CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

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

The legislative clerk read as follows:

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

Pending:

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

AMENDMENT NO. 1208

Mr. LEE. Mr. President, I ask unanimous consent to call up amendment No. 1208.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 1208.

The amendment is as follows:

(Purpose: To require fast-track congressional approval when the Secretary of Homeland Security notifies Congress of the implementation of the border security strategies and certifies that the strategies are substantially operational)

On page 856, lines 1 and 2, strike ''the Secretary has submitted to Congress'' and insert ''Congress has approved, using the fast-track procedures set forth in paragraph (3), the contents of''.

On page 56, strike lines 19 through 22, and insert the following: ''Congress has ratified, using the fast-track procedures set forth in paragraph (3), the written certification submitted by the Secretary to the President and Congress, after consultation with the Comptroller of the United States, that—''.

On page 858, between lines 10 and 11, insert the following:

(3) FAST-TRACK PROCEDURES.—

(A) IN GENERAL.—Not later than 30 days after receiving a submission from the Secretary under paragraph (1) or (2), the Senate and the House of Representatives shall vote to determine whether the action taken by the Secretary meets the requirements set forth in such paragraphs that are required before applications may be processed by the Secretary for registered provisional immigrant status or adjustment of status under section 245B or 245C, respectively, of the Immigration and Nationality Act, as added by sections 2101 and 2102.

(B) REFERRAL TO COMMITTEE.—The question described in subparagraph (A) may not be referred to any congressional committee.

(C) AMENDMENTS.—The question described in subparagraph (A) may not be subject to amendment in the Senate or in the House of Representatives.

(D) MAJORITY VOTE.—The question described in subparagraph (A) shall be subject to a vote threshold of a majority of all members of each House duly chosen and sworn.

(E) PRESIDENTIAL SIGNATURE.—The congressional approval and ratification required under paragraphs (1) and (2) shall not be completed until after it has received the signature of the President.

Mr. LEE. Mr. President, amendment No. 1208 would require fast-track congressional approval at the introduction of the Department of Homeland Security border security strategies before the award of registered provisional immigrant, or RPI, status—before the eligibility of that status begins, as well as at the certification of the strategy's completion, before those receiving RPI status may become eligible to become lawful permanent residents and eligible to receive green cards. This would be a fast-track vote, one that would have to occur within 30 days after the triggering event within the executive branch. It would also be subject to a 51-vote threshold and would not be subject to a filibuster. It is a basic function of Congress to oversee the executive branch and to ensure that the executive branch is enforcing the law as enacted by Congress.

In the area of border security, the executive branch, in both Republican and in Democratic administrations, has failed to fully enforce the laws passed by Congress. To give a few examples, the Secure Fence Act, which was enacted in 2006, still has not been fully implemented, and the fencing requirement—the fence segments required by that act—still have not been fulfilled. The US–VISIT entry-exit system, which was put into place by legislation enacted in 1996, still is not fully implemented. It is worth noting that 40 percent of our current illegal immigrants are people who have overstayed their visas. It is very reasonable to assume there is a significant connection between our failure to implement this entry-exit system called for by existing law and the fact that a sizable chunk—several millions of our current illegal aliens—are people who have overstayed their visas.

Polls overwhelmingly show Americans do not believe the border is secure. They also believe we should secure our borders first before moving on to certain areas of immigration reform. These are failures of the Federal Government. The American people cannot hold unelected bureaucrats in the executive branch—people such as the Secretary of Homeland Security—accountable for those failures. The most direct line of accountability is from the American people to their Members of Congress. In order to ensure the voice of the American people is heard, Congress must be able to vote on the border security strategy and on the certification of that strategy as a condition precedent to allowing these RPI provisions to kick in and to allowing people to enter into the pathway to citizenship and advance toward citizenship in the coming years.

To cut out Congress cuts out the American people, and that is exactly what this bill, without an amendment such as this one, would do. So it is important to remember that to cut out Congress cuts out the American people, and that is what we are trying to protect against.

Opponents of my amendment have argued they would be unwilling to rely on a majority of Congress to approve a border security plan as a condition for allowing the RPI period to open and to proceed. Has it ever occurred to them that it might be precisely because a majority of Americans would not approve the border security plan or at least they might not approve of it or, perhaps, it is not a good idea to move forward on sweeping new policies that will affect generations to come without the support of the American people? It is, after all, the American people who have to deal with the consequences of a dangerous and unsecured border. They will have to deal with cross-border violence. They will have to deal with the heartbreaking stories of human trafficking. They will have to deal with the drugs imported into their communities. They will have to deal with the economic effects and the added costs of public services associated with an ongoing unsecure border. Therefore, it is the American people who should be the ones who get to say whether the border is secure and not the unelected, unaccountable bureaucrats who have a long track record of failing to implement the objectives established by Congress and embodied in law.

My amendment would restore the voice of the American people to this process because, again, cutting out Congress means cutting out the American people. I strongly urge my colleagues to defend the rights of the American people, to weigh in on this important issue, and to support my amendment.

Finally, I wish to commend the House Judiciary Committee for passing the SAFE Act out of committee last night. The SAFE Act is an important step forward in improving interior enforcement, securing the border, and strengthening our national security. It also demonstrates that we can effectively pursue significant immigration reforms in a step-by-step approach with individual reform measures.

The SAFE Act is by no means a small piece of legislation but, importantly, it focuses reform on particular areas that should receive bipartisan support in both Chambers of Congress.

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

Once these and other tasks, which are plenty big in and of themselves, are completed or at least in progress to the American people's satisfaction, then and only then can we address the needs of current undocumented workers with justice, compassion, and sensitivity.

Since the beginning of this year, more than 40 immigration-related bills have been introduced in the House and in the Senate. By a rough count, I can support more than half of them, eight

of which have Republican and Democratic cosponsors. We should not risk forward progress on these and other bipartisan reforms simply because we are unable to iron out each of the more contentious issues.

So, again, with respect to this amendment No. 1208, I strongly urge my colleagues to support this amendment because we were elected not to delegate the power to make laws to other people, we were elected to make law. Identifying the precise moment at which the border is sufficiently secure—that it is a good time to open the pathway to legalization, the pathway to citizenship, whatever we end up calling it—it makes a lot of sense to put that decision in the hands of the elected people precisely because that decision is one that is difficult to identify. It is difficult for us to identify exactly what standards will satisfy the American people. We can make a rough approximation, but we should require a vote by both Houses of Congress and an act of Congress submitted to the President for signature or veto before the RPI period is open. We were elected to make decisions such as these, and we should not be outsourcing those decisions to others who are not elected.

Those who are not elected who, under the text of Senate bill 744, would be empowered to make these decisions, are—make no mistake—well-educated people and well-intentioned people, and I am not saying they categorically cannot be trusted. What I am saying is that those people who are well educated and well intentioned do not stand for reelection at regular intervals as we do. They are not elected by the people. They don't stand for election at regular intervals. For the most part they are insulated and isolated from the electoral process which keeps all of us accountable to the people in whom the ultimate sovereign authority lies.

For those reasons I urge my colleagues to support amendment No. 1208.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WOMEN'S HEALTH CARE

Mrs. BOXER. Mr. President, a couple of us are going to come down to the floor and talk about an action that was taken in the House yesterday. With all the issues we have to confront—whether it is continuing this economic recovery and job creation; dealing with immigration, as we are trying to do in the Senate; dealing with going to conference on the budget, which Chairman MURRAY has been pushing for day after day after day—one would think the House would take up one of those matters. But instead what do they do? They take up an extreme anti-choice bill. Clearly, House Republicans have learned no lessons from last year, when voters resoundingly rejected their efforts to defund Planned Parenthood, restrict women's access to birth control, and slash preventive care for women and families.

So the debate they had in the House yesterday echoes of last year, when Republicans talked about ''legitimate rape'' or a pregnancy from rape as a ''gift from God.'' In fact, the Republican sponsor of this bill said the incidence of pregnancy from rape was ''very low''—an assertion that is flatly contradicted by the facts.

I see my colleague Senator MURRAY is here, and I would just pause and ask her through the Chair if she needs to speak first.

Mrs. MURRAY. No. Go ahead.

Mrs. BOXER. Then I will complete and turn to her. I so thank her for organizing us this morning.

In November, voters sent the message that they want us to focus on real concerns—jobs, education, immigration reform. But now they are back. They are back in full force with an even more extreme antiwomen, anti-choice agenda.

They should know this: The women of America are watching and so are the men who support them.

This House Republican bill that was passed by them yesterday is a frontal assault on women's health. It puts women in danger of becoming infertile, in danger of suffering serious complications arising from cancer, blood clots, kidney disease or diabetes, just to name a few of these conditions. It is an attack on 40 years of settled law, and it criminalizes doctors.

Furthermore, there is no real rape or incest exception. It just bans abortion by a date certain with no real rape or incest exception. Let me explain this.

The Republican sponsors of the bill claim there is an exception for rape and incest. As a matter of fact, it was not in there, and they quickly added it. But, seriously, they do not fix the problem because what they do is say: Yes, a woman can end a pregnancy if she is raped, but she has to report that rape, and it is true that many women choose not to report the rape for their own private and personal reasons.

So when you tell a woman who has been raped and who is too scared to report it that she has to carry the rapist's child to term, that is not a rape exception. That is an outrage. When you tell a victim of incest, who is too scared to report it, that she has to carry that child to term, that is not an incest exception. It is revictimizing someone who has suffered a horrific crime.

Sixty-five percent of rape victims do not report these crimes. There is no protection at all for those women in this bill.

There is also no health exception. The House Republican bill has no health exception at all. It is a reckless disregard for the health of women. For example, if a woman will face serious complications, even life-threatening complications, if they continue a pregnancy—where they could suffer kidney failure, a worsening of breast cancer and ovarian cancer—there is no help for those women.

I would say listen to the women who have suffered these problems.

