENT.—The Secretary shall establish an online portal through which individuals may submit applications for lawful permanent resident status.

(b) FEATURES.—The online portal established pursuant to subsection (a) shall provide—

(1) step-by-step instructions, in plain English, describing what information and supporting documentation is required to be submitted;

(2) an e-mail or text message to notify applicants of changes in the status of their application.

(c) USER FEE.—In addition to any other fees required of applicants for lawful permanent under any other provision of law, the Secretary may charge individuals who apply for such status through the online portal established pursuant to subsection (a) a fee in an amount sufficient to pay for the costs of maintaining the online portal.

(d) TIME LIMITATION.—All petitions submitted through the online portal established pursuant to subsection (a) shall be adjudicated in 60 days or less.

(e)

SA 1325. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1629, strike line 7 and all that follows through page 1714, line 19, and insert the following:

SEC. 4101. MARKET-BASED H–1B VISA LIMITS.

(a) IN GENERAL.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''(beginning with fiscal year 1992)''; and

(2) by amending subparagraph (A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b) may not exceed—

''(i) 65,000 in fiscal year 2013; and

''(ii) 325,000 in each subsequent fiscal year; and'';

SEC. 4102. WORK AUTHORIZATION FOR DEPENDENT SPOUSES OF H–1B NONIMMIGRANTS.

Section 214(n) (8 U.S.C. 1184(n)) is amended—

(1) by amending the subsection heading to read as follows ''EMPLOYMENT AUTHORIZATION FOR H–1B NONIMMIGRANTS AND THEIR SPOUSES''; and

(2) by adding at the end the following:

''(3) The spouse of an alien provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept employment in the United States while his or her principal alien spouse lawfully maintains such status while in the United States.''.

SEC. 4103. AUTHORIZATION OF DUAL INTENT.

(a) DEFINITION.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking ''which he has no intention of abandoning'' and inserting ''which, if the alien is not pursuing a course of study at an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), the alien has no intention of abandoning''.

(b) PRESUMPTION OF STATUS; INTENTION TO ABANDON FOREIGN RESIDENCE.—Section 214 (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking ''(L) or (V)'' and inserting ''(F), (L), or (V)''; and

(2) in subsection (h), by striking ''(H)(i)(b) or (c)'' and inserting ''(F), (H)(i)(b), (H)(i)(c)''.

SEC. 4104. H–1B FEE INCREASE.

(a) IN GENERAL.—Section 214(c)(9) (8 U.S.C. 1184(c)(9)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) The amount of the fee imposed under subparagraph (A) shall be—

''(i) $2,500 for each such petition by an employer with more than 25 full-time equivalent employees who are employed in the United States, including any affiliate or subsidiary of such employer; or

''(ii) $1,250 for each such petition by any employer with not more than 25 full-time equivalent employees who are employed in the United States , including any affiliate or subsidiary of such employer.

''(C) Of the amounts collected under this paragraph—

''(i) 60 percent shall be deposited in the H–1B Nonimmigrant Petitioner Account in accordance with section 286(s); and

''(ii) 40 percent shall be deposited in the STEM Education and Training Account established under section 286(w).''.

(b) STEM EDUCATION AND TRAINING ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) STEM EDUCATION AND TRAINING ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'STEM Education and Training Account' (referred to in this subsection as the 'Account').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Account 40 percent of the fees collected under section 214(c)(9)(B).

''(3) USE OF FUNDS.—Amounts deposited in the Account may be used to enhance the economic competitiveness of the United States by—

''(A) establishing a block grant program for States to promote STEM education; and

''(B) carrying out programs to bridge STEM education with employment, such as work-study program.''.

SA 1326. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1166, strike line 3 and all that follows through ''(d)'' on page 1217, line 8, and insert the following:

SEC. 2303. ELIMINATION OF ARBITRARY LIMITATION OF FOREIGN NATIONALITIES.

(a) REPEAL.—Section 202 (8 U.S.C. 1152) is repealed.

(b) CONFORMING AMENDMENT.—Section 203(b) (8 U.S.C. 1153(b)) is amended by striking paragraph (6).

SEC. 2304. ELIMINATION OF DIVERSITY VISA LOTTERY.

(a) REPEAL.—Section 203(c) (8 U.S.C. 1153(c)) is repealed.

(b) CONFORMING AMENDMENTS.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) in section 201—

(A) in subsection (a), by striking paragraph (3); and

(B) by striking subsection (e); and

(2) in section 204(a)(1), by striking subparagraph (I).

SEC. 2305. FAMILY-SPONSORED IMMIGRANTS.

(a) NUMERICAL LIMITATIONS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The maximum worldwide level of family-sponsored immigrants for each fiscal year shall be 337,500.''.

(b) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS .—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but not children) of a citizen of the United States or an alien lawfully admitted for permanent residence shall be allocated all of the visas made available under section 201(c).''.

(c) EXPANSION OF IMMEDIATE RELATIVE DEFINITION.—Section 201(b)(2)(A) (8 U.S.C. 1151(b)(2)(A)) is amended to read as follows:

''(A)(i) Immediate relatives.

''(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is an immediate relative.

''(iii) In this subparagraph the term 'immediate relatives' means the children, spouse,

and parents of a citizen of the United States or of a lawful permanent resident. If the immediate relative is a parent, the citizen or permanent resident shall be at least 21 years of age. If the alien was the spouse of a citizen of the United States or of a lawful permanent resident and was not legally separated from the citizen or permanent resident at the time of the citizen's or permanent resident's death, the alien (and each child of the alien) shall be considered, for purposes of this subparagraph, to remain an immediate relative after the date of the citizen's or permanent resident's death and until the date the spouse remarries if the spouse files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such death. An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) shall remain an immediate relative if the United States citizen or lawful permanent resident spouse or parent loses United States citizenship or lawful permanent resident status on account of the abuse.''.

(d) CONFORMING AMENDMENTS.—The Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V), by striking ''203(a)(2)(A)'' each place it appears and inserting ''203(a)'';

(2) in section 201(f)—

(A) in paragraph (2), by striking ''203(a)(2)(A)'' and inserting ''203(a)''; and

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by striking ''(1) through (3)'' and inserting ''(1) and (2)''; and

(3) in section 204—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking ''paragraph (1), (3), or (4) of section 203(a)'' and inserting ''section 203(a)''; and

(ii) in subparagraph (B)—

(I) in clause (i)(I), by striking ''section 203(a)(2)'' and inserting ''section 203(a)''; and

(II) in clause (ii), by striking ''clause (iii) of section 203(a)(2)(A)'' each place it appears and inserting ''section 203(a)''; and

(III) in clause (iii), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)''; and

(iii) in subparagraph (D)(i)(I), by striking ''paragraph (1), (2), or (3) of section 203(a)'' and inserting ''section 203(a)'';

(B) in subsection (a)(2)(A), in the undesignated matter after clause (ii), by striking ''preference status under section 203(a)(2)'' and inserting ''status as an immediate relative under section 201(b)(2)(A)''; and

(C) in subsection (k)(1), by striking ''section 203(a)(2)(B)'' and inserting ''section 203(a)''.

SEC. 2306. EMPLOYMENT-BASED IMMIGRANTS.

(a) NUMERICAL LIMITATIONS.—Section 201(d) (8 U.S.C. 1151(c)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The maximum worldwide level of employment-based immigrants for each fiscal year shall be 1,012,500.''.

(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS .—Section 203(b) (8 U.S.C. 1153(a)) is amended to read as follows:

''(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for employment-based immigrants in a fiscal year shall be allocated visas as follows:

''(1) HIGHLY-SKILLED WORKERS.—Up to 607,500 visas shall be allocated each fiscal year to qualified immigrants described in this paragraph, with preference to be given to immigrants described in subparagraph (A).

''(A) ADVANCED DEGREES IN STEM FIELD.—An alien described in this paragraph holds an advanced degree in science, technology, engineering, or mathematics from an accredited institution of higher education in the United States.

''(B) ALIENS WITH EXTRAORDINARY ABILITY.—An alien described in this subparagraph—

''(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

''(ii) seeks to enter the United States to continue work in the area of extraordinary ability; and

''(iii) will substantially benefit the United States.

''(C) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien described in this subparagraph—

''(i) is recognized internationally as outstanding in a specific academic area;

''(ii) has at least 3 years of experience in teaching or research in the academic area; and

''(iii) seeks to enter the United States—

''(I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area;

''(II) for a comparable position with a university or institution of higher education to conduct research in the area; or

''(III) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

''(D) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien described in this subparagraph, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this subparagraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(E) SKILLED WORKERS, PROFESSIONALS, AND OTHER WORKERS.—An alien described in this subparagraph—

''(i) is capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

''(ii) holds a baccalaureate degree and is a members of the professions.

''(F) EMPLOYMENT CREATION.—An alien described in this subparagraph seeks to enter the United States for the purpose of engaging in a new commercial enterprise (including a limited partnership)—

''(i) in which such alien has invested (after the date of the enactment of the Immigration Act of 1990) or, is actively in the process of investing, capital in an amount not less than $1,000,000; and

''(ii) which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence or other immigrants lawfully authorized to be employed in the United States (other than the immigrant and the immigrant's spouse, sons, or daughters).

''(2) WORKERS IN DESIGNATED SHORTAGE OCCUPATIONS.—Up to 405,000 visas shall be allocated each fiscal year to qualified immigrants who—

''(A) are not described in paragraph (1); and

''(B) have at least 2 years experience in an occupation designated by the Bureau of Labor Statistics as experiencing a shortage of labor throughout the United States.''.

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(2) by adding at the end the following: ''The spouse, children, or parents of an alien receiving a visa under subsection 203(b) who are accompanying or following to join the alien shall be counted against the numerical limitations set forth in subsection (b).''.

SEC. 2307. ONLINE PORTAL FOR LAWFUL PERMANENT RESIDENT APPLICATIONS.

(a) ESTABLISHMENT.—The Secretary shall establish an online portal through which individuals may submit applications for lawful permanent resident status.

(b) FEATURES.—The online portal established pursuant to subsection (a) shall provide—

(1) step-by-step instructions, in plain English, describing what information and supporting documentation is required to be submitted;

(2) an e-mail or text message to notify applicants of changes in the status of their application.

(c) USER FEE.—In addition to any other fees required of applicants for lawful permanent under any other provision of law, the Secretary may charge individuals who apply for such status through the online portal established pursuant to subsection (a) a fee in an amount sufficient to pay for the costs of maintaining the online portal.

(d) TIME LIMITATION.—All petitions submitted through the online portal established pursuant to subsection (a) shall be adjudicated in 60 days or less.

(e)

Beginning on page 1629, strike line 7 and all that follows through page 1714, line 19, and insert the following:

SEC. 4101. MARKET-BASED H–1B VISA LIMITS.

(a) IN GENERAL.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''(beginning with fiscal year 1992)''; and

(2) by amending subparagraph (A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b) may not exceed—

''(i) 65,000 in fiscal year 2013; and

''(ii) 325,000 in each subsequent fiscal year; and'';

SEC. 4102. WORK AUTHORIZATION FOR DEPENDENT SPOUSES OF H–1B NONIMMIGRANTS.

Section 214(n) (8 U.S.C. 1184(n)) is amended—

(1) by amending the subsection heading to read as follows ''EMPLOYMENT AUTHORIZATION FOR H–1B NONIMMIGRANTS AND THEIR SPOUSES''; and

(2) by adding at the end the following:

''(3) The spouse of an alien provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept employment in the United States while his or her principal alien spouse lawfully maintains such status while in the United States.''.

SEC. 4103. AUTHORIZATION OF DUAL INTENT.

(a) DEFINITION.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking ''which he has no intention of abandoning'' and inserting ''which, if the alien is not pursuing a course of study at an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), the alien has no intention of abandoning''.

(b) PRESUMPTION OF STATUS; INTENTION TO ABANDON FOREIGN RESIDENCE.—Section 214 (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking ''(L) or (V)'' and inserting ''(F), (L), or (V)''; and

(2) in subsection (h), by striking ''(H)(i)(b) or (c)'' and inserting ''(F), (H)(i)(b), (H)(i)(c)''.

SEC. 4104. H–1B FEE INCREASE.

(a) IN GENERAL.—Section 214(c)(9) (8 U.S.C. 1184(c)(9)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) The amount of the fee imposed under subparagraph (A) shall be—

''(i) $2,500 for each such petition by an employer with more than 25 full-time equivalent employees who are employed in the United States, including any affiliate or subsidiary of such employer; or

''(ii) $1,250 for each such petition by any employer with not more than 25 full-time equivalent employees who are employed in the United States , including any affiliate or subsidiary of such employer.

''(C) Of the amounts collected under this paragraph—

''(i) 60 percent shall be deposited in the H–1B Nonimmigrant Petitioner Account in accordance with section 286(s); and

''(ii) 40 percent shall be deposited in the STEM Education and Training Account established under section 286(w).''.

(b) STEM EDUCATION AND TRAINING ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) STEM EDUCATION AND TRAINING ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'STEM Education and Training Account' (referred to in this subsection as the 'Account').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Account 40 percent of the fees collected under section 214(c)(9)(B).

''(3) USE OF FUNDS.—Amounts deposited in the Account may be used to enhance the economic competitiveness of the United States by—

''(A) establishing a block grant program for States to promote STEM education; and

''(B) carrying out programs to bridge STEM education with employment, such as work-study program.''.

SA 1327. Mr. BLUMENTHAL (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1004, between lines 4 and 5, insert the following:

''(F) SPECIAL RULE FOR CHILDREN.—Notwithstanding subparagraph (A), the Secretary may adjust the status of a registered provisional immigrant to the status of an alien lawfully admitted for permanent residence if the alien—

''(i) satisfies the requirements under clauses (i) and (ii) of subparagraph (A);

''(ii) is under 18 years of age on the date the alien submits an application for such adjustment; and

''(iii) is enrolled in school or has completed a general education development certificate on the date the alien submits an application for such adjustment.