Judy Shackelford of Wisconsin. Four months into her pregnancy she developed a pregnancy-induced blood clot in her arm. The only guarantee that she would not die and leave behind her 5-year-old son was for Judy to end the pregnancy. She and her husband made the difficult decision to terminate the pregnancy, and those Congressmen playing doctor over there are telling her what she should do for her family. They are not doctors.

Listen to Christie Brooks of Virginia. Christie was pregnant with her second child. After a 20-week ultrasound, she found out her daughter would be born with a severe structural birth defect and would suffocate at birth. She made the difficult decision of ending that pregnancy at 22 weeks.

Then there is Vikki Stella. Vikki I have met. She discovered months into her pregnancy that the fetus she was carrying suffered from major anomalies and had no chance of survival—zero. Because of Vikki's diabetes, the doctor determined that induced labor and Caesarian section were both riskier procedures for Vikki than an abortion.

That procedure not only protected Vikki from immediate medical risks, but it ensured that she could have more children in the future. And those Congressmen over there want to get into her life and tell her what to do and tell her family what to do.

This bill is so extreme it would throw doctors in jail for 5 years for providing women with the care they need. And they talk about this brutal doctor who is now serving two consecutive life terms for what he did. Well, that is the way the system should work. If you break the law, as that doctor did, you go to jail. But do not change the law so if a good doctor is trying to help a good patient, he or she risks going to prison.

This bill is so extreme a broad array of groups oppose it. The American Congress of Obstetricians and Gynecologists—they represent thousands of OB/GYNs nationwide—said this bill is ''dangerous to patients' safety and health.''

A coalition of 15 religious groups oppose the bill. Here is what they said:

> We believe—and Americans, including people of faith, overwhelmingly agree—that the decision to end a pregnancy is best left to a woman in consultation with her family, her doctor, and her faith. Our laws should support and safeguard a woman's health—not deny access to care.

In closing—and before we hear from my colleague—let me tell you this: Speaker BOEHNER said last week that creating jobs is ''really our No. 1 priority.'' Majority Leader ERIC CANTOR

said ''House Republicans are focused on creating jobs and restoring faith in our government.''

No, they are not. They are continuing the war on women. If this is what their agenda is, why are they doing that? Why are they attacking 40 years of settled law?

President Obama has threatened to veto this bill, saying it shows ''contempt for women's health and [their] rights.'' In the Senate, my friend and I, who are here—and many others—are going to block this dangerous and extreme bill.

With that, I yield the floor.

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

Mrs. MURRAY. Madam President, I wish to thank the Senator from California for coming out today to let everyone know how extreme this bill is and how important it is that we send the message that this bill is going to be what most Republicans know deep down already. The anti-choice bill that they passed yesterday—a bill the New York Times called ''the most restrictive abortion bill to come to a vote in either chamber in a decade''—is not going anywhere—is not going anywhere.

The bill they passed yesterday is a nonstarter in the Senate, and it is a nonstarter with the overwhelming majority of American women. It is an attack on women's rights under the Constitution, and it is an attack on a woman's ability to make her own health care decisions.

It is a bill that was motivated by politics, pure and simple, and it amounts to little more than a charade designed to appeal to a dwindling base. But it is a charade that will end in the Senate today.

Even more than reminding House Republicans this bill has no chance of moving forward, I am here to provide a reality check because, apparently, despite the one that millions of American women provided last November, House Republicans need another one.

Despite the fact in States across the country voters rejected one candidate after another who politicized rape and ran on restricting a woman's right to choose, House Republicans are now back at it again.

Despite the fact they had to bring in a paid pollster to tell the entire Republican House caucus to stop talking about rape, apparently the message has not sunk in.

For many Republicans it is like 2012 all over again, which is to say it is more like 1950 all over again—a time when an all-male House Republican Judiciary panel can join together—all male—just like they did last Wednesday, to pass a bill that clearly ignores Roe v. Wade; a time when the same panel could reject efforts to protect the life and health of the mother or even reject efforts to make exceptions for rape or incest; a time when one of those panel members, a Republican Representative from Arizona, can even trot out the idea that women are not likely to become pregnant if they are raped.

But it is not 1950, and that irresponsible and shameful claim has been debunked by doctors and experts of all stripes, time and again.

It has been 40 years since Roe v. Wade put the health care choices of women in the hands of women. We are not going back.

But just as House Republicans need a reality check that American women are not going to have the clock turned back on them, I also believe the American people need to know House Republicans—and those on the far right targeting women's health care—are not going away anytime soon either.

In fact, I wish I could say the new restrictions on women's health care choices that the House passed yesterday were a surprise or that I thought that after last fall, Republicans would magically see the light.

I wish I could say I bought the rhetoric from some Republicans who have criticized their own because they believe we should be focused on jobs and the economy at such a difficult time.

But the truth is, attacks on women's health care have not stopped and, apparently, they will not stop. That is because they are a core part of that party's philosophy. In fact, all we have to do is look back at the moment that Republicans in the House took power.

We all remember back to 2010, after campaigning, by the way, across the country on a platform of jobs and the economy, the first three bills they introduced were each direct attacks on women's health.

The very first bill they introduced, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention, and it included an amendment that would have completely defunded Planned Parenthood and would have cut off support for the millions of women who count on that.

Another one of their opening rounds of bills would have permanently codified the Hyde amendment and the DC abortion ban. The original version of their bill did not even include an exception for the health of the mother.

Finally, they introduced a bill right away that would have rolled back every single one of the gains we made for women in the health care reform bill.

That Republican bill would have removed the caps on out-of-pocket expenses that protect women from losing their homes or their life savings if they get sick. It would have ended the ban on lifetime limits on coverage. It would have allowed insurance companies to once again discriminate against women by charging them higher premiums, and it would have rolled back the guarantee that insurance companies cover contraceptives.

Those were just their first three bills.

Since that time, we have seen women targeted on everything from contraception to Violence Against Women Act protections, to stripping the new protections provided under the Affordable Care Act.

Through economic peril, budget crises, record unemployment, the attacks on women's health have remained constant. On Capitol Hill, in State houses across the country, and in courtrooms at all levels, the fight against women making their own decisions about their health rages on. Republicans have shown they will go to just about any length to limit access to care. They have put politics between women and their own health care, they have put employers between women and their health care, they have even threatened to shut down the government over this very issue.

They have shown that this is not about what is best for women and men and their own family planning decisions; instead, it is about political calculation. It is about appeasing the far right. It is about their continued efforts to do whatever it takes to push their extreme agenda. But as we have seen with this latest effort, the deck is stacked against them because the Constitution is not going anywhere. Also, because Senators such as myself and Senator BOXER are not going anywhere either, because women who believe Republicans should not be making their health care decisions are not going anywhere. Therefore, this bill is not going anywhere.

Mrs. BOXER. Would the Senator yield for a question? I wish to engage my friend in a colloquy.

We are very fortunate, the Senator and I, because we chair important committees here. Of course all the committees are important—the Budget Committee and I the Environment and Public Works Committee. Both of us have worked hard to get important bills through the Senate—Senator MURRAY, the budget of the United States of America, and for me, the Water Resources Development Act, which deals with making sure the infrastructure around our water, our ports is sound. About 500,000 jobs go along with it. The Senator's is critical because it attacks the issue of jobs and deficits and the rest.

So it seems to me—and I want to know if my friend agrees with me—there is an agenda the Republican House can embrace to deal with what is concerning the American people, such as taking the Senator's bill, the budget bill, to conference after they went out and campaigned all over the country saying we did not want a budget. We pass a budget, now they are stopping the budget; picking up and passing the water resources bill, or their own version of it if they want; certainly dealing with comprehensive immigration reform, which is critical.

I was disheartened to hear Speaker BOEHNER say: Well, I am not that interested in comprehensive immigration reform. Well, why doesn't he take a look at the budgetary impact which is so positive for our Nation doing this,

getting people out of the shadows, getting them to start businesses and work.

Does my friend agree there is no shortage of important and critical issues facing the American people they could take up there other than an attack on women and women's health?

Mrs. MURRAY. Let me respond this way: When I go home—and I go home every weekend—my constituents talk to me about this big word called sequestration and its impact on their lives. Whether they have been furloughed, and their paycheck is much smaller, or whether they are running a violence against women center and they are having to close down a facility, or whether they are sending their kids to preschool and teachers have been laid off, or whether their small pizza shop in Kitsap County is going to have to close because so many people have been furloughed and cut back because of sequestration, what they want us to do is to invest in our infrastructure, to invest in our education, to make our country strong for the future, and to quit governing by crisis, which is why I have come to the floor, as the Senator from California knows, constantly to say we passed our budget; the House has passed their budget; solve this and replace sequestration in a responsible and fair way. We need to get to conference.

But we are being blocked by a handful of Republicans here on the Senate floor. Over in the House, they are not appointing conferees. They do not want to go to conference apparently, because they want to take the floor time to attack women's health care. This is not what the country is telling us to do. They are telling us to do our job and get a budget done so they have certainty. They are telling us to do our job and make sure we invest in the WRDA bill Senator BOXER has worked so hard to do; that the Corps of Engineers projects, whether it is a dam or whatever project they have at home that provides jobs and provides the kind of economy they need is taken care of. They elected us to come back here and do the job of this country.

So, yes, it is frustrating to me to have to come to the floor one more time to talk about abortion when we should be talking about the investments that need to be made, when we should be passing a budget, we should be investing in our children and their future and providing people with jobs and job training and research that is so important at universities across this country so we can be a good place 30 years from now in this country and be competitive.

I would say to my colleague, yes, it appears to me the country has an agenda that is vastly different than the House Republicans on the far right.

Mrs. BOXER. Madam President, I think it says it all here. We need to do our work on the issues that matter to the people. We need to make sure the economic recovery gains steam. We need to make sure we look at this sequester and fix it. We need to make sure we have, yes, deficit reduction, but investment. We need to stand strong here in the Senate. We will. Hopefully our House colleagues will change their minds. Republicans over there set the agenda. Get to the business of the people and stop attacking women.

AMENDMENT NO. 1240

Mrs. BOXER. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1240.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Ms. LANDRIEU, and Mrs. MURRAY, proposes an amendment numbered 1240.

Mrs. BOXER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require training for National Guard and Coast Guard officers and agents in training programs on border protection, immigration law enforcement, and how to address vulnerable populations, such as children and victims of crime)

On page 919, line 17, insert after ''agents,'' the following: ''in consultation with the Secretary of Defense, National Guard personnel performing duty to assist U.S. Customs and Border Protection under section 1103(c)(6) of this Act, Coast Guard officers and agents assisting in maritime border enforcement efforts,''.

Mrs. BOXER. Madam President, I rise in support of the Boxer-Landrieu-Murray amendment numbered 1240 which is a very simple amendment. It has bipartisan support as well. It would require the participation of the National Guard and the Coast Guard in new Border Protection training programs.

The underlying bill includes language authorizing specialized training for Federal law enforcement agents who have been tasked with securing the border to update them on how the law will impact their duties and their responsibilities. The bill specifically requires Customs and Border Protection, Border Patrol, ICE officers, and agriculture specialists at the border to undergo training on such things as identification and detection of fraudulent travel documents, civil rights protections, border community concerns, environmental concerns, and how agents should handle vulnerable populations such as children, victims of crime, and human trafficking.

But the bill leaves out two very important groups of Federal officials who will be key to further securing our lands and sea borders. They leave out the National Guard and the Coast Guard. The bill provides new authorizations for the National Guard to assist Customs and Border Protection agents with border enforcement duties. In the case of the Coast Guard, the bill continues their large role with maritime border security.

But the new training language excludes both the National Guard and the Coast Guard. So we look at our amendment as making a pretty easy fix. We do not think it was intentional to leave the National Guard and the Coast Guard out of the training. So we simply restore it.

I noted that Senator CORNYN identified the same problem during Judiciary Committee consideration of the bill. This piece was tucked into a more controversial amendment, so it did not pass. This bipartisan idea needs to be taken out. It needs to stand alone. It needs to pass. I am very hopeful it will.

In closing, I will list who is supporting us: National Task Force to End Sexual and Domestic Violence Against Women; Asian Pacific Islander Institute on Domestic Violence; Casa de Esperanza; National Latina Network for Healthy Families and Communities; Futures Without Violence; Institute on Domestic Violence in the African American Community; Jewish Women International; Legal Momentum; National Coalition Against Domestic Violence; National Congress of American Indians Task Force on Violence Against Women; National Council of Jewish Women; National Network to End Domestic Violence; National Organization of Sisters of Color Ending Sexual Assault; National Resource Center on Domestic Violence; and the YWCA.

We have a big group out there that understands these officers need that training.

With that, I thank everybody for their indulgence for allowing me time to explain the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1227

Mr. HELLER. Madam President, I ask unanimous consent that the pending amendment be set aside so I can call up amendment No. 1227.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada, [Mr. HELLER], for himself and Mr. REID, proposes an amendment numbered 1227.

Mr. HELLER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To include a representative from the Southwestern State of Nevada on the Southern Border Security Commission)

On page 861, line 9, strike ''4 members, consisting of 1 member'' and insert ''5 members, consisting of 1 member from the Southwestern State of Nevada and 1 member''.

Mr. HELLER. Madam President, the debate we are having in this Chamber is incredibly important to our Nation's

future. We simply cannot afford to waste this opportunity to bring meaningful reform to America's immigration system. We have a chance to enact commonsense reforms that will help fix the broken system that punishes those who simply want to work hard and play by the rules.

Over the course of the next 2 weeks, we have an opportunity to enhance border security and to ensure that those coming to our shores do so in a lawful manner. In order to do that, we need to make sure the underlying immigration bill actually addresses the issues and offers reasonable solutions that make sense.

Let me be clear: In order to fix the immigration system, we must secure our borders. Attempting to bring about immigration reform while ignoring the problems at our borders makes no sense. I, like many of my colleagues, have repeatedly voted this week in favor of increasing border security. I think most Americans would agree any reform legislation must include measures that stop unlawful entry into our country. The underlying bill recognizes the serious need for greater security at our borders and establishes a southern border security commission if State-based results are not achieved in a reasonable time.

I for one hope we secure our borders effectively and quickly so no such commission is ever needed. The southern border security commission will be established only if the Department of Homeland Security fails to achieve effective control of the southern border within 5 years of the bill's enactment. Hopefully we never recognize that scenario. But if for some reason a southern border security commission is needed, and if we fail to change the status quo after 5 years, then the States that are most affected by these issues must have a central role in fixing those problems.

Let me be clear: My amendment No. 1227 does not endorse the creation of the border commission. It simply ensures that should the commission be required, it will be fully representative of States' concerns and State-based recommendations on how to achieve control of the southern border.

The commission is primarily comprised of representatives from southern border States, including Arizona, California, Texas, and New Mexico, and is responsible for providing concrete recommendations to Congress and the administration on how to achieve control of the southern border should DHS fail to do so.

But Nevada would not be guaranteed a voice on the commission, despite the fact that Nevada shares contiguous borders with two southern border States and faces many of the same immigration-related challenges as these States. It is more than reasonable to argue that Nevada, which is a short drive away from San Diego, Los Angeles, and Phoenix, should be included on a commission designed to improve border security in the southwestern region. If that commission is necessary, Nevada should have a seat at that table. Including Nevada on the commission makes the underlying bill more effective, enhances this particular border security provision, and ensures that it fully addresses the issues affecting the southern border and southwestern States.

If we reject common sense during this amendment process, we are going to end up right back where we started in years to come. We are not going to give the American people the solution they deserve in this immigration bill. It is common sense that if the Federal Government fails to gain control of the borders, then the States most affected by the failure should be able to play a role in fixing the problem. It is common sense that States such as Nevada, which faces the same problems as other States in the region, should contribute to the process as members of that commission.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I come to the floor with even more good news about the Gang of 8's immigration reform proposal that is being debated before the Senate. The nonpartisan Congressional Budget Office has confirmed that this legislation we are considering is good for the American economy.

We in the Gang of 8 have spent months working on this bipartisan effort because we knew it was good for the United States. Now we have the official word from the Congressional Budget Office confirming that it will reduce our Nation's deficit and grow our Nation's economy.

As you can see in this graph, the Congressional Budget Office's analysis shows that our bill will increase the U.S. gross domestic product by 3.3 percent in the first 10 years after its enactment and 5.4 percent in the second 10 years after its enactment. This means the bipartisan immigration reform we are debating in the Senate will actually grow our economy, not harm it as some of the ardent opponents have tried to argue.

I have been saying this all along: bringing 11 million people out of the shadows will increase our economic growth, and now we know by how much.

The Congressional Budget Office also tells us we reduce the deficit by $197 billion over the next decade and by another $700 billion more between 2024 and 2033 through changes in direct spending and revenues. We are talking about almost $1 trillion in deficit spending that we can lift from the backs of the next generation by giving 11 million people a pathway to productive citizenship.

I have been saying all along, bringing 11 million people out of the shadows and fixing our broken immigration system will increase the gross domestic product and decrease the deficit, and now we know by how much. The report says it will come in payroll taxes, income taxes, fees, and fines estimated to be about $459 billion in the first 10 years and $1.5 trillion in the second 10 years. It also found that there will be fewer unauthorized individuals coming into the United States as a result of our bill.

Contrary to what my colleague from Alabama has continuously claimed on the floor of the Senate, the CBO found ''that the border enforcement and security provisions of the bill, along with the implementation of the mandatory employment verification system, would decrease the net future flows of unauthorized people into the United States.''

The bottom line of this report is clear. What the CBO numbers tell us is that 11 million people living in fear and in the shadows are not, as some would have us believe, part of America's problem, but bringing them out of the shadows is actually part of the solution and part of strengthening America's economic future. They are a key to economic growth, and immigration reform will help save the Social Security and Medicare trust funds.

What we realize today is that giving 11 million people a pathway, an arduous pathway, nonetheless a tough pathway, go through a criminal—come forth and register with the government, first of all, and let us know who is here, go through a criminal background check; they must pass that background check because if they don't, they are deported; and then ultimately they pay their taxes, learn English, and after more than a decade earn their way toward citizenship; fixing that broken immigration system, in effect, is an economic growth strategy and exactly the right thing to do.

Frankly, the CBO numbers negate any reasonable argument the opponents of this legislation have. Every argument they have made is based on one thing and one thing only: that ''those people'' living in the shadows, ''those people'' trying to earn a living, ''those people'' trying to keep their families together are a symptom of American decline. Our history of immigration clearly contradicts those arguments, and the CBO numbers confirm it.

The opponents of this legislation couldn't be more wrong. Giving 11 million people a pathway to citizenship, while strengthening our enforcement efforts, is not a symptom of decline. On the contrary, it is a symbol of America's hope and a validation of American values, what we stand for as a nation and who we are as a people.

I believe a new generation of immigrants willing to work hard and contribute to the economy will help make this another century of American exceptionalism.

I say to my friends on the other side, and I say to my friend from Alabama

who appears to have only gotten the CBO score for the first 10 years but not the second 10 years, even though I understand he was the one who asked for the CBO to score the second 10 years, apparently the second 10 years holds an inconvenient truth for my friend. The good news in this analysis actually gets better in the second 10 years. The CBO reports that immigration reform will reduce the deficit by $700 billion, increase wages by half a percent, increase GDP by 5.4 percent, and increase productivity and innovation.

As I listen to the Senator from Alabama make his remarks about the CBO report on wages, I don't think the numbers say he believes what they say. He was talking about how American family wages would go down, and the report explicitly says that is not the case.

In fact, Ezra Klein wrote yesterday in the Washington Post that the idea that immigration would lower wages of already working Americans is ''actually a bit misleading. . . . As for folks already here, CBO is careful to note that their estimates ''do not necessarily imply that current U.S. residents would be worse off'' in the first 10 years, and in the second 10 years, they estimate that the average American's wages will actually rise.''