SA 1328. Mr. WYDEN 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. ___. IMPROVED COLLECTION AND USE OF LABOR MARKET INFORMATION.

(a) IN GENERAL.—Section 1137 of the Social Security Act (42 U.S.C. 1320b–7) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''(including the occupational information under subsection (g))'' after ''paragraph (3) of this subsection''; and

(B) in paragraph (3), by striking ''employers (as defined'' and inserting ''subject to subsection (g), employers (as defined''; and

(2) by adding at the end the following new subsection:

''(g)(1) Beginning January 1, 2016, each quarterly wage report required to be submitted by an employer under subsection (a)(3) shall include such occupational information with respect to each employee of the employer that permits the classification of such employees into occupational categories as found in the Standard Occupational Classification (SOC) system.

''(2) The State agency receiving the occupational information described in paragraph (1) shall make such information available to the Secretary of Labor pursuant to procedures established by the Secretary of Labor.

''(3)(A)(i) The Secretary of Labor shall make occupational information submitted under paragraph (2) available to other State and Federal agencies, including the United States Census Bureau, the Bureau of Labor Statistics, and other State and Federal research agencies.

''(ii) Disclosure of occupational information under clause (i) shall be subject to the agency having safeguards in place that meet the requirements under paragraph (4).

''(4) The Secretary of Labor shall establish and implement safeguards for the dissemination and, subject to paragraph (5), the use of occupational information received under this subsection.

''(5) Occupational information received under this subsection shall only be used to classify employees into occupational categories as found in the Standard Occupational Classification (SOC) system and to analyze and evaluate occupations in order to improve the labor market for workers and industries.

''(6) The Secretary of Labor shall establish procedures to verify the accuracy of information received under paragraph (2).''.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall establish an advisory committee to advise the Secretary on the implementation of subsection (g) of section 1137 of the Social Security Act, as added by subsection (a).

(2) MEMBERSHIP.—The advisory committee shall include—

(A) State government officials, representatives of small, medium, and large businesses, representatives of labor organizations, labor market analysts, privacy and data experts, and non-profit stakeholders; and

(B) such other individuals determined appropriate by the Secretary of Labor.

(3) MEETINGS.—The advisory committee shall meet no less than annually.

(4) TERMINATION.—The advisory committee shall terminate on the date that is 3 years after the date of the first meeting of the committee.

SA 1329. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1743, strike lines 1 through 4, and insert the following:

SEC. 4408. J VISA ELIGIBILITY.

(a) SPEAKERS OF CERTAIN FOREIGN LANGUAGES.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

On page 1744, between lines 16 and 17, insert the following:

(c) SUMMER WORK TRAVEL PROGRAM EMPLOYMENT IN SEAFOOD PROCESSING.—Notwithstanding any other provision of law or regulation, including part 62 of title 22, Code of Federal Regulations or any proposed rule, the Secretary of State shall permit participants in the Summer Work Travel program described in section 62.32 of such title 22 who are admitted under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), as amended by subsection (a), to be employed in seafood processing positions in Alaska.

SA 1330. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

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

''(III) an offense, unless the applicant demonstrates to the Secretary, by clear and convincing evidence, that he or she is innocent of the offense, that he or she is the victim of such offense, or that no offense occurred, that—

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

''(bb) involved—

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

''(BB) child abuse and neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

SA 1331. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PREVENTING UNAUTHORIZED IMMIGRATION TRANSITING THROUGH MEXICO.

(a) IN GENERAL.—The Secretary of State, in conjunction with the Secretary of Homeland Security, shall develop and submit to Congress a strategy to address the unauthorized immigration of individuals who transit through Mexico.

(b) REQUIREMENTS.—The strategy developed under subsection (a) shall include specific steps—

(1) to enhance the training, resources, and professionalism of border and law enforcement officials in Mexico, Honduras, El Salvador, Guatemala, and other countries, as appropriate; and

(2) to educate nationals of the countries described in paragraph (1) about the perils of the journey to the United States, including how this Act will increase the likelihood of apprehension, increase criminal penalties associated with illegal entry, and make finding employment in the United States more difficult.

(c) IMPLEMENTATION OF STRATEGY.—In carrying out the strategy developed under subsection (a)—

(1) the Secretary of Homeland Security, in coordination with the Secretary of State, shall produce an educational campaign and disseminate information about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and

(2) the Secretary of State, in conjunction with the Secretary of Homeland Security, shall offer—

(A) training to border and law enforcement officials to enable these officials to operate more effectively, by using, to the greatest extent practicable, Department of Homeland Security personnel to conduct the training; and

(B) technical assistance and equipment to border officials, including computers, document readers, and other forms of technology that may be needed.

(d) AVAILABILITY OF FUNDS.—The Secretary of Homeland Security may use such sums as are necessary from the Comprehensive Immigration Trust Fund established under section 6(a)(1) to carry out this section.

SA 1332. Mr. PAUL 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. _____. CHANGES TO EXISTING VISA PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''No New Pathway to Citizenship Act''.

(b) REGISTERED PROVISIONAL IMMIGRANT STATUS SUSPENDED.—Notwithstanding any other provision of law, the Secretary shall not process applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act.

(c) BLUE CARD STATUS SUSPENDED.—Notwithstanding any other provision of law, the Secretary shall not process applications for blue card status pursuant to section 2211 of this Act.

(d) ALL NUMERICAL CAPS TO EMPLOYMENT-BASED IMMIGRANT AND NONIMMIGRANT VISA CATEGORIES SUSPENDED.—Notwithstanding any other provision of law, all numerical caps on the numbers of visas allowed to be issued in different categories of nonimmigrant visas and employment-based immigrant visas pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, are null and void.

(e) SUSPENSION OF GOVERNMENT MANDATED WAGES.—Notwithstanding any other provision of law, all wage requirements and authority in the Immigration and Nationality Act, as amended by this Act, are null and void.

(f) EMPLOYERS CERTIFY EMPLOYMENT NEEDS.—Notwithstanding any other provision of law, in the Immigration and Nationality Act, as amended by this Act, employers shall be permitted to certify to the Federal Government a numerical need for employees and shall be allowed visa allocations to fill the numbers requested by the employer.

(g) INDIVIDUALS ELIGIBLE FOR REGISTERED PROVISIONAL STATUS OR BLUE CARD STATUS ELIGIBLE FOR WORK VISA.—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall be deemed eligible for the existing immigrant and non-immigrant visa programs.

(h) NO BAR TO EXISTING ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall be allowed to file paperwork to adjust status from nonimmigrant to immigrant or any work visa status.

(i) TIME PERIOD FOR APPLICATION.—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall be and are prima facie eligible for a work visa and may not be removed by the Secretary for a period of 1 year after the date of the enactment of this Act and shall be allowed to apply for an existing visa.

(j) NO SPECIAL PREFERENCE FOR UNDOCUMENTED INDIVIDUALS PATHWAY TO CITIZENSHIP.—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall not be granted special preference with regard to permanent resident status or United States citizenship.

(k) APPLICANTS CAN STAY IN UNITED STATES WHILE APPLYING FOR VISA.—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall be allowed to apply for immigrant visas simultaneously without having to leave the country and subject to existing law, as amended by this Act, to petition for legal permanent resident status and citizenship if they qualify under this Act or the Immigration and Nationality Act, as amended.

(l) RULE OF CONSTRUCTION.—Section 245C(c)(2) of the Immigration and Nationality Act, as added by section 2102, shall apply to all persons eligible for the suspended registered provisional immigrant and suspended blue card status seeking to adjust status to that of an alien lawfully admitted for permanent residence.

(m) CAP ON REFUGEES AND ASYLEES.—Notwithstanding any other provision of law, the total cap on aliens admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and granted asylum under section 208 of such Act (8 U.S.C. 1158), as amended by this Act, shall be 50,000 per year.

(n) REFUGEES AND ASYLEES ELIGIBLE FOR WELFARE FOR ONE YEAR.—Notwithstanding any other provision of law, aliens admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or granted asylum under section 208 of such Act (8 U.S.C. 1158), as amended by this Act, shall not be eligible for any assistance, any Federal means tested welfare benefits, or the earned income tax credit under section 32 of the Internal Revenue Code of 1986, after the date that is 1 year after the date on which the alien is admitted to the United States under such section 207 or granted asylum under such section 208.

(o) REFUGEES AND ASYLEES BARRIERS TO WORK.—Notwithstanding any other provision of law, all Federal legal barriers to work for aliens admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and granted asylum under section 208 of such Act (8 U.S.C. 1158), as amended by this Act, shall be null and void.

SA 1333. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. PROHIBITION OF A NATIONAL IDENTIFICATION CARD OR A NATIONAL CITIZEN REGISTRY.

(a) SHORT TITLE.—This section may be cited as the ''Protect Our Privacy Act''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act, the amendments made by this Act, or any other provision of law may be construed as authorizing, directly or indirectly, the issuance, use, or establishment of a national identification card or system.

(c) LIMITATIONS ON IDENTIFICATION OF UNITED STATES CITIZENS.—

(1) BIOMETRIC INFORMATION.—United States citizens shall not be subject to any Federal or State law, mandate, or requirement that they provide photographs or biometric information without probable cause.

(2) PHOTO TOOL.—As used in section 274A of the Immigration and Nationality Act, as amended by section 3101, the term ''photo tool'' may not be construed to allow the Federal Government to require United States citizens to provide a photograph to the Federal Government, other than photographs for Federal employment identification documents and United States passports.

(3) BIOMETRIC SOCIAL SECURITY CARDS.—Notwithstanding section 3102, any other provision of this Act, the amendments made by this Act, or any other provision of law, the Federal Government may not require United States citizens to carry, or to be issued, a biometric social security card.

(4) CITIZEN REGISTRY.—Notwithstanding any provision of this Act, the amendments made by this Act, or any other law, the Federal Government is not authorized to create a de facto national registry of citizens.

SA 1334. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3103 and inserting the following:

SEC. 3103. EXTENSION OF IDENTITY THEFT OFFENSES.

(a) FRAUD AND RELATED ACTIVITIES RELATING TO IDENTIFICATION DOCUMENTS.—Section 1028 of title 18, United States Code, is amended in subsection (a)(7), by striking ''of another person'' and inserting ''that is not his or her own''.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A(a) of title 18, United States Code, is amended by striking ''of another person'' both places it appears and inserting ''that is not his or her own''.

On page 1452, between lines 21 and 22, insert the following:

(8) $300,000,000 to carry out title III and subtitles D and G of title IV and the amendments made by title III and such subtitles.

At the end of subtitle C of title III, add the following:

SEC. 3307. WAIVER OF FEDERAL LAWS WITH RESPECT TO BORDER SECURITY ACTIONS ON DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE LANDS.

(a) PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on Federal land located within 100 miles of an international land border that is under

the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, to execute search and rescue operations and to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—U.S. Customs and Border Protection shall have immediate access to Federal land within 100 miles of the international land border under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture for purposes of conducting the following activities on such land that prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States:

(1) Construction and maintenance of roads.

(2) Construction and maintenance of barriers.

(3) Use of vehicles to patrol, apprehend, or rescue.

(4) Installation, maintenance, and operation of communications and surveillance equipment and sensors.

(5) Deployment of temporary tactical infrastructure.

(c) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any termination date relating to the waiver referred to in this subsection), the waiver by the Secretary of Homeland Security on April 1, 2008, under section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104–208) of the laws described in paragraph (2) with respect to certain sections of the international border between the United States and Mexico and between the United States and Canada shall be considered to apply to all Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States for the activities of U.S. Customs and Border Protection described in subsection (c).

(2) DESCRIPTION OF LAWS WAIVED.—The laws referred to in paragraph (1) are limited to the Wilderness Act (16 U.S.C. 1131 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), Public Law 86–523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the ''Antiquities Act of 1906''; 16 U.S.C. 431 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), the National Park Service Organic Act (16 U.S.C. 1 et seq.), the General Authorities Act of 1970 (Public Law 91–383) (16 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625, 92 Stat. 3467), and the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628).

(d) PROTECTION OF LEGAL USES.—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or public-use recreational and backcountry airstrips on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) EFFECT ON STATE AND PRIVATE LAND.—This Act shall—

(1) have no force or effect on State or private lands; and

(2) not provide authority on or access to State or private lands.

(f) TRIBAL SOVEREIGNTY.—Nothing in this section supersedes, replaces, negates, or diminishes treaties or other agreements between the United States and Indian tribes.

(g) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report describing the extent to which implementation of this section has affected the operations of U.S. Customs and Border Protection in the year preceding the report.

Strike subtitle G of title III and insert the following:

Subtitle G—Interior Enforcement

SEC. 3700. SHORT TITLE.

This subtitle may be cited as the ''Strengthen and Fortify Enforcement Act'' or the ''SAFE Act''.

CHAPTER 1—IMMIGRATION LAW ENFORCEMENT BY STATES AND LOCALITIES

SEC. 3701. DEFINITION AND SEVERABILITY.

(a) STATE DEFINED.—For the purposes of this chapter, the term ''State'' has the meaning given to such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(b) SEVERABILITY.—If any provision of this chapter, or the application of such provision to any person or circumstance, is held invalid, the remainder of this chapter, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SEC. 3702. IMMIGRATION LAW ENFORCEMENT BY STATES AND LOCALITIES.

(a) IN GENERAL.—Subject to section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)), States, or political subdivisions of States, may enact, implement and enforce criminal penalties that penalize the same conduct that is prohibited in the criminal provisions of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), as long as the criminal penalties do not exceed the relevant Federal criminal penalties. States, or political subdivisions of States, may enact, implement and enforce civil penalties that penalize the same conduct that is prohibited in the civil violations of immigration laws (as defined in such section 101(a)(17)), as long as the civil penalties do not exceed the relevant Federal civil penalties.