In addition, in case my friend from Alabama missed it, the report also says:

> Although immigrants constituted 12 percent of the population in the year 2000, they accounted for 26 percent of U.S. based Nobel Prize winners, and they made up 25 percent of public venture-backed companies started between 1990 and 2005.

The fact is, immigrants receive patents at twice the rate of the native-born U.S. population. The bottom line, as Ezra Klein states:

> The bill's overall effect on the overall economy is unambiguously positive.

This is encouraging news for the American economy and it validates what many of us have known all along. I would only say let's not take a report from the Congressional Budget Office, twist it for political purposes, and then preach to the fears of those who would oppose this legislation no matter how encouraging and positive the CBO numbers are. I am already beginning to hear the voices who, of course, are rejecting the CBO's analysis. I find it interesting. I stand on this floor very often and listen to my colleagues who use the CBO numbers when it inures to their benefit but reject them when it doesn't. You can't do it. You can't have it both ways. This is a reason to move forward, not a reason for further obstruction.

The Congressional Budget Office report is encouraging enough, in my view, to make this legislation part of an economic recovery strategy and a long-term competitiveness strategy. I say to the opponents of the legislation: Don't stand in the way of economic growth. Don't stand in the way of economic recovery. Let's say yes to immigration reform.

Even a voice I normally am not in concert with—Grover Norquist, the president of Americans for Tax Reform, said yesterday:

> Today's CBO score is more evidence that immigration is key to economic growth. Immigration reform will jumpstart America's economy and reduce our national debt. . . . I urge Congress to fix our broken immigration system for the sake of the American economy.

I don't usually agree with Grover Norquist, so the fact that we can actually agree on this issue means we have done something right in the Gang of 8, something worthy of the support even of some of my most conservative colleagues.

I think my friends on the other side are out of arguments. Ezra Klein does a good job of bottom-lining the CBO analysis. He says:

> This isn't just a good CBO report. It's a wildly good CBO report. They're basically saying immigration reform is a free lunch: It cuts the deficit by growing the economy. It makes Americans better off and it makes immigrants better off. At a time when the U.S. economy desperately needs a bit of help, this bill, according to CBO, helps. And politically, it forces opponents of the bill onto the ground they're least comfortable occupying: They have to argue that immigration reform is bad for cultural or ethical reasons rather than economic ones.

The good news in this CBO report about the economic benefits of immigration reform is exactly one of the reasons 70 percent of Americans support it. It is good for the economy. Once again, we realize the breadth of support for this legislation goes far beyond politics, demographics, or elections. It goes to our responsibility to the economy and to our country.

We have an obligation to pass this legislation if we want to fix our immigration system and rebuild our economy.

To those opponents of immigration reform who tell us ''those people'' will come here and use services, demand more and bankrupt the system, I would point them to this graphic.

The sizable deficit reduction from immigration reform in the first 10 years is actually dwarfed by the amount that immigrants will continue to contribute in reducing the national deficit in the second 10 years.

This clearly shows immigration reform is good for America now and in the long term. People have long realized, and the CBO numbers show us, that this legislation is, without a doubt, the right thing to do. It benefits all of us as an issue.

These are people who have come here to work, contribute to our economy, our economic competitiveness, pay their taxes, and be part of the dream. The CBO report simply puts numbers to what that dream is all about and what we have known all along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, as chair of the Agriculture, Nutrition and Forestry Committee, I rise today to speak about the urgent need for comprehensive immigration reform. I too, along with the distinguished Senator from New Jersey, wish to indicate that it is very good news that this is not only good in a number of ways to have a legal system that is working for the economy, but we are actually going to see deficit reduction. Saving money as well as providing certainty in the economy for workers and businesses, a legal system that works for people, for families, business workers, is extremely positive.

I wish to congratulate all of my colleagues and friends on both sides of the aisle who have worked so hard: the leader of the Judiciary Committee, the leader of the Immigration Subcommittee, and all of those on both sides of the aisle who have worked so hard to make this happen.

I particularly thank Senator DIANNE FEINSTEIN, Senator BENNET, and others who have worked very hard on a portion of the bill that relates to agriculture.

In agriculture, we need comprehensive immigration reform. It is critically important for farmers from Michigan, Wisconsin, Alabama, California, and everywhere in between.

As you know, we passed our farm bill with wide bipartisan support a week ago. In the debate, we talked a lot about risk management and making sure that farmers have a safety net when they experience a disaster, whether it be a drought, a late freeze, or other severe weather. But what about when the weather is good, the Sun shines, there is enough rain but not too much, and it falls at the right times and the crops grow and ripen, and then there aren't enough people to harvest it, which has happened too many times in Michigan? When that happens, crops unpicked, unsorted, and unsold rot in the fields. In California, last year peach growers saw much of their crop rot on the trees because they couldn't find enough workers. One farmer outside Marysville, CA, said he was losing 5 percent of his peaches every day—every day—because he couldn't get enough farm workers and the system didn't work. And this year grapefruit growers are already behind on picking by 2 weeks because of the labor shortage. We need a legal system that works.

In Alabama, in 2011 thousands of farm workers fled the State as a new immigration law was passed and undermined the ability to get quality legal workers. Brian Cash, a tomato grower on Chandler Mountain, said that one day he had 64 workers and the next day he had 11 when the new law made it a crime not to carry valid documents at all times, which forced police to check on anyone they suspected was here illegally. The way this was put together, it was not workable. So we need a system that works, that is realistic, that makes sure everyone, in fact, who is here is documented as legally here, but

it has to be done in a way that works for farmers and workers. Because Brian didn't have enough workers to harvest his 125 acres, he watched his tomato crop rot in the field, and that loss cost him $100,000.

In my home State of Michigan last year, we couldn't get enough workers to help harvest the crops up and down the west side of the State. Asparagus grower John Bakker, who runs the Michigan Asparagus Advisory Board, reports that 97 percent of Michigan asparagus is harvested by hand and almost all of our hand-harvesting labor comes from migrant workers. That means much of our asparagus crop, unfortunately, was left in the field last year.

As you can see here, this was all left in the field. All of this is what has happened.

Alan Overhiser from Casco Township, MI, grows peaches and apples on 225 acres. He typically hires 25 to 30 seasonal workers. Right now he only has two. He said:

> I think one thing people don't understand is that people we normally hire are skilled at this work. It's not just something that everyone can do. I think that's probably the myth out there. The reality is that we're in the business of providing safe, high-quality food that people want to buy. It takes a skilled labor force. It's hard work. They just aren't everywhere.

So we need to have a legal system that farmers can count on to have the skilled labor they need.

Dianne Smith, the executive director of the Michigan Apple Committee, said that because last year's crop harvest was lost to a weather disaster, many farm workers, of course, moved on to different jobs. In fact, she said that apple growers from Michigan to Washington are desperate to get back the skilled workers they need and that growers are hearing that until immigration is worked out, until there is a legal system they can trust and count on, workers they have worked with for years aren't willing to come back to the United States.

Russ Costanza grows squash, peppers, cucumbers, tomatoes, and eggplants on his Michigan farm. In the 1960s every farm worker his father hired came from nearby Benton Harbor, MI. As of 2010 not a single worker came from that city.

Again, there are the challenges of finding farm workers, those who are skilled and who want to do this kind of work.

Fred Leitz, who also farms near Benton Harbor, says American workers don't want to work in the fields. He has reached out to find workers and says it is a particular kind of work that most American workers are not interested in doing. In 2009 migrant workers held 200 of the 225 jobs at his apple orchard, and he said he would be out of business without their help. He has to have a legal system that works so that he knows he is following the law, so that people know they are following the law, they can count on it, and they can have the skilled workers they need every year.

Today, 77 percent of our country's farm workers are foreign born. These are men and women who work in extremely difficult jobs. They are people who need and want to follow the law. We have to make sure the law works. We need immigration reform to make sure we have an accountable system.

For our workers who put in so much effort all year long only to watch their crops rot in the fields, we need immigration reform. We need a legal system that works. If they do not have workers to pick all of their crops, then farmers are going to plant fewer acres. The effect of a labor shortage can be just as devastating and disastrous on our food supply and our families' grocery bills as a drought or a freeze.

So there is no two ways about it. We need to pass this bill. We need immigration reform. We need a system that is accountable, that is credible, that is legal, and that works. Farmers and farm worker organizations are strongly endorsing this bill because fixing our immigration system is what the bill before us is all about.

I am very pleased people have come together—those representing workers, those representing farmers—to find something that actually is a good balance and works for everyone in this sector of the economy.

This bill first creates a way for current undocumented workers to obtain legal status through the blue card program if they have worked at least 100 work days or 575 hours from January 1, 2010, through December 31, 2012. All the blue card holders receive biometric identification, and employers will be required to provide a record of their employment to the Department of Agriculture as well. To be eligible then for a green card, the workers must have worked for at least 100 days per year for 8 years prior to enactment or 150 days for 5 years prior to enactment, and they also would have to show that they paid taxes on the income they earned while in blue card status and that they have not been convicted of any felony or violent misdemeanor as well.

Next, the bill also establishes an agriculture worker program to assign work visas for immigrant workers who don't wish to live in the United States but want to be able to come to the United States and work legally. Workers must register with USDA and pay a registration fee, and the USDA will create an electronic employment monitoring system similar to our current student and exchange visitor information system to track temporary workers.

This bill ensures a review of the visa cap after 5 years so we can see how the program is working for farmers and for farm workers. It also gives the Secretary of Agriculture the power to increase the number of visas in an emergency, as in a situation where we don't have enough workers and the crops are actually rotting in the fields.

In addition, any workers who are unemployed for more than 60 days or breach a contract with an employer will have to leave the United States.

Furthermore, the bill provides much needed certainty for farmers and for workers when it comes to wages. Under the bill farmers will know how much to plan to spend on help, and workers will know how much to plan on earning for their work.

Finally, farm employers must hire eligible and qualified American workers before filling any shortages of workers through the visa program. So, as always—and certainly a high priority for me—we want to make sure American workers have the first opportunity for these jobs. It is only in a situation where there are not Americans applying and wishing to have this employment that we would then turn to those who are legally here and who are foreign born.

We are the top agricultural export country in the world—the top. That is one of the bright spots for us. As I have said so many times, 16 million people work in this industry. We can't continue to be the top export country if we leave crops in the fields or on the trees because we don't have a legal system that works and we don't have legal employees who are here, workers who are here legally and who can do the work. So we need to pass this bill.

There are many reasons to pass this bill. One is to make sure we are actually picking from the fruit trees and not letting things fall and rot on the ground—the precious food we are growing across the country. We need to pass this bill because our food supply and the world's food supply depend on being able to get the crops out of the fields.

We have done a great job working together to produce a 5-year farm bill that addresses everything from research and support for farmers when they have disasters to conservation practices, trade, local food systems, rural development, and on and on. The one piece we can do now that will really give American agriculture a positive one-two punch is to pass this bill.

This bill is a balance. It has been worked out among all those involved in the agricultural economy, both from a business standpoint and a worker standpoint. Everyone is very clear: The system is broken. It doesn't work. It doesn't work for anybody right now. So we need a system that works, that is accountable, that has the right kind of balance, and that, of course, puts American workers first but allows our farmers to have the legal workers they need as well in that process.

This bill makes sense, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1320

Mr. CRUZ. Madam President, I ask unanimous consent to temporarily set aside the pending amendment so that I may call up my amendment No. 1320 which is at the desk.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 1320.

Mr. CRUZ. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To replace title I of the bill with specific border security requirements, which shall be met before the Secretary of Homeland Security may process applications for registered immigrant status or blue card status and to avoid Department of Homeland Security budget reductions)

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).

Mr. CRUZ. Madam President, central to any debate over immigration is the need to secure our borders. The American people are overwhelmingly unified on that proposition. We must secure our borders. Unfortunately, the bill before this body—the Gang of 8 immigration bill—does not secure our borders.

Right now our borders are anything but secure. In fiscal year 2012 there were 364,768 apprehensions along the southwest border. Forty-nine percent of those apprehensions were in Texas.

The Border Patrol reported in 2012 463 deaths, 549 assaults, and 1,312 rescues. And this is just a tiny fraction of those actually harmed crossing the border illegally. In fiscal year 2012 there were 2,297,662 pounds of marijuana and nearly 6,000 pounds of cocaine seized at the southwest border.

The trafficking we are seeing is not just human life, but it is also drugs that are destroying the lives of countless young people and Americans across our country. From April 2006 to March of 2013 over 9 million pounds of marijuana, cocaine, meth, and heroin has been seized just in Texas, $182 million in currency has been seized, over 4,000 weapons have been seized. Madam President, 392 cartel members have been arrested in Texas since 2007, 33 cartel-related homicides in Texas just since 2009, and 78 instances where shots were fired at law enforcement officers in Texas.

The insecurity of our borders is causing human tragedies in our country, many of which are occurring in my home State of Texas. A brutal example can be found in the situation faced by my constituents in Brooks County, TX, a county in South Texas 60 miles southwest of Corpus Christi, 90 miles from Laredo. Seemingly far removed and peaceful, Brooks County is the site of an extreme problem: hundreds of thousands of people coming here illegally, many of them from countries other than Mexico, attempting to cross the harsh terrain on foot, cutting across private property to avoid detection by the understaffed Border Patrol.

According to news sources, 400 to 500 illegal immigrants cross Brooks County on foot every single night—400 to 500 a night. The Washington Post recently wrote a piece about Brooks County and described the situation as follows:

There has been a surge in illegal migrants, mostly from Central America, trying to sneak around the checkpoint by cutting through the desolate ranches and labyrinths of mesquite brush that parallel the highway.

They arrive in South Texas by riding the freight trains up through southern Mexico and along the gulf coast. Smugglers float them across the Rio Grande to safe houses and border cities such as Brownsville and McAllen, then drive them north toward Houston and San Antonio along U.S. Route 281.

Several miles before the Falfurrias Border Patrol checkpoint, the smugglers pull over, and that's where the migrants start walking.

Because they are either paid in advance or based solely on how many people they successfully deliver, smugglers often leave illegal immigrants in places such as the sometimes 30-mile overland hike, which is undertaken at a brutally fast pace, and sadly the harsh land and climate lead to the death of many.

The Washington Post interviewed one of my constituents, Mr. Presnall Cage, on that point. He said:

''I don't want the bodies here anymore,'' said Presnall Cage, whose family's 43,000-acre property is directly west of the highway checkpoint. ''A more secure border would mean fewer deaths,'' he said.

The system we have is not humane. It is cruel, and it results in terrible human tragedies.

The Washington Post went on to describe the situation Mr. Cage faces.

Some of the migrants find their way to Cage's ranch house, as three groups of people had done the week before. ''I feel so sorry for them,'' he said. ''They have no idea what they're getting into.'' Cage has placed dozens of water faucets around his property. But a sinking feeling sets in whenever he sees a pair of sneakers laid across a path or a shirt tied to a branch near the road, typical last-ditch distress signals.

When winter arrives and quail hunters come to his ranch with dogs, more bodies show up. Last year 16 bodies were found on Cage's ranch. Sixteen men, women, and children lost their lives because of our broken immigration system.

Sadly, the 16 found on Mr. Cage's ranch represent only a small fraction of the 129 bodies found in just Brooks County last year. The county spent $159,000 last year to recover and bury those who went unclaimed. They are buried at the Sacred Heart Burial Park. They are spread across three sections of the cemetery. In those three sections, the graves do not have names.

The remains of a human being lie marked only by simple aluminum markers carrying serial numbers or sterile descriptions: ''Unknown Female,'' ''Bones,'' or ''Skull.''

No one who cares about our humanity would want to maintain a system where the border isn't secure, where vulnerable women and children entrust themselves to corrupt coyotes and drug dealers and are left to die in the desert. This is a system that produces human tragedy, and the most heartbreaking aspect of this Gang of 8 bill is that it will perpetuate this tragedy. It will not fix the problem. It will not secure the borders.

Linda Vickers, who is a constituent from Brooks County, wrote me about the situation she faces:

> In all the years I have lived here (since 1996) I have never seen or been confronted by so many illegal immigrants. Since May of last year the numbers have continued to rise. . . . But I have never seen it like this! Nor, have I ever felt this unsafe in my own home and on my own ranch as I do right now. I have had so many gang members (MS–13, Pistoleros, etc.) around my house that I now feel it is not ''if'' I will be assaulted, but ''when.''

Linda Vickers' husband is a veterinarian, Dr. Mike Vickers. Like many other ranchers in Brooks County, Mike speaks Spanish and he worked for Mexican ranchers for years as a vet until the travel became too dangerous. Dr. Vickers gave the following statement of his own:

> I live on a Brooks County ranch with my wife, Linda. In 2012, 129 bodies of deceased illegal aliens were found in our County on private ranch land. Most of these bodies were found within 15 minutes of our front door in any given direction! We believe these bodies represent only 20–25% of the actual number of illegal immigrants dying in this area. . . . In one week of last July, I personally rescued 15 people (most were Central Americans) that were lost and close to dying from dehydration and heat exhaustion. . . . This same week I found a deceased person that had been laid across a dirt road in order to be found. He was a 31 year old man from El Salvador.

A system that perpetuates these human tragedies is cruel. It is the opposite of humane. Yet the bill before this Senate, the Gang of 8 bill, encourages illegal immigration now and more in the future if it is passed.

Apprehensions in the Rio Grande Valley are projected to be higher in fiscal year 2013 than in any year since 2000, and the number of apprehensions to date, after only 8 months, is already more than the total apprehensions in fiscal years 2002 to 2004 and 2007 to 2011.

This is a chart of the apprehensions of what Homeland Security refers to as OTMs—those who are other than Mexican—because a significant number of people coming into this country illegally are not from Mexico but are from other nations.

The black line represents apprehensions of OTMs along the southwest border, and the white line represents apprehensions in Texas. You see two clear spots—one in the mid-2000s, coming up right upon the consideration of the last major amnesty bill, and we saw apprehensions spike dramatically as people were incentivized by that offer of amnesty to risk their lives coming here illegally, and we see again a second spike happening right now.

DHS statistics show apprehensions on the southwest border are up 13 percent versus the same time last year—from 170,223 in 2012 to 192,298.

The Gang of 8 bill encourages illegal immigration in many ways, one of which is by prohibiting immigration law enforcement from detaining or deporting any apprehended illegal immigrant if they ''appear to be eligible for instant legalization'' and requiring that they be allowed to apply for amnesty. In other words, what this bill does is it handcuffs law enforcement from enforcing our immigration laws. We should not be surprised that when you handcuff law enforcement, the result is more and more breaking the law.

The Gang of 8 bill allows illegal aliens who have been previously removed to, in the Secretary's discretion, be eligible for legalization even if they have illegally reentered the country yet again. And neither the Gang of 8 bill nor many of the alternative border security proposals that have been introduced do enough to meaningfully secure our borders.

The last time this body passed major immigration reform was 1986. In 1986 the Federal Government made a promise to the American people. The Federal Government said: We will grant amnesty to some 3 million people who are here illegally. In exchange, we will secure the borders. We will stop illegal immigration. We will fix the problem. The American people accepted that offer. What happened in 1986 was that the amnesty happened, 3 million people received it, and yet the border security never happened.

I was struck last week when the senior Senator from New York stood at his desk and said: When this bill passes, illegal immigration will be a thing of the past. It was an echo from the debate in 1986. In 1986 that same promise was made to the American people: Just grant amnesty and illegal immigration will be a thing of the past. Do you know what we have learned? If legalization comes first, border security never happens.