(b) LAW ENFORCEMENT PERSONNEL.—Law enforcement personnel of a State, or of a political subdivision of a State, may investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens for the purposes of enforcing the immigration laws of the United States to the same extent as Federal law enforcement personnel. Law enforcement personnel of a State, or of a political subdivision of a State, may also investigate, identify, apprehend, arrest, or detain aliens for the purposes of enforcing the immigration laws of a State or of a political subdivision of State, as long as those immigration laws are permissible under this section. Law enforcement personnel of a State, or of a political subdivision of a State, may not remove aliens from the United States.

SEC. 3703. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of the enactment of this Act and periodically thereafter as updates may require, the Secretary shall provide the National Crime Information Center of the Department of Justice with all information that the Secretary may possess regarding any alien against whom a final order of removal has been issued, any alien who has entered into a voluntary departure agreement, any alien who has overstayed their authorized period of stay, and any alien whose visas has been revoked. The National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available with respect to the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—

(1) IN GENERAL.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations by aliens of the immigration laws of the United States, regardless of whether any such alien has received notice of the violation or whether sufficient identifying information is available with respect to any such alien or whether any such alien has already been removed from the United States; and''.

(2) EFFECTIVE DATE.—The Attorney General and the Secretary shall ensure that the amendment made by paragraph (1) is implemented by not later than 6 months after the date of the enactment of this Act.

SEC. 3704. TECHNOLOGY ACCESS.

States shall have access to Federal programs or technology directed broadly at identifying inadmissible or deportable aliens.

SEC. 3705. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ALIENS.

(a) PROVISION OF INFORMATION.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), each State, and each political subdivision of a State, shall provide the Secretary in a timely manner with the information specified in subsection (b) with respect to each alien apprehended in the jurisdiction of the State, or in the political subdivision of the State, who is believed to be inadmissible or deportable.

(b) INFORMATION REQUIRED.—The information referred to in subsection (a) is as follows:

(1) The alien's name.

(2) The alien's address or place of residence.

(3) A physical description of the alien.

(4) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(5) If applicable, the alien's driver's license number and the State of issuance of such license.

(6) If applicable, the type of any other identification document issued to the alien, any

designation number contained on the identification document, and the issuing entity for the identification document.

(7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.

(8) A photo of the alien, if available or readily obtainable.

(9) The alien's fingerprints, if available or readily obtainable.

(c) ANNUAL REPORT ON REPORTING.—The Secretary shall maintain and annually submit to the Congress a detailed report listing the States, or the political subdivisions of States, that have provided information under subsection (a) in the preceding year.

(d) REIMBURSEMENT.—The Secretary shall reimburse States, and political subdivisions of a State, for all reasonable costs, as determined by the Secretary, incurred by the State, or the political subdivision of a State, as a result of providing information under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) CONSTRUCTION.—Nothing in this section shall require law enforcement officials of a State, or of a political subdivision of a State, to provide the Secretary with information related to a victim of a crime or witness to a criminal offense.

(g) EFFECTIVE DATE.—This section shall take effect on the date that is 120 days after the date of the enactment of this Act and shall apply with respect to aliens apprehended on or after such date.

SEC. 3706. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING AND PROCESSING CERTAIN ALIENS.—From amounts made available to make grants under this section, the Secretary shall make grants to States, and to political subdivisions of States, for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting aliens who are inadmissible or deportable, including additional administrative costs incurred under this chapter.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State, or a political subdivision of a State, must have the authority to, and shall have a written policy and a practice to, assist in the enforcement of the immigration laws of the United States in the course of carrying out the routine law enforcement duties of such State or political subdivision of a State. Entities covered under this section may not have any policy or practice that prevents local law enforcement from inquiring about a suspect's immigration status.

(c) FUNDING.—There is authorized to be appropriated for grants under this section such sums as may be necessary for fiscal year 2014 and each subsequent fiscal year.

(d) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States, and to political subdivisions of a State, under subsection (a).

SEC. 3707. INCREASED FEDERAL DETENTION SPACE.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, detention facilities in the United States, for aliens detained pending removal from the United States or a decision regarding such removal. Each facility shall have a number of beds necessary to effectuate this purposes of this chapter.

(2) DETERMINATIONS.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

SEC. 3708. FEDERAL CUSTODY OF INADMISSIBLE AND DEPORTABLE ALIENS IN THE UNITED STATES APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) STATE APPREHENSION.—

(1) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 240C the following:

''CUSTODY OF INADMISSIBLE AND DEPORTABLE ALIENS PRESENT IN THE UNITED STATES

''SEC. 240D. (a) TRANSFER OF CUSTODY BY STATE AND LOCAL OFFICIALS.—If a State, or a political subdivision of the State, exercising authority with respect with respect to the apprehension or arrest of an inadmissible or deportable alien submits to the Secretary of Homeland Security a request that the alien be taken into Federal custody, notwithstanding any other provision of law, regulation, or policy the Secretary—

''(1) shall take the alien into custody not later than 48 hours after the detainer has been issued following the conclusion of the State or local charging process or dismissal process, or if no State or local charging or dismissal process is required, the Secretary should issue a detainer and take the alien into custody not later than 48 hours after the alien is apprehended; and

''(2) shall request that the relevant State or local law enforcement agency temporarily hold the alien in their custody or transport the alien for transfer to Federal custody.

''(b) POLICY ON DETENTION IN FEDERAL, CONTRACT, STATE, OR LOCAL DETENTION FACILITIES.—In carrying out section 241(g)(1), the Attorney General or Secretary of Homeland Security shall ensure that an alien arrested under this title shall be held in custody, pending the alien's examination under this section, in a Federal, contract, State, or local prison, jail, detention center, or other comparable facility. Notwithstanding any other provision of law, regulation or policy, such facility is adequate for detention, if—

''(1) such a facility is the most suitably located Federal, contract, State, or local facility available for such purpose under the circumstances;

''(2) an appropriate arrangement for such use of the facility can be made; and

''(3) the facility satisfies the standards for the housing, care, and security of persons held in custody by a United States Marshal.

''(c) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse a State, and a political subdivision of a State, for all reasonable expenses, as determined by the Secretary, incurred by the State, or political subdivision, as a result of the incarceration and transportation of an alien who is inadmissible or deportable as described in subsections (a) and (b). Compensation provided for costs incurred under such subsections shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State, or of a political subdivision of a State, plus the cost of transporting the alien from the point of apprehension to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

''(d) SECURE FACILITIES.—The Secretary of Homeland Security shall ensure that aliens incarcerated pursuant to this title are held in facilities that provide an appropriate level of security.

''(e) TRANSFER.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transfer of apprehended aliens from the custody of States, and political subdivisions of a State, to Federal custody.

''(2) CONTRACTS.—The Secretary may enter into contracts, including appropriate private contracts, to implement this subsection.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 240C the following new item:

''Sec. 240D. Custody of aliens unlawfully present in the United States.''.

(b) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of compensation to States, and to political subdivisions of a State, for the incarceration of inadmissible or deportable aliens under section 240D(a) of the Immigration and Nationality Act (as added by subsection (a)(1)).

(c) EFFECTIVE DATE.—Section 240D of the Immigration and Nationality Act, as added by subsection (a), shall take effect on the date of the enactment of this Act, except that subsection (e) of such section shall take effect on the date that is 120 day after the date of the enactment of this Act.

SEC. 3709. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) ESTABLISHMENT OF TRAINING MANUAL AND POCKET GUIDE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish—

(1) a training manual for law enforcement personnel of a State, or of a political subdivision of a State, to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of inadmissible and deportable aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State, or of a political subdivision of a State, to provide a quick reference for such personnel in the course of duty.

(b) AVAILABILITY.—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) APPLICABILITY.—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide with them while on duty.

(d) COSTS.—The Secretary shall be responsible for any costs incurred in establishing the training manual and pocket guide.

(e) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a

training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of this Act, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) CLARIFICATION.—Nothing in this chapter or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws.

(4) PRIORITY.—In carrying out this subsection, priority funding shall be given for existing web-based immigration enforcement training systems.

SEC. 3710. IMMUNITY.

Notwithstanding any other provision of law, a law enforcement officer of a State or local law enforcement agency who is acting within the scope of the officer's official duties shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the performance of any duty described in this chapter, including the authorities to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody, an alien for the purposes of enforcing the immigration laws of the United States (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) or the immigration laws of a State or a political subdivision of a State.

SEC. 3711. CRIMINAL ALIEN IDENTIFICATION PROGRAM.

(a) CONTINUATION AND EXPANSION.—

(1) IN GENERAL.—The Secretary shall continue to operate and implement a program that—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens (pursuant to the State Criminal Alien Assistance Program authorized under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or other similar program) shall—

(A) cooperate with officials of the program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition of receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State, or of a political subdivision of a State, are authorized to—

(1) hold a criminal alien for a period of up to 14 days after the alien has completed the alien's sentence under State or local law in order to effectuate the transfer of the alien to Federal custody when the alien is inadmissible or deportable; or

(2) issue a detainer that would allow aliens who have served a prison sentence under State or local law to be detained by the State or local prison or jail until the Secretary can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as video conferencing, shall be used to the maximum extent practicable in order to make the program available in remote locations. Mobile access to Federal databases of aliens and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) EFFECTIVE DATE.—This section shall take effect of the date of the enactment of this Act, except that subsection (a)(2) shall take effect on the date that is 180 days after such date.

SEC. 3712. CLARIFICATION OF CONGRESSIONAL INTENT.

Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (1) by striking ''may enter'' and all that follows through the period at the end and inserting the following: ''shall enter into a written agreement with a State, or any political subdivision of a State, upon request of the State or political subdivision, pursuant to which an officer or employee of the State or subdivision, who is determined by the Secretary to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to extent consistent with State and local law. No request from a bona fide State or political subdivision or bona fide law enforcement agency shall be denied absent a compelling reason. No limit on the number of agreements under this subsection may be imposed. The Secretary shall process requests for such agreements with all due haste, and in no case shall take not more than 90 days from the date the request is made until the agreement is consummated.'';

(2) by redesignating paragraph (2) as paragraph (5) and paragraphs (3) through (10) as paragraphs (7) through (14), respectively;

(3) by inserting after paragraph (1) the following:

''(2) An agreement under this subsection shall accommodate a requesting State or political subdivision with respect to the enforcement model or combination of models, and shall accommodate a patrol model, task force model, jail model, any combination thereof, or any other reasonable model the State or political subdivision believes is best suited to the immigration enforcement needs of its jurisdiction.

''(3) No Federal program or technology directed broadly at identifying inadmissible or deportable aliens shall substitute for such agreements, including those establishing a jail model, and shall operate in addition to any agreement under this subsection.

''(4)(A) No agreement under this subsection shall be terminated absent a compelling reason.

''(B)(i) The Secretary shall provide a State or political subdivision written notice of intent to terminate at least 180 days prior to date of intended termination, and the notice shall fully explain the grounds for termination, along with providing evidence substantiating the Secretary's allegations.

''(ii) The State or political subdivision shall have the right to a hearing before an administrative law judge and, if the ruling is against the State or political subdivision, to appeal the ruling to the Federal Circuit Court of Appeals and, if the ruling is against the State or political subdivision, to the Supreme Court.

''(C) The agreement shall remain in full effect during the course of any and all legal proceedings.''; and

(4) by inserting after paragraph (5) (as redesignated) the following:

''(6) The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness and the Federal Law Enforcement Training Center, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. Distance learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of this Act, shall be made available by the COPS Office of the Department of Justice and the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel. Preference shall be given to private sector-based web-based immigration enforcement training programs for which the Federal Government has already provided support to develop.''.

SEC. 3713. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended—

(1) by striking ''Attorney General'' the first place such term appears and inserting ''Secretary of Homeland Security'';

(2) by striking ''Attorney General'' each place such term appears thereafter and inserting ''Secretary'';

(3) in paragraph (3)(A), by inserting ''charged with or'' before ''convicted''; and

(4) by amending paragraph (5) to read as follows:

''(5) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2014 and each subsequent fiscal year.''.

SEC. 3714. STATE VIOLATIONS OF ENFORCEMENT OF IMMIGRATION LAWS.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking ''Immigration and Naturalization Service'' in each place it appears and inserting ''Department of Homeland Security'';

(2) in subsection (a), by striking ''may'' and inserting ''shall'';

(3) in subsection (b)—

(A) by striking ''no person or agency may'' and inserting ''a person or agency shall not'';

(B) by striking ''doing any of the following with respect to information'' and inserting ''undertaking any of the following law enforcement activities''; and

(C) by striking paragraphs (1) through (3) and inserting the following:

''(1) Notifying the Federal Government regarding the presence of inadmissible and deportable aliens who are encountered by law enforcement personnel of a State or political subdivision of a State.

''(2) Complying with requests for information from Federal law enforcement.

''(3) Complying with detainers issued by the Department of Homeland Security.

''(4) Issuing policies in the form of a resolutions, ordinances, administrative actions, general or special orders, or departmental policies that violate Federal law or restrict a State or political subdivision of a State from complying with Federal law or coordinating with Federal law enforcement.''; and

(4) by adding at the end the following:

''(d) COMPLIANCE.—

''(1) IN GENERAL.—A State, or a political subdivision of a State, that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a

political subdivision of the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not be eligible to receive—

''(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or the 'Cops on the Beat' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.); or

''(B) any other law enforcement or Department of Homeland Security grant.

''(2) ANNUAL DETERMINATION.—The Secretary shall determine annually which State or political subdivision of a State are not in compliance with section and shall report such determinations to Congress on March 1 of each year.

''(3) REPORTS.—The Attorney General shall issue a report concerning the compliance of any particular State or political subdivision at the request of the House or Senate Judiciary Committee. Any jurisdiction that is found to be out of compliance shall be ineligible to receive Federal financial assistance as provided in paragraph (1) for a minimum period of 1 year, and shall only become eligible again after the Attorney General certifies that the jurisdiction is in compliance.

''(4) REALLOCATION.—Any funds that are not allocated to a State or to a political subdivision of a State, due to the failure of the State, or of the political subdivision of the State, to comply with subsection (c) shall be reallocated to States, or to political subdivisions of States, that comply with such subsection.

''(e) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that subsection (d) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), as added by this section, shall take effect beginning one year after the date of the enactment of this Act.

SEC. 3715. CLARIFYING THE AUTHORITY OF ICE DETAINERS.

Except as otherwise provided by Federal law or rule of procedure, the Secretary shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute the Secretary's duties.

CHAPTER 2—NATIONAL SECURITY

SEC. 3721. REMOVAL OF, AND DENIAL OF BENEFITS TO, TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''if the Attorney General''; and

(2) by amending clause (v) to read as follows:

''(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3), unless, in the case of an alien described in subparagraph (IV), (V), or (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or''.

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) of such Act (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) of such Act (8 U.S.C. 1229c(b)(1)(C)) is amended by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4);'' and inserting ''described in paragraph (2)(A)(iii) or (4) of section 237(a);''.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) of such Act (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' wherever that term appears;

(2) in clause (iii), by striking ''or'' at the end;

(3) in clause (iv), by striking the period at the end and inserting ''; or'';

(4) by inserting after clause (iv) the following:

''(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3), unless, in the case of an alien described in subparagraph (IV), (V), or (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States.''; and

(5) by striking the final sentence.

(e) RECORD OF ADMISSION.—

(1) IN GENERAL.—Section 249 of such Act (8 U.S.C. 1259) is amended to read as follows:

''RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972

''SEC. 249. The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

''(1) entered the United States before January 1, 1972;

''(2) has continuously resided in the United States since such entry;

''(3) has been a person of good moral character since such entry;

''(4) is not ineligible for citizenship;

''(5) is not described in paragraph (1)(A)(iv), (2), (3), (6)(C), (6)(E), or (8) of section 212(a); and

''(6) did not, at any time, without reasonable cause fail or refuse to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability.

Such recordation shall be effective as of the date of approval of the application or as of the date of entry if such entry occurred prior to July 1, 1924.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by amending the item relating to section 249 to read as follows:

''Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to January 1, 1972.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and sections 208(b)(2)(A), 212(a), 240A, 240B, 241(b)(3), and 249 of the Immigration and Nationality Act, as so amended, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2) of this subsection, acts and conditions constituting a ground for exclusion, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 3722. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(2) by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or Attorney General determines to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(3) in paragraph (9) (as redesignated), by inserting '', regardless whether the crime was classified as an aggravated felony at the time of conviction, except that the Secretary of Homeland Security or Attorney General may, in the unreviewable discretion of the Secretary or Attorney General, determine that this paragraph shall not apply in the case of a single aggravated felony conviction (other than murder, manslaughter, homicide, rape, or any sex offense when the victim of such sex offense was a minor) for which completion of the term of imprisonment or the sentence (whichever is later) occurred 10 or more years prior to the date of application'' after ''(as defined in subsection (a)(43))''; and

(4) by striking the first sentence the follows paragraph (10) (as redesignated) and inserting following: ''The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good moral character. The Secretary or the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.''

(b) AGGRAVATED FELONS.—Section 509(b) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

''(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 29, 1990, and shall apply to convictions occurring before, on or after such date.''.

(c) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM ACT.—Section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking ''adding at the end'' and inserting ''inserting after paragraph (8)''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of enactment of this Act, shall apply to any act that occurred before, on, or after such date and shall apply to any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws pending on or filed after such date. The amendments made by subsection (c) shall take effect as if enacted in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

SEC. 3723. TERRORIST BAR TO NATURALIZATION.

(a) NATURALIZATION OF PERSONS ENDANGERING THE NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1426) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—No person shall be naturalized who the Secretary of Homeland Security determines to have been at any time an alien

described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information.''.

(b) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended by striking ''other Act;'' and inserting ''other Act; and no application for naturalization shall be considered by the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced: *Provided*, That the findings of the Attorney General in terminating removal proceedings or in canceling the removal of an alien pursuant to the provisions of this Act, shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established his eligibility for naturalization as required by this title;''.

(c) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could (whether directly or indirectly) result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(d) CONDITIONAL PERMANENT RESIDENTS.—Sections 216(e) and section 216A(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e) and 1186b(e)) are each amended by striking the period at the end and inserting '', if the alien has had the conditional basis removed pursuant to this section.''.

(e) DISTRICT COURT JURISDICTION.—Subsection 336(b) of the Immigration and Nationality Act, 8 U.S.C. 1447(b), is amended to read as follows:

''(b) If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section, as such terms are defined by the Secretary of Homeland Security pursuant to regulations, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary's determination on the application.''.

(f) CONFORMING AMENDMENT.—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than the date that is 120 days after the Secretary of Homeland Security's final determination,'' after ''seek''; and

(2) by striking the second sentence and inserting the following: ''The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for naturalization, an alien is a person of good moral character, whether the alien understands and is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed after, such date.

SEC. 3724. DENATURALIZATION FOR TERRORISTS.

(a) IN GENERAL.—Section 340 of the Immigration and Nationality Act is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (e) the following:

''(f)(1) If a person who has been naturalized participates in any act described in paragraph (2), the Attorney General is authorized to find that, as of the date of such naturalization, such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and upon such finding shall set aside the order admitting such person to citizenship and cancel the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

''(2) The acts described in this paragraph are the following:

''(A) Any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means.

''(B) Engaging in a terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B)).

''(C) Incitement of terrorist activity under circumstances indicating an intention to cause death or serious bodily harm.

''(D) Receiving military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in section 212(a)(3)(B)(vi)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur on or after such date.

SEC. 3725. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Department of Justice,'' and inserting ''Department of Homeland Security,'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) the following:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.''; and

(5) in subparagraph (D), as redesignated, by striking ''Service'' and inserting ''Department of Homeland Security''.

(b) ADJUSTMENT OF STATUS UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)), is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Department of Justice,'' and inserting ''Department of Homeland Security,'';

(3) by amending subparagraph (C) to read as follows:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may provide, in his discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.''; and

(4) in subparagraph (D), striking ''Service'' and inserting ''Department of Homeland Security''.

SEC. 3726. BACKGROUND AND SECURITY CHECKS.

(a) REQUIREMENT TO COMPLETE BACKGROUND AND SECURITY CHECKS.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h) Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of Public Law 107–173, sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security, the Attorney General, nor any court may—

''(1) grant, or order the grant of or adjudication of an application for adjustment of status to that of an alien lawfully admitted for permanent residence;

''(2) grant, or order the grant of or adjudication of an application for United States citizenship or any other status, relief, protection from removal, employment authorization, or other benefit under the immigration laws;

''(3) grant, or order the grant of or adjudication of, any immigrant or nonimmigrant petition; or

''(4) issue or order the issuance of any documentation evidencing or related to any such grant, until such background and security checks as the Secretary may in his discretion require have been completed or updated to the satisfaction of the Secretary.

''(i) Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of Public Law 107–173, sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security nor the Attorney General may be required to—

''(1) grant, or order the grant of or adjudication of an application for adjustment of status to that of an alien lawfully admitted for permanent residence,

''(2) grant, or order the grant of or adjudication of an application for United States citizenship or any other status, relief, protection from removal, employment authorization, or other benefit under the immigration laws,

''(3) grant, or order the grant of or adjudication of, any immigrant or nonimmigrant petition, or

''(4) issue or order the issuance of any documentation evidencing or related to any such grant, until any suspected or alleged materially false information, material misrepresentation or omission, concealment of a material fact, fraud or forgery, counterfeiting, or alteration, or falsification of a document, as determined by the Secretary, relating to the adjudication of an application or petition for any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been investigated and resolved to the Secretary's satisfaction.

''(j) Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to require any of the acts in subsection (h) or (i) to be completed by a certain time or award any relief for failure to complete or delay in completing such acts.''.

(b) CONSTRUCTION.—

(1) IN GENERAL.—Chapter 4 of title III of the Immigration and Nationality Act (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''CONSTRUCTION

''SEC. 362. (a) IN GENERAL.—Nothing in this Act or any other law, except as provided in subsection (d), shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer to grant any application, approve any petition, or grant or continue any relief, protection from removal, employment authorization, or any other status or benefit under the immigration laws by, to, or on behalf of—

''(1) any alien deemed by the Secretary to be described in section 212(a)(3) or section 237(a)(4); or

''(2) any alien with respect to whom a criminal or other proceeding or investigation is open or pending (including, but not limited to, issuance of an arrest warrant, detainer, or indictment), where such proceeding or investigation is deemed by the official described in subsection (a) to be material to the alien's eligibility for the status or benefit sought.

''(b) DENIAL OR WITHHOLDING OF ADJUDICATION.—An official described in subsection (a) may, in the discretion of the official, deny (with respect to an alien described in paragraph (1) or (2) of subsection (a)) or withhold adjudication of pending resolution of the investigation or case (with respect to an alien described in subsection (a)(2) of this section) any application, petition, relief, protection from removal, employment authorization, status or benefit.

''(c) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to deny or withhold adjudication pursuant to subsection (b) of this section.

''(d) WITHHOLDING OF REMOVAL AND TORTURE CONVENTION.—This section does not limit or modify the applicability of section 241(b)(3) or the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277) with respect to an alien otherwise eligible for protection under such provisions.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 361 the following:

''362. Construction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for immigration benefits pending on or after such date.

SEC. 3727. TECHNICAL AMENDMENTS RELATING TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) TRANSIT WITHOUT VISA PROGRAM.—Section 7209(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking ''the Secretary, in conjunction with the Secretary of Homeland Security,'' and inserting ''the Secretary of Homeland Security, in consultation with the Secretary of State,''.

(b) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—Section 7201(c)(1) of such Act is amended by inserting ''and the Department of State'' after ''used by the Department of Homeland Security''.

CHAPTER 3—REMOVAL OF CRIMINAL ALIENS

SEC. 3731. DEFINITION OF AGGRAVATED FELONY AND CONVICTION.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), or any offense of a sexual nature involving a victim under the age of 18 years;'';

(3) in subparagraph (I), by striking ''or 2252'' and inserting ''2252, or 2252A''.

(4) in subparagraph (F), by striking ''at least one year;'' and inserting ''is at least one year, except that if the conviction records do not conclusively establish whether a crime constitutes a crime of violence, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence;''

(5) in subparagraph (N), by striking paragraph ''(1)(A) or (2) of'';

(6) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(7) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense.''; and

(8) by striking the undesignated matter following subparagraph (U).

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) of such Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) Any reversal, vacatur, expungement, or modification to a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a determination of guilt or of a guilty plea (except in the case of a guilty plea that was made on or after March 31, 2010, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a determination of guilt or of a guilty plea (except in the case of a guilty plea that was made on or after March 31, 2010), except where the alien establishes a pardon consistent with section 237(a)(2)(A)(vi).''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by subsection (a)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to any act or conviction that occurred before, on, or after such date.

(2) APPLICATION OF IIRIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 3732. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subparagraph (a)(2)(A)(i)—

(A) in subclause (I), by striking ''or'' at the end;

(B) in subclause (II), by adding ''or'' at the end; and

(C) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) an offense described in section 408 of title 42, United States Code (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information);''.

(2) by adding at the end of subsection (a)(2) the following :

''(J) PROCUREMENT OF CITIZENSHIP OR NATURALIZATION UNLAWFULLY.—Any alien convicted of, or who admits having committed,

or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the procurement of citizenship or naturalization unlawfully) is inadmissible.

''(K) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(M) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS, CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.

''(iii) WAIVER AUTHORIZED.—The waiver authority available under section 237(a)(7) with respect to section 237(a)(2)(E)(i) shall be available on a comparable basis with respect to this subparagraph.

''(iv) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence.''; and

(3) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or the Secretary, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (K), and (M) of subsection (a)(2)'';

(B) by striking ''a criminal act involving torture.'' and inserting ''a criminal act involving torture, or has been convicted of an aggravated felony.'';

(C) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' and inserting ''if since the date of such admission the alien''; and

(D) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' wherever that phrase appears.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by inserting ''or'' at the end; and

(3) by inserting after clause (iii) the following:

''(iv) of a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of Title 18 (relating to the procurement of citizenship or naturalization unlawfully),''.

(c) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) Any alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) section 408 of title 42, United States Code (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification) is deportable.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(e) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act where such eligibility did not exist before these amendments became effective.

SEC. 3733. ESPIONAGE CLARIFICATION.

Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)), is amended to read as follows:

''(A) Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in, or who is engaged in, or with respect to clauses (i) and (iii) of this subparagraph has engaged in—

''(i) any activity—

''(I) to violate any law of the United States relating to espionage or sabotage; or

''(II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information;

''(ii) any other unlawful activity; or

''(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means;

is inadmissible.''.

SEC. 3734. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended by striking ''No person'' through the period at the end and inserting the following: ''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) and 75 (relating to passport, visa, and immigration offenses), or for a violation of any criminal provision of sections 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.''.

SEC. 3735. CONFORMING AMENDMENT TO THE DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking ''section 1542'' through ''section 1546 (relating to fraud and misuse of visas, permits, and other documents)'' and inserting ''sections 1541-1548 (relating to passports and visas)''.

SEC. 3736. CONFORMING AMENDMENTS FOR THE AGGRAVATED FELONY DEFINITION.

(a) IN GENERAL.—Subparagraph (P) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in any section of chapter 75 of title 18, United States Code,''; and

(2) by inserting after ''first offense'' the following: ''(i) that is not described in section 1548 of such title (relating to increased penalties), and (ii)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3737. PRECLUDING REFUGEE OR ASYLEE ADJUSTMENT OF STATUS FOR AGGRAVATED FELONS.

(a) IN GENERAL.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by adding at the end thereof the following: ''However, an alien who is convicted of an aggravated felony is not eligible for a waiver or for adjustment of status under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. 3738. INADMISSIBILITY AND DEPORTABILITY OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (T), by striking ''and'';

(2) in subparagraph (U); by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (U) the following:.