One of the major questions before this body is, Which should come first, legalization or border security? I can tell you that the overwhelming majority of Americans, Republicans and Democrats, want border security first before any legalization. Yet the Gang of 8 bill and the alternatives before this body don't require even a single additional Border Patrol agent prior to legalization. The Gang of 8 bill does not require that a single foot of fencing be built along the border prior to legalization. The Gang of 8 bill does not require a biometric exit-entry system prior to legalization.

Unlike the Gang of 8 bill, the amendment I have called up does provide real border security. It does what we have been telling the American people, but it actually follows through on it. Prior to legalization, my amendment would do a number of things. No. 1, it would triple the number of Border Patrol agents on the southern border. Today there are a little over 18,000 Border Patrol agents on the border, but our border is not secure. This bill triples that. This bill quadruples the number of cameras, sensors, helicopters, fixed-wing assets, technology, and infrastructure on the border. This bill requires that we complete all 700 miles of the fencing required by law in the Secure Fence Act. This bill requires real-time sharing of information among Federal law enforcement agencies. This bill requires that we complete and fully implement the US–VISIT system, including biometric exist-entry. And this bill requires that we establish operational control over 100 percent of the southern border.

Proponents of the Gang of 8 bill suggest that we don't need additional border patrol. I have to say that it is interesting seeing Senators who represent States that are very, very far away from the border standing up with complete confidence and sharing what we need to do to secure the border.

I can tell you, every time I have been to the border in my home State of Texas, the No. 1 answer that has been given from people on the ground—how do we fix this? How do we secure the border? How do we make it so you are not at risk from Mexican drug cartels and from the constant human tragedy of illegal immigration? The No. 1 answer you get over and over from law enforcement on the ground is this: More boots on the ground.

Let me put things in perspective in terms of what exactly we are talking about with boots on the ground. We need to have sufficient resources to secure the border. And let's take as a comparison the border versus New York City. In New York City, there are 34,500 NYPD officers. The area those 34,000 officers are policing is 468 square miles. That is a density of about 73 officers per square mile. By contrast, the border has 18,516 Border Patrol agents, but instead of policing 468 square miles, they are policing approximately 200,000 square miles. That is a density of 0.1 agents per square mile.

Let's look at it in a different way to get a sense of the differential there is right now. In New York City, 34,500 NYPD officers, as represented by this chart, are policing about 470 square miles—that little dot. By comparison, roughly half this number of Border Patrol agents are policing a square that large. And that is why law enforcement on the border says that whenever you spot those who are coming here illegally—even if you spot them, even if you find them, there is a delay in getting Border Patrol agents there to apprehend them, and by the time they are there, many of them have escaped and fled into the interior.

Why focus on inputs? One of the reasons to focus on inputs is that this administration in particular has demonstrated both a willingness to disregard the law and less than complete fidelity to truth. Proponents of the Gang of 8 say there are provisions in this statute that require that DHS fix the problem. I would like to point out a couple of provisions of current law.

If you look right now at current law, current Federal law requires:

> Ports of entry shall use equipment and software to allow the biometric comparison and authentication of all travel documents.

That was enacted in law in 2002. Has it happened? No. It is one of the things in the civics classes we teach our kids: Congress passes a law, the President signs it, and suddenly it occurs. It doesn't occur if the Executive doesn't implement it. And the statement of the head of the travel entry programs at CBP in 2011 was:

> The operational costs of a biometric program at this time would be inordinately expensive and the benefits not commensurate with the costs.

Despite the fact that the statute, the words on the paper say we have to have a biometric system, we do not, and the Obama administration made it perfectly clear they do not intend to change that.

Look at another provision of current law. Current law provides the DHS Secretary shall—not may, not might—''shall provide for at least 2 layers of reinforced fencing'' over 700 specified miles.

How much of that has happened? Madam President, 36.6 miles of double-layered fence is currently standing. The statute says there shall be 700. DHS has built only 36. Words on a paper don't secure the border.

A third example of current law right now that the Obama administration is disregarding, current law provides DHS Secretary Janet Napolitano must ''achieve and maintain operational control'' over the entire border.

What does Janet Napolitano say? She says: ''Look, operational control, it's an archaic term.''

DHS doesn't even measure it anymore, much less require it.

Why? Because when they were measuring it they found it wasn't being achieved, the border wasn't secure. So rather than enforce it, they just erased the metric that demonstrated they are not fixing the problem.

There are two fundamental questions this body needs to consider when it comes to border security. No. 1, do we have real border security? Do we fix the problem, stop providing empty promises? The Gang of 8 bill has empty promises that will do nothing to secure the border. I think the American people are tired of empty promises.

The amendment I have offered will put real teeth in border security: triple the number of Border Patrol agents on the southwest border; quadruple the cameras, sensors, drones, helicopters, and other technology and infrastructure as appropriate; ensure that we fix the problem.

No. 2, there is a fundamental question: Which comes first, legalization or border security? The Gang of 8 bill says let's have legalization first and then border security is a promise that will happen in the future. We have been down that road. That was the exact same path we took in 1986. In 1986 Congress told the American people we will grant legalization now, and on Tuesday I will pay you the cost of a hamburger. In the future, we will secure the border. Three decades later it still has not happened.

The only way to make it happen is to require border security first, to put the incentives on the Federal Government. Talk is cheap. We need to fix the problem.

In closing, I ask you, Madam President, and I ask the American people to focus on the cost, the human tragedy of our current system. In 1986 there were 3 million people here illegally. They were granted amnesty and the Federal Government promised the problem would be solved. Three decades later the border is still not secure, and there are 11 million people here illegally.

If this body passes the Gang of 8 bill, it will grant immediate legalization and it still will not secure the border. In another 10 or 20 years we will be back here, but it will not be 3 million or 11 million; it will be 20 million or 30 million people here illegally. If that happens, there are going to be a lot more graves like this, a lot more little boys, little girls, a lot more men and women who will never achieve the potential they could because of our system. It is a perverse system that encourages good people who just want a better life—they want a better life for their kids—and with our system, because we do not enforce the law, they risk their lives, they entrust themselves to human traffickers who assault them, who sexually violate them, who leave them to die in the desert.

The American people are overwhelmingly unified that, No. 1, we need to secure the border. And, No. 2, any bill that this body passes should have border security first and then legalization, not the other way around. There is an old saying that is popular in Texas: Fool me once, shame on you; fool me twice, shame on me.

In 1986, Congress asked the American people: Trust us with legalization first and border security later. We learned it never happened. You know what. I don't think the American people are ready to be fooled a second time. I hope this body will adopt the amendment I have introduced to provide real border security and to ensure that border security occurs first, before legalization.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent my remarks be as in morning business.

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

JUDICIAL CONFIRMATION PROCESS

Mr. HATCH. Mr. President, the Senate has so far this year confirmed 26 judicial nominees, including six appeals court nominees. The majority was right on cue, complaining about what they still insist is unprecedented confirmation obstruction and threatening to fundamentally change the confirmation process itself.

The late Senator from New York, Daniel Patrick Moynihan, once said that you are entitled to your own opinion but not to your own facts. So let us look at the real confirmation facts.

The Senate confirmed a higher percentage of President Obama's first-term appeals court nominees, and did so faster, than it had for President Bush. The 111 judges confirmed in the previous Congress was the highest total in more than 20 years.

Now we are at the beginning of President Obama's second term. The Senate is on a faster second-term confirmation pace than under any President in American history. And by the way, we have already confirmed more judges as the Democratic majority allowed to be confirmed in all of 2005, the first year of President Bush's second term.

Or we can look specifically at nominees to the U.S. Court of Appeals. The six appeals court nominees already confirmed this year are more than 60 percent above the average annual confirmation pace during the entire time I have been in the Senate. In fact, the Senate confirmed more appeals court nominees by this time in only eight of those 36 years.

Despite those confirmation facts, the majority wants the public to believe that legions of judicial nominees are piling up, waiting to be confirmed, and the only thing holding back this confirmation flood is Republican obstruction in general, and Republican filibusters in particular.

Democratic Senators claim that there have been hundreds of filibusters. In January 2011, they claimed that there had been 275 filibusters in the previous 4 years alone. Last December, the claim had risen to 391.

My Democratic colleagues would be no less accurate if they claimed thousands or even millions of filibusters. There is no other way to say it, Mr. President, but the majority is committing filibuster fraud.

Here's how they do it. The Senate must end debate on a bill or a nomination before we can vote on it. The process for ending debate, or invoking cloture, has two steps, a cloture motion and a cloture vote.

A cloture motion is nothing more than a request to end debate and requires only the signature of 16 Senators. The little secret behind those wild claims of filibusters in the hundreds is that Democrats are counting cloture motions, not filibusters. On January 1 of this year, one Democratic Senator actually let slip what the majority is up to when he referred to ''the

use of the filibuster as measured by the number of cloture motions.''

Cloture motions and filibusters are two different things. In a report dated just last month, the Congressional Research Service said:

> Senate leadership has increasingly made use of cloture . . . at times when no evident filibuster has yet occurred.

The current majority leader files cloture motions left and right, sometimes at the same time and in virtually the same breath as when he brings up a matter for consideration. That gimmick boosts the number that the majority uses as false evidence of a filibuster problem, but it is simply filibuster fraud. So many of these cloture motions are unnecessary that a higher percentage is withdrawn without any cloture vote at all than under previous majority leaders of either party.

Here is one recent example. The Judiciary Committee unanimously reported the appeals court nomination of Sri Srinivasan on May 16, 2013. No one opposed this nominee in the Judiciary Committee, and no one was ever going to oppose this nominee on the floor. The majority leader still filed a cloture motion even though the minority leader had already agreed to a confirmation vote.

I will not be surprised if the majority claims that this unanimously confirmed nominee was somehow filibustered because a completely unwarranted and totally unnecessary cloture motion was filed and promptly withdrawn.

It is time to stop the gimmicks and fake numbers. It is time to stop the filibuster fraud. A cloture motion is simply a request to end debate while a cloture vote is an actual attempt to end debate. A filibuster occurs when that attempt to end debate fails.