''(V) A second conviction for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) without regard to whether the conviction is classified as a misdemeanor or felony under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply to convictions entered on or after such date.

SEC. 3739. DETENTION OF DANGEROUS ALIENS.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of the following:

''(i) The date the order of removal becomes administratively final.

''(ii) If the alien is not in the custody of the Secretary on the date the order of removal becomes administratively final, the date the alien is taken into such custody.

''(iii) If the alien is detained or confined (except under an immigration process) on the date the order of removal becomes administratively final, the date the alien is taken into the custody of the Secretary, after the alien is released from such detention or confinement.'';

(3) in paragraph (1), by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—

''(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period if—

''(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal;

''(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

''(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

''(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

''(ii) RENEWAL.—If the removal period has been extended under clause (C)(i), a new removal period shall be deemed to have begun on the date—

''(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order;

''(II) the stay of removal is no longer in effect; or

''(III) the alien is returned to the custody of the Secretary.

''(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—In the case of an alien described in subparagraphs (A) through (D) of section 236(c)(1), the Secretary shall keep that alien in detention during the extended period described in clause (i).

''(iv) SOLE FORM OF RELIEF.—An alien may seek relief from detention under this subparagraph only by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(4) in paragraph (3)—

(A) by adding after ''If the alien does not leave or is not removed within the removal period'' the following: ''or is not detained pursuant to paragraph (6) of this subsection''; and

(B) by striking subparagraph (D) and inserting the following:

''(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(5) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(6) by striking paragraph (6) and inserting the following:

''(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—For an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall have no right to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien beyond the 90 days authorized in clause (i)—

''(I) until the alien is removed, if the Secretary, in the Secretary's sole discretion, determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent removal;

''(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(III) pending a certification under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in paragraph (1)(C)).

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall have no right to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody, if removal becomes likely in the reasonably foreseeable future, the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary, in the Secretary's sole discretion, determines that the alien can be detained under subparagraph (B). This section shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.''.

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) CLERICAL AMENDMENT.—(A) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking ''Attorney General'' each place it appears (except in the second place that term appears in section 236(a)) and inserting ''Secretary of Homeland Security''.

(B) Section 236(a) of such Act (8 U.S.C. 1226(a)) is amended by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General—''.

(C) Section 236(e) of such Act (8 U.S.C. 1226(e)) is amended by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''.

(2) LENGTH OF DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, an alien may be detained under this section for any period, without limitation, except as provided in subsection (h), until the alien is subject to a final order of removal.

''(2) CONSTRUCTION.—The length of detention under this section shall not affect detention under section 241.''.

(3) DETENTION OF CRIMINAL ALIENS.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)) is amended, in the matter following subparagraph (D) to read as follows:

''any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.''.

(4) ADMINISTRATIVE REVIEW.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by paragraph (2), is further amended by adding at the end the following:

''(g) ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—The Attorney General's review of the Secretary's custody determinations under subsection (a) for the following classes of aliens shall be limited to whether the alien may be detained, released on bond (of at least $1,500 with security approved by the Secretary), or released with no bond:

''(A) Aliens in exclusion proceedings.

''(B) Aliens described in section 212(a)(3) or 237(a)(4).

''(C) Aliens described in subsection (c).

''(2) SPECIAL RULE.—The Attorney General's review of the Secretary's custody determinations under subsection (a) for aliens in deportation proceedings subject to section 242(a)(2) of the Act (as in effect prior to April 1, 1997, and as amended by section 440(c) of Public Law 104–132) shall be limited to a determination of whether the alien is properly included in such category.

''(h) RELEASE ON BOND.—

''(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a risk to another person or the community.

''(2) CERTAIN ALIENS INELIGIBLE.—No alien detained under subsection (c) may seek release on bond.''.

(5) CLERICAL AMENDMENTS.—(A) Section 236(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)(B)) is amended by striking ''conditional parole'' and inserting ''recognizance''.

(B) Section 236(b) of such Act (8 U.S.C. 1226(b)) is amended by striking ''parole'' and inserting ''recognizance''.

(c) SEVERABILITY.—If any of the provisions of this section or any amendment by this section, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this section and of amendments made by this section, and the application of the provisions and of the amendments made by this section to any other person or circumstance shall not be affected by such holding.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall take effect upon the date of enactment of this Act, and section 241 of the Immigration and Nationality Act, as so amended, shall in addition apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after such date.

(2) The amendments made by subsection (b) shall take effect upon the date of the enactment of this Act, and section 236 of the Immigration and Nationality Act, as so amended, shall in addition apply to any alien in detention under provisions of such section on or after such date.

SEC. 3740. GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS.

(a) DEFINITION OF GANG MEMBER.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons that has as one of its primary purposes the commission of 1 or more of the following criminal offenses and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses, or that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting these criteria. The offenses described, whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, are the following:

''(i) A 'felony drug offense' (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(ii) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(iii) A crime of violence (as defined in section 16 of title 18, United States Code).

''(iv) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(v) Any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(vi) A conspiracy to commit an offense described in clauses (i) through (v).

''(B) Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph.''.

(b) INADMISSIBILITY.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)), as amended by section 302(a)(2) of this Act, is further amended by adding at the end the following:

''(N) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is inadmissible who a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

''(i) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)); or

''(ii) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by section 302(c) of this Act, is further amended by adding at the end the following:

''(H) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

''(i) is or has been a member of a criminal gang (as defined in section 101(a)(53)); or

''(ii) has participated in the activities of a criminal gang (as so defined), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(d) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after section 219 the following:

''DESIGNATION

''SEC. 220. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, and the Secretary of State may designate a groups or association as a criminal street gangs if their conduct is described in section 101(a)(53) or if the group or association conduct poses a significant risk that threatens the security and the public safety of United States nationals or the national security, homeland security, foreign policy, or economy of the United States.

''(b) EFFECTIVE DATE.—Designations under subsection (a) shall remain in effect until the designation is revoked after consultation

between the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 219 the following:

''220. Designation.''.

(e) MANDATORY DETENTION OF CRIMINAL STREET GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(A) by inserting ''or 212(a)(2)(N)'' after ''212(a)(3)(B)''; and

(B) by inserting ''or 237(a)(2)(H)'' before ''237(a)(4)(B)''.

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by paragraph (1).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i) or who is'' after ''to an alien''.

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i) (relating to participation in criminal street gangs); or''.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of such Act (8 U.S.C. 1254a) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (c)(2)(B), by adding at the end the following:

''(iii) the alien is, or at any time after admission has been, a member of a criminal gang (as defined in section 101(a)(53)).''; and

(3) in subsection (d)——

(A) by striking paragraph (3); and

(B) in paragraph (4), by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3741. LAUNDERING OF MONETARY INSTRUMENTS.

(a) ADDITIONAL PREDICATE OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''; and

(2) by inserting ''section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),'' after ''section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),''.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1) so that subparagraph (B) reads as follows:

''(B) knowing that the transaction—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''; and

(2) in paragraph (2) so that subparagraph (B) reads as follows:

''(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''.

SEC. 3742. INCREASED CRIMINAL PENALTIES RELATING TO ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), is amended to read as follows:

''SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

''(a) CRIMINAL OFFENSES AND PENALTIES.—

''(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

''(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

''(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

''(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or lawful authority;

''(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

''(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

''(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

''(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

''(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1) shall, for each alien in respect to whom a violation of paragraph (1) occurs—

''(A) except as provided in subparagraphs (C) through (G), if the violation was not committed for commercial advantage, profit, or private financial gain, be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

''(B) except as provided in subparagraphs (C) through (G), if the violation was committed for commercial advantage, profit, or private financial gain—

''(i) be fined under such title, imprisoned for not more than 20 years, or both, if the violation is the offender's first violation under this subparagraph; or

''(ii) be fined under such title, imprisoned for not more than 25 years, or both, if the violation is the offender's second or subsequent violation of this subparagraph;

''(C) if the violation furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under such title, imprisoned for not more than 20 years, or both;

''(D) be fined under such title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

''(i) transporting the person in an engine compartment, storage compartment, or other confined space;

''(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

''(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

''(E) if the violation caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, be fined under such title, imprisoned for not more than 30 years, or both;

''(F) be fined under such title and imprisoned for not more than 30 years if the violation involved an alien who the offender knew or had reason to believe was—

''(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

''(ii) intending to engage in terrorist activity;

''(G) if the violation caused or resulted in the death of any person, be punished by death or imprisoned for a term of years up to life, and fined under title 18, United States Code.

''(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year.

''(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction

over the offenses described in this subsection.

''(b) SEIZURE AND FORFEITURE.—

''(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

''(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law may include:

''(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

''(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

''(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

''(c) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except:

''(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

''(2) other officers responsible for the enforcement of Federal criminal laws.

''(d) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if:

''(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

''(2) the deposition otherwise complies with the Federal Rules of Evidence.

''(e) DEFINITIONS.—In this section:

''(1) CROSS THE BORDER TO THE UNITED STATES.—The term 'cross the border' refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

''(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

''(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

''(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which or to which the alien is traveling or moving.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 274 and inserting the following:

''Sec. 274. Alien smuggling and related offenses.''.

(c) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)——

(i) by inserting '', alien smuggling crime,'' after ''any crime of violence''; and

(ii) by inserting '', alien smuggling crime,'' after ''such crime of violence''; and

(B) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(2) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

SEC. 3743. PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows:

''ILLEGAL ENTRY

''SEC. 275. (a) IN GENERAL.—

''(1) ILLEGAL ENTRY OR PRESENCE.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

''(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) knowingly eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including by failing to stop at the command of such officer);

''(C) knowingly enters or crosses the border to the United States and, upon examination or inspection, knowingly makes a false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws);

''(D) knowingly violates the terms or conditions of the alien's admission or parole into the United States; or

''(E) knowingly is unlawfully present in the United States (as defined in section 212(a)(9)(B)(ii) subject to the exceptions set forth in section 212(a)(9)(B)(iii)).

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1):

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

''(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 275 and inserting the following:

''275. Illegal entry.''.

SEC. 3744. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

''REENTRY OF REMOVED ALIEN

''SEC. 276. (a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or departure:

''(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(3) for a felony for which the alien was sentenced to a term of imprisonment of not

less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

''(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

''(B) had complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien.

''(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) DEFINITIONS.—For purposes of this section and section 275, the following definitions shall apply:

''(1) CROSSES THE BORDER TO THE UNITED STATES.—The term 'crosses the border' refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

''(2) FELONY.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SEC. 3745. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

Chapter 75 of title 18, United States Code, is amended to read as follows:

''CHAPTER 75—PASSPORTS AND VISAS

''Sec.
''1541. Issuance without authority.
''1542. False statement in application and use of passport.
''1543. Forgery or false use of passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.
''1547. Attempts and conspiracies.
''1548. Alternative penalties for certain offenses.
''1549. Definitions.

''§ 1541. Issuance without authority

''(a) IN GENERAL.—Whoever—

''(1) acting or claiming to act in any office or capacity under the United States, or a State, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person; or

''(2) being a consular officer authorized to grant, issue, or verify passports, knowingly grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not;

shall be fined under this title or imprisoned not more than 15 years, or both.

''(b) DEFINITION.—In this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''§ 1542. False statement in application and use of passport

''Whoever knowingly—

''(1) makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

''(2) uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement;

shall be fined under this title or imprisoned not more than 15 years, or both.

''§ 1543. Forgery or false use of passport

''Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

''(2) knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same;

shall be fined under this title or imprisoned not more than 15 years, or both.

''§ 1544. Misuse of a passport

''Whoever knowingly—

''(1) uses any passport issued or designed for the use of another;

''(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

''(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, stolen, or produced or issued without lawful authority; or

''(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1545. Schemes to defraud aliens

''Whoever inside the United States, or in or affecting interstate or foreign commerce, in connection with any matter that is authorized by or arises under the immigration laws of the United States or any matter the offender claims or represents is authorized by or arises under the immigration laws of the United States, knowingly executes a scheme or artifice—

''(1) to defraud any person, or

''(2) to obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, or promises;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1546. Immigration and visa fraud

''Whoever knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) mails, prepares, presents, or signs any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws;

''(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the immigration document was issued or designed; or

''(7) produces, issues, authorizes, or verifies, without lawful authority, an immigration document;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1547. Attempts and conspiracies

''Whoever attempts or conspires to violate this chapter shall be punished in the same manner as a person who completes that violation.

''§ 1548. Alternative penalties for certain offenses

''(a) TERRORISM.—Whoever violates any section in this chapter to facilitate an act of international terrorism or domestic terrorism (as such terms are defined in section 2331), shall be fined under this title or imprisoned not more than 25 years, or both.

''(b) DRUG TRAFFICKING OFFENSES.—Whoever violates any section in this chapter to facilitate a drug trafficking crime (as defined in section 929(a)) shall be fined under this title or imprisoned not more than 20 years, or both.

''§ 1549. Definitions

''In this chapter:

''(1) An 'application for a United States passport' includes any document, photograph, or other piece of evidence attached to or submitted in support of the application.

''(2) The term 'immigration document' means any instrument on which is recorded, by means of letters, figures, or marks, matters which may be used to fulfill any requirement of the Immigration and Nationality Act.''.

SEC. 3746. FORFEITURE.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(I) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of chapter 75, the gross proceeds of such violation, and any property traceable to any such property or proceeds.''.

SEC. 3747. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL OR SECURITY GROUNDS.

(a) IN GENERAL.—Section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)) is amended–

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security in the exercise of discretion''; and

(B) by striking ''set forth in this subsection or'' and inserting ''set forth in this subsection, in lieu of removal proceedings under'';

(2) in paragraph (3), by striking ''paragraph (1) until 14 calendar days'' and inserting ''paragraph (1) or (3) until 7 calendar days'';

(3) by striking ''Attorney General'' each place it appears in paragraphs (3) and (4) and inserting ''Secretary of Homeland Security'';

(4) in paragraph (5)—

(A) by striking ''described in this section'' and inserting ''described in paragraph (1) or (2)''; and

(B) by striking ''the Attorney General may grant in the Attorney General's discretion'' and inserting ''the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding'';

(5) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(6) by inserting after paragraph (2) the following new paragraph:

''(3) The Secretary of Homeland Security in the exercise of discretion may determine inadmissibility under section 212(a)(2) (relating to criminal offenses) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who

''(A) has not been admitted or paroled;

''(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in section 235(b)(1)(B); and

''(C) is not eligible for a waiver of inadmissibility or relief from removal.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date.

SEC. 3748. INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 302(a) of this Act, is further amended—

(1) in subclause (II), by striking ''or'' at the end;

(2) in subclause (III), by adding ''or'' at the end; and

(3) by inserting after subclause (III) the following:

''(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender);''.

(b) DEPORTABILITY.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)), as amended by sections 302(c) and 311(c) of this Act, is further amended—

(1) in subparagraph (A), by striking clause (v); and

(2) by adding at the end the following:

''(I) Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender) is deportable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3749. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

''(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(2) in subparagraph (B)(i)—

(A) by redesignating the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

''(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)), is amended by striking ''204(a)(1)(A)(viii)(I))'' each place such term appears and inserting ''204(a)(1)(A)(viii))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. 3750. CLARIFICATION TO CRIMES OF VIOLENCE AND CRIMES INVOLVING MORAL TURPITUDE.

(a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

''(iii) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(b) DEPORTABLE ALIENS.—

(1) GENERAL CRIMES.—Section 237(a)(2)(A) of such Act (8 U.S.C. 1227(a)(2)(A)), as amended by section 320(b) of this Act, is further amended by inserting after clause (iv) the following:

''(v) CRIMES INVOLVING MORAL TURPITUDE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(2) DOMESTIC VIOLENCE.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

''(iii) CRIMES OF VIOLENCE.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3751. PENALTIES FOR FAILURE TO OBEY REMOVAL ORDERS.

(a) IN GENERAL.—Section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) is amended—

(1) by inserting ''212(a) or'' before ''237(a),''; and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that are described in subparagraphs (A) through (D) of section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) that occur on or after the date of the enactment of this Act.

SEC. 3752. PARDONS.

(a) DEFINITION.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section 311(a) of this Act, is further amended by adding at the end the following:

''(54) The term 'pardon' means a full and unconditional pardon granted by the President of the United States, Governor of any of the several States or constitutionally recognized body.''.

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (2)(A), by striking clause (vi); and

(2) by adding at the end the following:

''(8) PARDONS.—

''(A) IN GENERAL.—In the case of an alien who has been convicted of a crime and is subject to removal due to that conviction, if the alien, subsequent to receiving the criminal conviction, is granted a pardon, the alien shall not be deportable by reason of that criminal conviction.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an alien granted a pardon if the pardon is granted in whole or in part to eliminate that alien's condition of deportability.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a pardon granted before, on, or after such date.

CHAPTER 4—AID TO U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICERS

SEC. 3761. ICE IMMIGRATION ENFORCEMENT AGENTS.

(a) IN GENERAL.—The Secretary shall authorize all immigration enforcement agents and deportation officers of the Department who have successfully completed basic immigration law enforcement training to exercise the powers conferred by—

(1) section 287(a)(5)(A) of the Immigration and Nationality Act to arrest for any offense against the United States;

(2) section 287(a)(5)(B) of such Act to arrest for any felony;

(3) section 274(a) of such Act to arrest for bringing in, transporting, or harboring certain aliens, or inducing them to enter;

(4) section 287(a) of such Act to execute warrants of arrest for administrative immigration violations issued under section 236 of the Act or to execute warrants of criminal

arrest issued under the authority of the United States; and

(5) section 287(a) of such Act to carry firearms, provided that they are individually qualified by training and experience to handle and safely operate the firearms they are permitted to carry, maintain proficiency in the use of such firearms, and adhere to the provisions of the enforcement standard governing the use of force.

(b) PAY.—Immigration enforcement agents shall be paid on the same scale as Immigration and Customs Enforcement deportation officers and shall receive the same benefits.

SEC. 3762. ICE DETENTION ENFORCEMENT OFFICERS.

(a) AUTHORIZATION.—The Secretary is authorized to hire 2,500 Immigration and Customs Enforcement detention enforcement officers.

(b) DUTIES.—Immigration and Customs Enforcement detention enforcement officers who have successfully completed detention enforcement officers' basic training shall be responsible for—

(1) taking and maintaining custody of any person who has been arrested by an immigration officer;

(2) transporting and guarding immigration detainees;

(3) securing Department detention facilities; and

(4) assisting in the processing of detainees.

SEC. 3763. ENSURING THE SAFETY OF ICE OFFICERS AND AGENTS.

(a) BODY ARMOR.—The Secretary shall ensure that every Immigration and Customs Enforcement deportation officer and immigration enforcement agent on duty is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Enough body armor must be purchased to cover every agent in the field.

(b) WEAPONS.—Such Secretary shall ensure that Immigration and Customs Enforcement deportation officers and immigration enforcement agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. Such weapons shall include, at a minimum, standard-issue handguns, M–4 (or equivalent) rifles, and Tasers.

(c) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

SEC. 3764. ICE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—An ICE Advisory Council shall be established not later than 3 months after the date of the enactment of this Act.

(b) MEMBERSHIP.—The ICE Advisory Council shall be comprised of 7 members.

(c) APPOINTMENT.—Members shall to be appointed in the following manner:

(1) One member shall be appointed by the President;

(2) One member shall be appointed by the Chairman of the Judiciary Committee of the House of Representatives;

(3) One member shall be appointed by the Chairman of the Judiciary Committee of the Senate;

(4) One member shall be appointed by the Local 511, the ICE prosecutor's union; and

(5) Three members shall be appointed by the National Immigration and Customs Enforcement Council.

(d) TERM.—Members shall serve renewable, 2-year terms.

(e) VOLUNTARY.—Membership shall be voluntary and non-remunerated, except that members will receive reimbursement from the Secretary for travel and other related expenses.

(f) RETALIATION PROTECTION.—Members who are employed by the Secretary shall be protected from retaliation by their supervisors, managers, and other Department employees for their participation on the Council.

(g) PURPOSE.—The purpose of the Council is to advise Congress and the Secretary on issues including the following:

(1) The current status of immigration enforcement efforts, including prosecutions and removals, the effectiveness of such efforts, and how enforcement could be improved;

(2) The effectiveness of cooperative efforts between the Secretary and other law enforcement agencies, including additional types of enforcement activities that the Secretary should be engaged in, such as State and local criminal task forces;

(3) Personnel, equipment, and other resource needs of field personnel;

(4) Improvements that should be made to the organizational structure of the Department, including whether the position of immigration enforcement agent should be merged into the deportation officer position; and

(5) The effectiveness of specific enforcement policies and regulations promulgated by the Secretary, and whether other enforcement priorities should be considered.

(h) REPORTS.—The Council shall provide quarterly reports to the Chairmen and Ranking Members of the Judiciary Committees of the Senate and the House of Representatives and to the Secretary. The Council members shall meet directly with the Chairmen and Ranking Members (or their designated representatives) and with the Secretary to discuss their reports every 6 months.

SEC. 3765. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.

(a) IN GENERAL.—The Secretary shall establish a pilot program in at least five of the 10 Immigration and Customs Enforcement field offices with the largest removal caseloads to allow Immigration and Customs deportation officers and immigration enforcement agents to—

(1) electronically process and serve charging documents, including Notices to Appear, while in the field; and

(2) electronically process and place detainers while in the field.

(b) DUTIES.—The pilot program described in subsection (a) shall be designed to allow deportation officers and immigration enforcement agents to use handheld or vehicle-mounted computers to—

(1) enter any required data, including personal information about the alien subject and the reason for issuing the document;

(2) apply the electronic signature of the issuing officer or agent;

(3) set the date the alien is required to appear before an immigration judge, in the case of Notices to Appear;

(4) print any documents the alien subject may be required to sign, along with additional copies of documents to be served on the alien; and

(5) interface with the ENFORCE database so that all data is stored and retrievable.

(c) CONSTRUCTION.—The pilot program described in subsection (a) shall be designed to replace, to the extent possible, the current paperwork and data-entry process used for issuing such charging documents and detainers.

(d) DEADLINE.—The Secretary shall initiate the pilot program described in subsection (a) within 6 months of the date of enactment of this Act.

(e) REPORT.—The Government Accountability Office shall report to the Judiciary Committee of the Senate and the House of Representatives no later than 18 months after the date of enactment of this Act on the effectiveness of the pilot program and provide recommendations for improving it.

(f) ADVISORY COUNCIL.—The ICE Advisory Council established by section 3764 shall include an recommendations on how the pilot program should work in the first quarterly report of the Council, and shall include assessments of the program and recommendations for improvement in each subsequent report.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

SEC. 3766. ADDITIONAL ICE DEPORTATION OFFICERS AND SUPPORT STAFF.

(a) IN GENERAL.—The Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty Immigration and Customs Enforcement deportation officers by 5,000 above the number of full-time positions for which funds were appropriated for fiscal year 2013.

(b) SUPPORT STAFF.—The Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time support staff for Immigration and Customs Enforcement deportation officers by 700 above the number of full-time positions for which funds were appropriated for fiscal year 2013.

SEC. 3767. ADDITIONAL ICE PROSECUTORS.

The Secretary shall increase by 60 the number of full-time trial attorneys working for the Immigration and Customs Enforcement Office of the Principal Legal Advisor.

CHAPTER 5—MISCELLANEOUS ENFORCEMENT PROVISIONS

SEC. 3771. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

''(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.'';

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

''(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.'';

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

''(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid

for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.''.

(iv) in subparagraph (C), as redesignated, by striking ''subparagraphs (C) and(D)(ii)'' and inserting ''subparagraphs (D) and (E)(ii)'';

(v) in subparagraph (D), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)'';

(vi) in subparagraph (E), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)'';

(F) in paragraph (4), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'';

(2) in subsection (b)(2), by striking ''a period exceeding 60 days'' and inserting ''any period in excess of 45 days'';

(3) by amending subsection (c) to read as follows:

''(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

''(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

''(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

''(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

''(4) FAILURE TO COMPLY WITH AGREEMENT.—

''(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

''(i) ineligible for the benefits of the agreement;

''(ii) subject to the penalties described in subsection (d); and

''(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

''(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

''(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.'';

(4) by amending subsection (d) to read as follows:

''(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

''(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

''(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

''(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''; and

(5) by amending subsection (e) to read as follows:

''(e) ELIGIBILITY.—

''(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

''(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens.''.

(6) in subsection (f), by adding at the end the following: ''Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.''.

(b) RULEMAKING.—The Secretary shall within one year of the date of enactment of this Act promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 3772. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking ''seeks admission within 5 years of the date of such removal (or within 20 years'' and inserting ''seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal''; and

(2) in clause (ii), by striking ''seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of'' and inserting ''seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after''.

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D of such Act (8 U.S.C. 324d) is amended—

(1) in subsection (a), by striking ''Commissioner'' and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(c) INELIGIBILITY FOR RELIEF.—

''(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

''(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered before, on, or after such date.

SEC. 3773. REINSTATEMENT OF REMOVAL ORDERS.

(a) IN GENERAL.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

''(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

''(A) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

''(B) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

''(C) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge''.

(b) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

''(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(A)(5).—

''(1) REVIEW OF REINSTATEMENT.—Judicial review of determinations under section 241(a)(5) is available in an action under subsection (a).

''(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, any challenge to the original order.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated or after that date by the Secretary (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

SEC. 3774. CLARIFICATION WITH RESPECT TO DEFINITION OF ADMISSION.

Section 101(a)(13)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(A)) is amended by adding at the end the following: ''An alien's adjustment of status to that of lawful permanent resident status under any provision of this Act, or under any other provision of law, shall be considered an 'admission' for any purpose under this Act, even if the adjustment of status occurred while the alien was present in the United States.''.

SEC. 3775. REPORTS TO CONGRESS ON THE EXERCISE AND ABUSE OF PROSECUTORIAL DISCRETION.

(a) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Secretary and the Attorney General shall each provide to the Committees on the Judiciary of the House of Representatives and of the Senate a report on the following:

(1) Aliens apprehended or arrested by State or local law enforcement agencies who were identified by the Department in the previous fiscal year and for whom the Department did not issue detainers and did not take into custody despite the Department's findings that the aliens were inadmissible or deportable.

(2) Aliens who were applicants for admission in the previous fiscal year but not clearly and beyond a doubt entitled to be admitted by an immigration officer and who were not detained as required pursuant to section 235(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(2)(A)).

(3) Aliens who in the previous fiscal year were found by Department officials performing duties related to the adjudication of applications for immigration benefits or the enforcement of the immigration laws to be inadmissible or deportable who were not issued notices to appear pursuant to section 239 of such Act (8 U.S.C. 1229) or placed into removal proceedings pursuant to section 240 (8 U.S.C. 1229a), unless the aliens were placed into expedited removal proceedings pursuant to section 235(b)(1)(A)(i) (8 U.S.C. 1225(b)(1)(A)(5)) or section 238 (8 U.S.C. 1228), were granted voluntary departure pursuant to section 240B, were granted relief from removal pursuant to statute, were granted legal nonimmigrant or immigrant status pursuant to statute, or were determined not to be inadmissible or deportable.

(4) Aliens issued notices to appear that were cancelled in the previous fiscal year despite the Department's findings that the aliens were inadmissible or deportable, unless the aliens were granted relief from removal pursuant to statute, were granted voluntary departure pursuant to section 240B of such Act (8 U.S.C. 1229c), or were granted legal nonimmigrant or immigrant status pursuant to statute.