Let's look specifically at judicial filibusters. The majority should know the judicial filibuster facts because, after all, they pioneered the use of filibusters to defeat judicial nominees who would otherwise be confirmed.

The Senate has taken a total of 51 cloture votes on 36 different judicial nominations since the first one in 1968. Remember that a vote against cloture is a vote for a filibuster. As this chart shows, 79 percent of all votes by Senators for judicial filibusters in American history have been cast by Democrats.

One reason why the majority uses fake definitions and made-up numbers is that the number of real judicial filibusters is much lower today than in the past, especially during the previous administration.

At this point under President Bush, the Senate had taken 24 cloture votes on judicial nominees and 20 of them had failed. In other words, there had been 20 judicial filibusters. Not cloture motions, but actual filibusters that prevented confirmation votes. But under President Obama, the Senate has taken only nine cloture votes on judicial nominees and only four of those have failed. There have been only four judicial filibusters since President Obama took office.

It's no wonder that the majority today would rather use fake numbers than talk about real filibusters. Democrats led five times as many filibusters of President Bush's judicial nominees than there have been filibusters of President Obama's judicial nominees. Five times as many.

Not only that, but the very same majority party leaders who today most loudly condemn judicial filibusters the majority leader, the majority whip, and the Judiciary Committee chairman each voted no less than 21 times for judicial filibusters by this point under President Bush. They voted for real filibusters then, they condemn fake filibusters today.

Another example of filibuster fraud is the claim that the Senate today is bound by a 2006 agreement among a group of Senators who came to be known as the Gang of 14. Just a few months ago, the majority whip said that the Senate is supposed to use this agreement today as the standard for justifying a filibuster. In the Judiciary Committee and here on the floor, Senators on the other side of the aisle lecture us about how we supposedly have violated that agreement.

That agreement was never binding on more than those 14 Senators, it offered a standard that was to be interpreted and applied individually, and it never applied to anyone after 2006.

Here's what happened. By the spring of 2005, Democrats had led 20 filibusters that prevented confirmation votes on 10 different appeals court nominees. The majority leader threatened to prevent judicial filibusters through a parliamentary ruling that could be sustained by a simple majority vote. A group of seven Democrats and seven Republicans joined to head off that confrontation.

With a 55–45 Republican majority, the seven Democrats were enough to prevent judicial filibusters and the seven Republicans were enough to prevent a ban on judicial filibusters.

I have here the memorandum of understanding signed by those 14 Senators. Three things stand out.

First, it ''confirms an understanding among the signatories.'' The agreement applied only to those 14 Senators, only five of whom are serving today.

Second, it says that this agreement is ''related to pending and future nominations in the 109th Congress.'' The agreement expired more than 6 years ago.

Third, it says that those 14 Senators will support judicial filibusters only under ''extraordinary circumstances'' and that each Senator decides individually whether those circumstances exist. There never was any objective standard that applied to the Senate as a whole, or to any group of Senators for that matter.

It could not be clearer. This was an agreement among those Senators to use that standard during that Congress in order to avoid that confrontation over changing confirmation procedures.

Individual Senators may certainly use whatever standard they choose for their cloture or confirmation votes, including whatever this extraordinary circumstances standard might mean. But it is pure fiction to say that this temporary agreement ever bound, let alone binds today, more than those Senators who explicitly agreed to it.

Today we have the bizarre phenomenon of Democratic Senators who voted for nearly two dozen filibusters of Bush nominees telling us that an expired agreement they had never joined somehow prevents us from voting for filibusters of Obama nominees today.

Why is the majority using such sleight of hand and trying to enforce non-existent agreements? Why are they engaging in filibuster fraud?

One possibility is that the majority wants to cover up the fact that President Obama has consistently lagged behind his predecessors in making judicial nominations. The Senate, after all, cannot confirm nominations that do not exist.

The Administrative Office of the U.S. Courts tracks pending nominees for current judicial vacancies. You can see here the record based on that data. The Senate had pending nominations for an average of 41 percent of current vacancies under President Clinton, 53 percent under President Bush, but only 35 percent under President Obama. And today it is even lower, at only 33 percent.

During his first term, President Obama was more than 30 percent behind President Bush's nominations pace, but ended up only 10 percent behind in total confirmations. That hardly looks like partisan obstruction to me.

Not all vacancies, of course, are created equal. Some are more pressing than others. President Obama recently sent to the Senate nominees for the three remaining vacancies on the U.S. Court of Appeals for the DC Circuit and the majority is demanding swift confirmation. By the Democrats' own standards, however, these nominees should not be considered.

In 2006, Judiciary Committee Democrats wrote then-Chairman Arlen Specter to oppose considering a DC Circuit nominee. That letter, which I have here, said that another DC Circuit nominee ''should under no circumstances be considered—much less confirmed before we first address the very need for that judgeship and deal with the genuine judicial emergencies identified by the Judicial Conference.''

Madam President, I ask that both of these documents be printed in the RECORD.

My Democratic colleagues had two criteria for filling a DC Circuit vacancy. The need for the judgeship to be filled had to be established, and particularly pressing vacancies elsewhere

had to be addressed. Let's apply those Democratic criteria to these new DC Circuit nominees.

The first Democratic standard is that there must clearly be a need for the particular judgeship to be filled. In 2006, Democrats offered specific criteria including the total number of appeals filed.

As you can see here, based on the most recent data from the judiciary's administrative office, the number of appeals filed shown here in green has been below the 2006 level every year since, and far below the average of all circuits across the country shown here in red.

Another Democratic benchmark is the number of appeals resolved on the merits per active judge. Based on the same data from the judiciary's administrative office, even with a lower number of active judges, this benchmark has risen a mere four percent from 2006.

Whether you look at new cases or completed cases, judges on the DC Circuit handle about 40 percent fewer cases than judges on the next busiest circuit.

Based on these Democratic benchmarks, these DC Circuit vacancies do not need to be filled.

The second Democratic standard for considering DC Circuit nominees is that more pressing vacancies designated judicial emergencies should first be addressed. Vacancies get that label the older they are and the heavier a court's caseload.

The contrast between 2006 and today is really dramatic. When Democrats in July 2006 rejected consideration of a single DC Circuit nominee, President Bush had made nominations for 12 of the 20 existing judicial emergencies. Now, when Democrats demand consideration of not one but three DC Circuit nominees, President Obama has sent us nominees for only eight of the 33 judicial emergencies that exist today.

So the DC Circuit's caseload is down while judicial emergencies without nominees are up. I am not accusing my colleagues in the majority of flip-flopping because their party controls the White House, but it seems to me that their own criteria clearly compel the conclusion that these new DC Circuit nominees should not be considered at this time.

The second reason for the majority's filibuster fraud is that they want to manufacture some justification, even if they have to make it up out of thin air, for eliminating judicial filibusters. They want to do today exactly what the Gang of 14 prevented in 2006, but with far less justification.

The minority leader, Senator MCCONNELL, has daily reminded us of the majority leader's explicit promise not to pursue changing confirmation procedures except through the steps provided for in our standing rules.

In addition, if we look at the facts rather than the fiction, there is no conceivable reason to pursue such a change by any means. There have been far fewer judicial filibusters today—one-fifth as many—than during the Bush administration. There is less justification to change confirmation procedures today than there was when Democrats opposed doing so in 2006.

Let me summarize this journey through the real world of judicial confirmations. There is a very real, very serious debate about the kind of judges America needs on the federal bench. The process of considering President Obama's judicial nominees, however, is being conducted reasonably and fairly.

The majority apparently will do anything, even engaging in filibuster fraud, to avoid admitting the facts while hoping that no one will be the wiser. The truth is that filibusters are down, not up, and there have been far fewer judicial filibusters of Obama nominees than there were of Bush nominees. The DC Circuit's caseload is down while the number of judicial emergencies without nominees is up.

There is a better course than provoking unnecessary confrontations by nominees to positions that should not even exist or by threatening to change confirmation procedures that should not be changed. The majority should abandon their strategy of filibuster fraud and prioritize filling the most pressing vacancies.

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

U.S. SENATE,
Washington, DC.

MEMORANDUM OF UNDERSTANDING ON JUDICIAL NOMINATIONS

We respect the diligent, conscientious efforts, to date, rendered to the Senate by Majority Leader FRIST and Democratic Leader REID. This memorandum confirms an understanding among the signatories, based upon mutual trust and confidence, related to pending and future judicial nominations in the 109th Congress.

This memorandum is in two parts. Part I relates to the currently pending judicial nominees; Part II relates to subsequent individual nominations to be made by the President and to be acted upon by the Senate's Judiciary Committee.

We have agreed to the following:

PART I: COMMITMENTS ON PENDING JUDICIAL NOMINATIONS

A. Votes for Certain Nominees. We will vote to invoke cloture on the following judicial nominees: Janice Rogers Brown (D.C. Circuit), William Pryor (11th Circuit), and Priscilla Owen (5th Circuit),

B. Status of Other Nominees. Signatories makes no commitment to vote for or against cloture on the following judicial nominees: William Myers (9th Circuit) and Henry Saad (6th Circuit),

PART II: COMMITMENTS FOR FUTURE NOMINATIONS

A. Future Nominations. Signatories will exercise their responsibilities under the Advice and Consent Clause of the United State Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

B. Rules Changes. In light of the spirit and continuing commitments made in this agreement, we commit to oppose the rules changes in the 109th Congress, which we understand to be any amendment to or interpretation of the Rules of the Senate that Would force a vote on a judicial nomination by means other than unanimous consent or Rule XXII,

We believe that, under Article II, Section 2, of the United States Constitution, the word ''Advice'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

Ben Nelson, Mike DeWine, Joe Lieberman, Susan Collins, Mark Pryor, Lindsey Graham, Lincoln Chafee, John McCain, John Warner, Robert Byrd, Mary Landrieu, Olympia Snowe, Ken Salazar, Daniel Inouye.