(5) Aliens who were placed into removal proceedings, whose removal proceedings were terminated in the previous fiscal year prior to their conclusion, unless the aliens were granted relief from removal pursuant to statute, were granted voluntary departure pursuant to section 240B, were granted legal nonimmigrant or immigrant status pursuant to statute, or were determined not to be inadmissible or deportable.

(6) Aliens granted parole pursuant to section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(7) Aliens granted deferred action, extended voluntary departure or any other type of relief from removal not specified in the Immigration and Nationality Act or where determined not to be inadmissible or deportable.

(b) CONTENTS OF REPORT.—The report shall include a listing of each alien described in each paragraph of subsection (a), including when in the possession of the Department their names, fingerprint identification numbers, alien registration numbers, and reason why each was granted the type of prosecutorial discretion received. The report shall also include current criminal histories on each alien from the Federal Bureau of Investigation.

On page 1748, strike lines 5 and 21.

At the end of section 4412, insert the following:

(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.—

(1) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided in subsection (c) and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

''(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and

''(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or designee, determines that such refusal or revocation is necessary or advisable in the security interests of the United States.

''(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

''(A) shall take effect immediately; and

''(B) shall automatically cancel any other valid visa that is in the alien's possession.

''(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a refusal or revocation.

''(c) AUTHORITY OF THE SECRETARY OF STATE.—

''(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa requested by an alien if the Secretary of State determines such refusal to be necessary or advisable in the interests of the United States.

''(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b).''.

(2) CONFORMING AMENDMENT.—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking ''under section 221(i)''.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to visa refusals and revocations occurring before, on, or after such date.

(c) TECHNICAL CORRECTIONS TO THE HOMELAND SECURITY ACT.—Section 428(a) of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by—

(1) striking ''subsection'' and inserting ''section''; and

(2) striking ''consular office'' and inserting ''consular officer''.

At the end of subtitle D of title IV, add the following:

SEC. 4416. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

SEC. 4417. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)(2)) is amended—

(1) by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation'';

(2) in paragraph (2), by striking ''and on the basis of reciprocity'';

(3) in paragraph (2)(A)—

(A) by inserting '' (i)'' after ''for the purpose of''; and

(B) by striking ''illicit weapons; or'' and inserting ''illicit weapons, or (ii) determining a person's deportability or eligibility for a visa, admission, or other immigration benefit;'';

(4) in paragraph (2)(B)—

(A) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(B) by striking ''or to deny visas to persons who would be inadmissible to the United States'' and inserting ''; or''; and

(5) by adding before the period at the end the following:

''(C) with regard to any or all aliens in the database specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of the Act.

SEC. 4418. AUTHORIZING THE DEPARTMENT OF STATE TO NOT INTERVIEW CERTAIN INELIGIBLE VISA APPLICANTS.

(a) IN GENERAL.—Section 222(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)) is amended by inserting '' the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application or'' after ''unless''.

(b) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidance to consular officers on the standards and processes for implementing the authority to deny visa applications without interview in cases where the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application.

(c) REPORTS.—Not less frequently than once each quarter, the Secretary of State shall submit to the Congress a report on the denial of visa applications without interview, including—

(1) the number of such denials; and

(2) a post-by-post breakdown of such denials.

SEC. 4419. FUNDING FOR THE VISA SECURITY PROGRAM.

(a) IN GENERAL.—The Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108-447) is amended, in the fourth paragraph under the heading ''Diplomatic and Consular Programs'', by striking ''Beginning'' through the period at the end and inserting the following: ''Beginning in fiscal year 2005 and thereafter, the Secretary of State is authorized to charge surcharges related to consular services in support of enhanced border security that are in addition to the immigrant visa fees in effect on January 1, 2004: Provided, That funds collected pursuant to this authority shall be credited to the appropriation for U.S. Immigration and Customs Enforcement for the fiscal year in which the fees were collected, and shall be available until expended for the funding of the Visa Security Program established by the Secretary of Homeland Security under section 428(e) of the Homeland Security Act of 2002 (Public Law 107–296): Provided further, That such surcharges shall be 10 percent of the fee assessed on immigrant visa applications.''.

(b) REPAYMENT OF APPROPRIATED FUNDS.—Twenty percent of the funds collected each fiscal year under the heading ''Diplomatic and Consular Programs'' in the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108-447), as amended by subsection (a), shall be deposited into the general fund of the Treasury as repayment of funds appropriated pursuant to section 407(c) of this Act until the entire appropriated sum has been repaid.

SEC. 4420. EXPEDITIOUS EXPANSION OF VISA SECURITY PROGRAM TO HIGH-RISK POSTS.

(a) IN GENERAL.—Section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)) is amended to read as follows:

''(i) VISA ISSUANCE AT DESIGNATED HIGH-RISK POSTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall conduct an on-site review of all visa applications and supporting documentation before adjudication at the top 30 visa-issuing posts designated jointly by the Secretaries of State and Homeland Security as high-risk posts.''.

(b) ASSIGNMENT OF PERSONNEL.—Not later than one year after the date of enactment of this section, the Secretary of Homeland Security shall assign personnel to the visa-issuing posts referenced in section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)), as amended by this section, and communicate such assignments to the Secretary of State.

(c) APPROPRIATIONS.—There is authorized to be appropriated $60,000,000 for each of the fiscal years 2014 and 2015, which shall be used to expedite the implementation of section 428(i) of the Homeland Security Act, as amended by this section.

SEC. 4421. EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.

Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:

''(j) EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.—Notwithstanding any other provision of law, and the processes set forth in National Security Defense Directive 38 (dated June 2, 1982) or any successor Directive, the Chief of Mission of a post to which the Secretary of Homeland Security has assigned personnel under subsection (e) or (i) shall ensure, not later than one year after the date on which the Secretary of Homeland Security communicates such assignment to the Secretary of State, that such personnel have been stationed and accommodated at post and are able to carry out their duties.''.

SEC. 4422. INCREASED CRIMINAL PENALTIES FOR STUDENT VISA INTEGRITY.

Section 1546 of title 18, United States Code, is amended by striking ''10 years'' and inserting ''15 years (if the offense was committed by an owner, official, or employee of an educational institution with respect to such institution's participation in the Student and exchange Visitor Program), 10 years''.

SEC. 4423. VISA FRAUD.

(a) TEMPORARY SUSPENSION OF SEVIS ACCESS.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)) is amended—

(1) in paragraph (1)(A), by striking ''institution,,'' and inserting ''institution,''; and

(2) by adding at the end the following:

''(3) EFFECT OF REASONABLE SUSPICION OF FRAUD.—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a designated school official at, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, the Secretary may immediately suspend, without notice, such official's or such school's access to the Student and Exchange Visitor Information System (SEVIS), including the ability to issue Form I–20s, pending a final determination by the Secretary with respect to the institution's certification under the Student and Exchange Visitor Program.''.

(b) EFFECT OF CONVICTION FOR VISA FRAUD.—Such section 641(d), as amended by subsection (a)(2), is further amended by adding at the end the following:

''(4) PERMANENT DISQUALIFICATION FOR FRAUD.—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role, including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution, in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).''.

SEC. 4424. BACKGROUND CHECKS.

(a) IN GENERAL.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)), as amended by section 411(b) of this Act, is further amended by adding at the end the following:

''(5) BACKGROUND CHECK REQUIREMENT.—

''(A) IN GENERAL.—An individual may not serve as a designated school official or be granted access to SEVIS unless the individual is a national of the United States or an alien lawfully admitted for permanent residence and during the most recent 3-year period—

''(i) the Secretary of Homeland Security has—

''(I) conducted a thorough background check on the individual, including a review of the individual's criminal and sex offender history and the verification of the individual's immigration status; and

''(II) determined that the individual has not been convicted of any violation of United States immigration law and is not a risk to national security of the United States; and

''(ii) the individual has successfully completed an on-line training course on SEVP and SEVIS, which has been developed by the Secretary.

''(B) INTERIM DESIGNATED SCHOOL OFFICIAL.—

''(i) IN GENERAL.—An individual may serve as an interim designated school official during the period that the Secretary is conducting the background check required by subparagraph (A)(i)(I).

''(ii) REVIEWS BY THE SECRETARY.—If an individual serving as an interim designated school official under clause (i) does not successfully complete the background check required by subparagraph (A)(i)(I), the Secretary shall review each Form I–20 issued by such interim designated school official.

''(6) FEE.—The Secretary is authorized to collect a fee from an approved school for each background check conducted under paragraph (6)(A)(i). The amount of such fee shall be equal to the average amount expended by the Secretary to conducted such background checks.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 4425. FLIGHT SCHOOLS NOT CERTIFIED BY FAA.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Homeland Security shall prohibit any flight school in the United States from accessing SEVIS or

issuing a Form I–20 to an alien seeking a student visa pursuant to subparagraph (F)(i) or (M)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) if the flight school has not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration pursuant to part 141 or part 142 of title 14, Code of Federal Regulations (or similar successor regulations).

(b) TEMPORARY EXCEPTION.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary may waive the requirement under subsection (a) that a flight school be certified by the Federal Aviation Administration if such flight school—

(1) was certified under the Student and Exchange Visitor Program on the date of the enactment of this Act;

(2) submitted an application for certification with the Federal Aviation Administration during the 1-year period beginning on such date; and

(3) continues to progress toward certification by the Federal Aviation Administration.

SEC. 4426. REVOCATION OF ACCREDITATION.

At the time an accrediting agency or association is required to notify the Secretary of Education and the appropriate State licensing or authorizing agency of the final denial, withdrawal, suspension, or termination of accreditation of an institution pursuant to section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b), such accrediting agency or association shall notify the Secretary of Homeland Security of such determination and the Secretary of Homeland Security shall immediately withdraw the school from the SEVP and prohibit the school from accessing SEVIS.

SEC. 4427. REPORT ON RISK ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains the risk assessment strategy that will be employed by the Secretary to identify, investigate, and take appropriate action against schools and school officials that are facilitating the issuance of Form I–20 and the maintenance of student visa status in violation of the immigration laws of the United States.

SEC. 4428. IMPLEMENTATION OF GAO RECOMMENDATIONS.

Not later than 180 days after the date of the enactment of this act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes—

(1) the process in place to identify and assess risks in the SEVP;

(2) a risk assessment process to allocate SEVP's resources based on risk;

(3) the procedures in place for consistently ensuring a school's eligibility, including consistently verifying in lieu of letters;

(4) how SEVP identified and addressed missing school case files;

(5) a plan to develop and implement a process to monitor state licensing and accreditation status of all SEVP-certified schools;

(6) whether all flight schools that have not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration have been removed from the program and have been restricted from accessing SEVIS;

(7) the standard operating procedures that govern coordination among SEVP, Counterterrorism and Criminal Exploitation Unit, and U.S. Immigration and Customs Enforcement field offices; and

(8) the established criteria for referring cases of a potentially criminal nature from SEVP to the counterterrorism and intelligence community.

SEC. 4429. IMPLEMENTATION OF SEVIS II.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the deployment of both phases of the 2nd generation Student and Exchange Visitor Information System (commonly known as ''SEVIS II'').

SEC. 4430. DEFINITIONS.

(a) DEFINITIONS.—For purposes of this subtitle:

(1) SEVIS.—The term ''SEVIS'' means the Student and Exchange Visitor Information System of the Department.

(2) SEVP.—The term ''SEVP'' means the Student and Exchange Visitor Program of the Department.

Strike section 4904 and insert the following:

SEC. 4904. ACCREDITATION REQUIREMENTS.

(a) COLLEGES, UNIVERSITIES, AND LANGUAGE TRAINING PROGRAMS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i)—

(A) by striking ''section 214(1) at an established college, university, seminary, conservatory or in an accredited language training program in the United States'' and inserting ''section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States''; and

(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(C) by amending paragraph (52) to read as follows:

''(52) Except as provided in section 214(m)(4), the term 'accredited college, university, or language training program' means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education.''.

(b) OTHER ACADEMIC INSTITUTIONS.—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) is amended by adding at the end the following:

''(3) The Secretary of Homeland Security shall require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

''(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i); and

''(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation.

''(4) The Secretary of Homeland Security, in the Secretary's discretion, may waive the accreditation requirement in paragraph (3) or section 101(a)(15)(F)(i) with respect to an institution if such institution—

''(A) is otherwise in compliance with the requirements of section 101(a)(15)(F)(i); and

''(B) has been a candidate for accreditation for at least 1 year and continues to progress toward accreditation by an accrediting agency recognized by the Secretary of Education.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall—

(A) take effect on the date that is 180 days after the date of enactment of this Act; and

(B) apply with respect to applications for nonimmigrant visas that are filed on or after the effective date described in subparagraph (A).

(2) TEMPORARY EXCEPTION.—During the 3-year period beginning on the effective date described in paragraph (1)(A), an institution that is newly required to be accredited under this section may continue to participate in the Student and Exchange Visitor Program notwithstanding the institution's lack of accreditation if the institution—

(A) was certified under the Student and Exchange Visitor Program on such date;

(B) submitted an application for accreditation to an accrediting agency recognized by the Secretary of Education during the 6-month period ending on such date; and

(C) continues to progress toward accreditation by such accrediting agency.

Strike section 4907 and insert the following:

SEC. 4907. VISA FRAUD.

(a) TEMPORARY SUSPENSION OF SEVIS ACCESS.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)) is amended—

(1) in paragraph (1)(A), by striking ''institution,,'' and inserting ''institution,''; and

(2) by adding at the end the following:

''(3) EFFECT OF REASONABLE SUSPICION OF FRAUD.—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a designated school official at, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, the Secretary may immediately suspend, without notice, such official's or such school's access to the Student and Exchange Visitor Information System (SEVIS), including the ability to issue Form I–20s, pending a final determination by the Secretary with respect to the institution's certification under the Student and Exchange Visitor Program.''.

(b) EFFECT OF CONVICTION FOR VISA FRAUD.—Such section 641(d), as amended by subsection (a)(2), is further amended by adding at the end the following:

''(4) PERMANENT DISQUALIFICATION FOR FRAUD.—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role, including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution, in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).''.

SA 1335. Mr. HARKIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1788, between lines 19 and 20, insert the following:

SEC. 4602A. CLARIFICATION OF AUTHORITY.

(a) AMENDMENTS.—

(1) CONSULTATION AUTHORITY.—Section 214(c)(1) (8 U.S.C. 1184(c)(1)), as amended by sections 2233(b)(3)(A) and 4102, is further amended by adding at the end the following: ''For purposes of this subsection with respect to nonimmigrants described in section

101(a)(15)(H)(ii)(b) of this Act, the term 'consultation' includes the authority of the Secretary of Labor to issue labor market determinations, including temporary labor certifications, and establish regulations and policies for such issuance, including determining the appropriate prevailing wage rates for occupations covered by section 101(a)(15)(H)(ii)(b)''.

(2) DELEGATION.—Section 214(c)(14)(B) (8 U.S.C. 1184(c)(14)(B)) is amended by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply to the promulgation of regulations, issuance of labor market determinations, and other actions of the Secretary of Labor and the Secretary of Homeland Security before, on, or after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit or modify any other authority provided or exercised under section 214(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) or any other law governing the authority of the Secretary of Homeland Security, the Secretary of Labor, or any other officer or employee of the Federal Government.

SA 1336. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 857, line 19, strike the period and insert the following: ''; and

(v) the Secretary of the Treasury certifies that the Secretary has collected and deposited into the Treasury pursuant to section 6(b)(3)(B) of this Act an amount equal to the amount transferred from the general fund of the Treasury to the Comprehensive Immigration Reform Trust Fund pursuant to section 6(a)(2)(A) of this Act.

SA 1337. Mr. SCHATZ (for himself, Ms. HIRONO, Mrs. BOXER, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1160, strike lines 6 through 13, and insert the following:

(b) MODIFICATION OF POINTS.—

(1) PROPOSAL.—The Secretary may submit to Congress a proposal to modify the number of points allocated under of section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), as amended by subsection (a).

(2) ELIMINATION OF FAMILY-BASED POINTS.—Section 203(c) (8 U.S.C. 1153(c)), as amended by subsection (a), is further amended—

(A) in paragraph (4)—

(i) by striking subparagraph (H); and

(ii) by redesignating subparagraphs (I) and (J) as subparagraph (H) and (I), respectively; and

(B) in paragraph (5)—

(i) by striking subparagraph (G); and

(ii) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(2) ELIMINATION OF FAMILY-BASED POINTS.—The amendments made by subsection (b)(2) shall take effect on the date that is 10 years after the date of the enactment of this Act.

On page 1200, strike lines 1 through 4, and insert the following:

(3) PREFERENCE ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Section 203(a) (8 U.S.C. 1153(a)), as amended by section 2305(b) and paragraphs (1) and (2), is further amended to read as follows:

''(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 20 percent of the worldwide level of family-sponsored immigrants under section 201(c), plus any visas not required for the class specified in paragraph (4).

''(2) UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENTS.—Qualified immigrants who are the unmarried sons or daughters, but not a child (as defined in section 101(b)(1)), of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the sum of—

''(A) 20 percent of the worldwide level of family-sponsored immigrants under section 201(c); and

''(B) any visas not required for the class specified in paragraph (1).

''(3) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 20 percent of the worldwide level of family-sponsored immigrants under section 201(c), plus any visas not required for the classes specified in paragraphs (1) and (2).

''(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 40 percent of the worldwide level of family-sponsored immigrants under section 201(c), plus any visas not required for the classes specified in paragraphs (1) through (3).''.

(4) EFFECTIVE DATE.—

(A) PARAGRAPHS (1) AND (2).—The amendments made by paragraphs (1) and (2) shall take effect on the first day of the first fiscal year that begins at least 18 months after the date of the enactment of this Act.

(B) PARAGRAPH (3).—The amendment made by paragraph (3) shall take effect on the date that is 10 years after the date of the enactment of this Act.

On page 1221, strike lines 6 through 8, and insert the following:

(d) RESTORATION OF CERTAIN FAMILY-SPONSORED IMMIGRANT CATEGORIES.—

(1) NONIMMIGRANT ELIGIBILITY.—Section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)) is amended to read as follows:

''(V) subject to section 214(q) and section 212(a)(4), an alien who is the beneficiary of an approved petition under section 203(a) as—

''(i) the unmarried son or unmarried daughter of a citizen of the United States;

''(ii) the unmarried son or unmarried daughter of an alien lawfully admitted for permanent residence;

''(iii) the married son or married daughter of a citizen of the United States; or

''(iv) the sibling of a citizen of the United States.''.

(2) EMPLOYMENT AND PERIOD OF ADMISSION OF NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).—Section 214(q) (8 U.S.C. 1184(q)) is amended to read as follows:

''(q) NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).—

''(1) EMPLOYMENT AUTHORIZATION.—The Secretary shall—

''(A) authorize a nonimmigrant admitted pursuant to section 101(a)(15)(V) to engage in employment in the United States during the period of such nonimmigrant's authorized admission; and

''(B) provide such a nonimmigrant with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment.

''(2) TERMINATION OF ADMISSION.—The period of authorized admission for such a nonimmigrant shall terminate 30 days after the date on which—

''(A) such nonimmigrant's application for an immigrant visa pursuant to the approval of a petition under subsection (a) or (c) of section 203 is denied; or

''(B) such nonimmigrant's application for adjustment of status under section 245 pursuant to the approval of such a petition is denied.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(2) RESTORATION OF FAMILY-SPONSORED IMMIGRANT CATEGORIES.—The amendments made by subsection (d) shall take effect on the date that is 10 years after the date of the enactment of this Act.

SA 1338. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1409, line 1, insert '', in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration,'' after ''Secretary''.

On page 1410, line 23, insert '', conducted in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration,'' after ''assessment''.

On page 1411, between lines 12 and 13, insert the following:

(e) EARLY ADOPTION FOR SMALL EMPLOYERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall create a mobile application and utilize other available smart-phone technology for employers utilizing the System, to encourage small employers to utilize the System prior to the time at which utilization becomes mandatory for all employers.

(2) MARKETING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator of the Small Business Administration, make available marketing and other incentives to small business concerns to encourage small employers to utilize the System prior to the time at which utilization of the System becomes mandatory for all employers.

On page 1411, line 13, strike ''(e)'' and insert ''(f)''.

On page 1413, line 3, strike ''(f)'' and insert ''(g)''.

SA 1339. Mr. WHITEHOUSE (for himself, Mr. REED, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) 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. _____. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

''§ 922A. Attorney General's discretion to deny transfer of a firearm.

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

''(37) The term 'material support or resources' has the meaning given the term in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days

after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

SA 1340. Ms. LANDRIEU (for herself, Ms. HIRONO, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. 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.

SA 1341. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 3716, 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.

SA 1342. Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1122. TRADE FACILITATION AND SECURITY ENHANCEMENT.

The Secretary shall extend the hours of operation at the port of entry in Santa Teresa, New Mexico, to 24 hours a day—

(1) for private vehicles, not later than 180 days after the date of the enactment of this Act; and

(2) for commercial vehicles, not later than 1 year after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, June 19, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Reducing Senior Poverty and Hunger: The Role of the Older Americans Act.''

For further information regarding this meeting, please contact Sophie Kasimow of the committee staff on (202) 224–2831.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, June 20, 2013, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Developing a Skilled Workforce for a Competitive Economy: Reauthorizing the Workforce Investment Act.''

For further information regarding this meeting, please contact Leanne Hotek of the committee staff on (202) 224–5501.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 25, 2013, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on S. 1084, S. 717 and other pending energy efficiency legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Danielle_Deraneyenergy.senate.gov.

For further information, please contact Lara Pierpoint at (202) 224–6689 or Danielle Deraney at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

AFRICAN AFFAIRS SUBCOMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., to hold an African Affairs subcommittee hearing entitled, ''Examining Prospects for Democratic Reform and Economic Recovery in Zimbabwe.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. 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 18, 2013, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''High Prices, Low Transparency: The Bitter Pill of Health Care Costs.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 18, 2013, at 10:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 18, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., to conduct a hearing entitled ''Long Term Sustainability for Reverse Mortgages: HECM's Impact on the Mutual Mortgage Insurance Fund.''

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

WESTERN HEMISPHERE AND GLOBAL NARCOTICS AFFAIRS SUBCOMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 18, 2013, at 2:30 p.m., to hold a Western Hemisphere and Global Narcotics Affairs subcommittee hearing entitled, ''Security Cooperation in Mexico: Examining the Next Steps in the U.S.-Mexico Security Relationship.''

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

REAFFIRMING FREEDOM OF THE PRESS

Mr. KAINE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 79, S. Res. 143.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 143) recognizing the threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in the efforts of the United States Government to promote democracy and good governance on the occasion of World Press Freedom Day on May 3, 2013.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAINE. I further ask unanimous consent 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. 143) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of Thursday, May 16, 2013, under ''Submitted Resolutions.'')

NATIONAL CHILD AWARENESS MONTH

Mr. KAINE. Madam President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 173, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 173) designating September 2013 as ''National Child Awareness Month'' to promote awareness of charities benefiting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAINE. Madam President, 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. 173) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

AMERICAN EAGLE DAY

Mr. KAINE. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 174, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 174) designating June 20, 2013, as ''American Eagle Day,'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAINE. Madam President, 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. 174) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, JUNE 19, 2013

Mr. KAINE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 19, 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 be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 744, the comprehensive immigration reform bill.

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

PROGRAM

Mr. KAINE. We will continue to work through the amendments to the immigration bill tomorrow. Senators will be notified when votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. KAINE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of the Senator from Arizona.

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

The PRESIDING OFFICER. The Senator from Arizona.

IMMIGRATION REFORM

Mr. FLAKE. Madam President, there are many reasons given to enact immigration reform. Being from Arizona, we bear a disproportionate burden in the State from the Federal Government's failure to have a secure border and to have a rational immigration system.

There are many reasons, but the fiscal reason isn't often brought up. We were just given good fiscal reason today by the Congressional Budget Office that came forward with their estimate for the cost of the legislation.

Just a few minutes ago we heard the ''glass half empty'' speech, and I want to give the ''glass half full''—or actually, decidedly more than that. Let me take a few of the top-line numbers.

First, we are often told that if we enact this legislation, the increase in population of those who come across—illegally or legally—in the next 10 years will be some 30 million people. That is disputed by the facts on the ground. But also CBO points out in their estimate that by 2023, enacting S. 744 would lead to a net increase of 10.4 million in the number of people residing in the United States compared to the number of people projected under current law. So it is significantly lower.

The best estimate we have of the illegal population here is around 11 million. This would also lead to a substantial decrease in the illegal population obviously coming across. So we are looking at an increased population of about 10.4 million over 10 years, decidedly lower than some of the estimates that are being thrown around.

Let's talk about a few of the fiscal numbers. We are told it would be extremely costly to enact this legislation. CBO says the following: This will lead to an increase in Federal direct spending of $262 billion over the 2014–2033 period. Most of these outlays will be for increases in refundable tax credits, and on and on. So $262 billion in increased spending sounds significant, until you consider that this legislation will increase Federal revenues by $459 billion over the 2014–2033 period. So $459 billion in increased revenue compared against $262 billion in increased spending. That is a $197 billion surplus—or decrease in the deficit—over the 10-year budget window.

We often hear: That is OK for the first 10 years, but what happens after that? CBO looked at that as well, and they said this: On balance, CBO and JCT—Joint Committee on Taxation—estimate that the changes in direct spending in revenue would decrease Federal budget deficits by about $700 billion, or 0.02 percent, of the gross domestic product, over the period 2024 to 2033. Again, CBO and JCT estimate the changes in direct spending revenue will decrease Federal spending deficits by about $700 billion over the second 10-year budget window.

I know we often point out on this side of the aisle and the other side of the aisle as well these reports are only as good as the assumptions you make when you do these reports. Duly noted. But I think it is still instructive to look at this and dispel some of the wild rumors that are out there about the cost of this legislation, when CBO actually comes forward and says over a 20-year budget window, there will be a $700 billion decrease in Federal deficits. That is significant.

Let me also say CBO looked at how this legislation would affect the economy going forward. They looked at a further budget window. They say S. 744 would boost economic output, taking into account all economic effects including those reflected in the cost estimates. Again, they are talking about the direct spending that would increase through parts of this legislation as well. If you take that into account, still this bill would increase real inflation-adjusted GDP relative to the amount CBO projects under current law by 3.3 percent in 2023 and 5.4 percent in 2033—again, increasing economic activity by 3.3 percent in 2023 and by 5.4 percent in 2033. That is substantial.

When you look at the legislation and you look at what will happen when we increase legal immigration in ways that help the economy, particularly on the H–1B side—high-tech STEM visas—we all know intuitively that will help

us, because those individuals who come with these kinds of degrees boost economic output and increase jobs. It is going to help this economy, and this spells it out in dramatic fashion: 3.3 percent increase in 2023 simply owing to this legislation, 5.4 percent in 2033 just owing to this legislation.

In summary, I want to say CBO estimates are only as good as the assumptions they make. But when they look at this legislation in a dispassionate way, as nonpartisan as they can get, they come up with figures that show net revenue over expenses is quite substantial—over $700 billion over a 20-year budget window—and the economic output would increase 3.3 percent by 2023 and 5.4 percent by 2033. That is significant and I think it bears noting.

Madam President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:42 p.m., adjourned until Wednesday, June 19, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate on Monday, June 17, 2013:

DEPARTMENT OF STATE

LILIANA AYALDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

JAMES COSTOS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

JOHN B. EMERSON, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

JOHN RUFUS GIFFORD, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

KENNETH FRANCIS HACKETT, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

PATRICIA MARIE HASLACH, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, June 17, 2013:

THE JUDICIARY

LUIS FELIPE RESTREPO, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

KENNETH JOHN GONZALES, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.