U.S. SENATE,
Washington, DC, July 27, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SPECTER: We write to request that you postpone next week's proposed confirmation hearing for Peter Keisler, only recently nominated to the D.C. Circuit Court of Appeals. For the reasons set forth below, we believe that Mr. Keisler should under no circumstances be considered—much less confirmed—by this Committee before we first address the very need for that judgeship, receive and review necessary information about the nominee, and deal with the genuine judicial emergencies identified by the Judicial Conference.

First, the Committee should, before turning to the nomination itself, hold a hearing on the necessity of filling the 11th seat on the D.C. Circuit, to which Mr. Keisler has been nominated. There has long been concern—much of it expressed by Republican Members—that the D.C. Circuit's workload does not warrant more than 10 active judges. As you may recall, in years past, a number of Senators, including several who still sit on this Committee, have vehemently opposed the filling of the 11th and 12th seats on that court:

Senator Sessions: ''[The eleventh] judgeship, more than any other judgeship in America, is not needed.'' (1997)

Senator Grassley: ''I can confidently conclude that the D.C. Circuit does not need 12 judges or even 11 judges.'' (1997)

Senator Kyl: ''If . . . another vacancy occurs, thereby opening up the 11th seat again, I plan to vote against filling the seat—and, of course, the 12th seat—unless there is a significant increase in the caseload or some other extraordinary circumstance.'' (1997)

More recently, at a hearing on the D.C. Circuit, Senator Sessions, citing the Chief Judge of the D.C. Circuit, reaffirmed his view that there was no need to fill the 11th seat: ''I thought ten was too many . . . I will oppose going above ten unless the caseload is up.'' (2002)

In addition, these and other Senators expressed great reluctance to spend the estimated $1 million per year in taxpayer funds to finance a judgeship that could not be justified based on the workload. Indeed, Senator Sessions even suggested that filling the 11th seat would be ''an unjust burden on the taxpayers of America.''

Since these emphatic objections were raised in 1997, by every relevant benchmark, the caseload for that circuit has only dropped further. According to the Administrative Office of the United States Courts, the Circuit's caseload, as measured by written decisions per active judge, has declined 17 percent since 1997; as measured by number of appeals resolved on the merits per active judge, it declined by 21 percent; and as measured by total number of appeals filed, it declined by 10 percent. Accordingly, before we rush to consider Mr. Keisler's nomination, we should look closely—as we did in 2002—at whether there is even a need for this seat to be filled and at what expense to the taxpayer.

Second, given how quickly the Keisler hearing was scheduled (he was nominated only 28 days ago), the American Bar Association has not yet even completed its evaluation of this nominee. We should not be scheduling hearings for nominees before the Committee has received their ABA ratings. Moreover, in connection with the most recent judicial nominees who, like Mr. Keisler, served in past administrations, Senators appropriately sought and received publicly available documents relevant to their government service. Everyone, we believe, benefited from the review of that material, which assisted Senators in fulfilling their responsibilities of advice and consent. Similarly, the Committee should have the benefit of publicly available information relevant to Mr. Keisler's tenure in the Reagan Administration, some of which may take some time to procure from, among other places, the Reagan Library. As Senator Frist said in an interview on Tuesday, ''[T]he DC Circuit . . . after the Supreme Court is the next court in terms of hierarchy, in terms of responsibility, interpretation, and in terms of prioritization.'' We should therefore perform our due diligence before awarding a lifetime appointment to this uniquely important court.

Finally, given the questionable need to fill the 11th seat, we believe that Mr. Keisler should not jump ahead of those who have been nominated for vacant seats identified as judicial emergencies by the non-partisan Judicial Conference. Indeed, every other Circuit Court nominee awaiting a hearing in the Committee, save one, has been selected for a vacancy that has been deemed a ''judicial emergency.'' We should turn to those nominees first; emergency vacancies should clearly take priority over a possibly superfluous one.

Given the singular importance of the D.C. Circuit, we should not proceed hastily and without full information. Only after we reassess the need to fill this seat, perform reasonable due diligence on the nominee, and tend to actual judicial emergencies, should we hold a hearing on Mr. Keisler's nomination.

We thank you for your consideration of this unanimous request of Democratic Senators.

Sincerely,

Patrick Leahy, Charles Schumer, Russell Feingold, Dianne Feinstein, Herb Kohl, Edward Kennedy, Richard Durbin, Joe Biden.

Mr. HATCH. 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. BENNET. 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. BENNET. Madam President, I come to the floor today to talk about the bill that has been before us for the last week and a half or so to fix our broken immigration system.

As the Presiding Officer knows, this bill has been the product of bipartisan work both in the so-called Gang of 8, which I have the privilege to be a part of, as well as in the Judiciary Committee where they ran a process that set a standard for the way this place ought to operate. We considered over 300 amendments in the Judiciary Committee, accepting 141 amendments, many of them from Republicans and Democrats alike. Now we are on the floor.

Those who want to delay immigration reform, who want to defeat immigration reform, are using every tactic they can find to try to stop this bill. But, fortunately, there are other people of goodwill on both sides of the aisle who are trying to come to an agreement.

We focused a lot in the last week, as we should, talking about the border. I spoke about the progress we have already made in securing our southern border. There is more to do. There is progress that is reflected in the underlying bill, and if that can be improved in a way that does not make the pathway to citizenship contingent or unreal, I think there are those of us who are willing to hear what that looks like.

What we have not spent time on is actually what people in Colorado have spent their time on when it comes to the question of fixing our broken immigration system, which is the way the current system defeats them in their efforts to build their businesses in this economy and the promise that could be achieved if we actually were able to pass this bill as it has been written. I have heard from people from every walk of life across the State of Colorado who have been hurt by our outdated and unreasonable and unimaginative and un-American immigration laws. They understand in their gut the velocity we can add to the economy by fixing the system, if Washington would just do its work. They include high-tech companies on the Front Range including the bioscience, engineering, and aerospace industries, among others. One of those companies, Newsgator, an innovative social media software company based in Denver, makes a compelling case. Its chairman and founding CEO J.B. Holston told our office:

I have been watching the immigration debate closely because my company relies on high-skilled technology workers. In the 21st century global economy, we are in an arms race—

we are in an arms race—

for recruiting, attracting, and retaining the world's best and brightest. Our current immigration system is a barrier to American businesses winning that race.

Stalled progress on immigration also sidelines growth capital for U.S. high tech companies. That's a toxic combination for growth.

The proposed immigration overhaul bill is a great step forward.

It is not only the high-tech sector feeling these pain points. Farmers, including peach growers on the western slope, cattle ranchers on the eastern plains, and onion growers in the northern part of our State, and tourism and the ski industry across Colorado are feeling it as well, and DREAMers from the Denver public school system and other school districts, rural and urban, struggling to go to college and work toward a career because of their legal status.

We made a commitment when we set out as the Gang of 8, Democrats and Republicans working together, that our legislation would be deficit neutral, that it wouldn't add one dime—not one dollar—to our deficit. That was an important principle for the members of this group because, as the Presiding Officer knows, we face significant deficits, significant national debt.

Yesterday, the nonpartisan Congressional Budget Office not only affirmed the stories I am hearing from my tech community and my agricultural community and from businesses all across the State about economic growth, it also had some incredible news with respect to our deficit. CBO estimates if we pass this bill, we will reduce the deficit by almost $200 billion in the first decade and almost $700 billion in the second decade—almost $1 trillion. Even in Washington, DC, that is real money. There will be almost $1 trillion of deficit reduction over the next two decades as a consequence of this bill.

So let's break down what the CBO is saying. This bill will increase employment and jobs in the country. More workers will come here. More people will build businesses here. They will consume more and invest more. This will spur economic growth.

These are not my opinions. These are not the opinions of the Gang of 8, although we share these opinions. These are the opinions of the nonpartisan Congressional Budget Office as a result of reading this bill.

Our bill also allows millions of Americans who are currently undocumented to step out of the shadows of a cash economy and start contributing more to our economy as they earn more.

When you crunch the numbers, based on the Congressional Budget Office score, this bill will significantly increase our gross domestic product, adjusted for inflation, and reduce deficits.

The CBO found that projected deficits will decline significantly over the next decade as a consequence of this legislation.

Every year, from 2015 on, they expect deficits to go down. It is going to end up, as I said earlier, saving us $197 billion between now and 2023.

It turns out that based on this estimate, we will only begin to see the benefits of this bill in the first decade. The economic benefits of this bill actually accelerate in the second decade. From

2024 to 2033 the bill would reduce deficits by $690 billion.

I realize we have gotten in the habit around this place of thinking in 30-day increments or 60-day increments. It is driving folks at home crazy. This is a chance for us to reset for the 21st century.

The CBO has done the math. What that math tells you—despite what other people who do not want to have immigration reform for whatever reason have said, who claim that this is going to drive our deficits through the roof—that math tells us we have a total of $887 billion in deficit reduction over the next 20 years.

Here is a surprising fact that is buried in the Congressional Budget Office report: Those deficit-reduction estimates are actually conservative. CBO is only counting the most obvious savings in their estimate. It is not including other more indirect economic benefits—such as increased productivity—that will likely yield additional savings.

Here is what CBO actually says in its report. This is a direct quote:

> According to CBO's central estimates (within a range that reflects the uncertainty about two key economic relationships in CBO's analysis), the economic impacts not included in the cost estimate would have no further net effect on budget deficits over the 2014–2023 period and would further reduce deficits (relative to the effects reported in the cost estimate) by about $300 billion over the 2024–2033 period.

Let me put that another way. The CBO is saying this bill could actually, when you factor in the economic effects, reduce deficits by $300 billion more in the second decade than it actually projects in the cost estimates.

One way or another, we are either just below or just above $1 trillion, and that is real money, particularly in light of the sequester—the law we had written to be so terrible and so ugly it would never, ever go into effect, but now is the law of the land. What a more destructive way to get $1 trillion in savings than a bunch of automatic, across-the-board cuts. In fact, the prominent conservative economist Doug Holtz-Eakin said a few months ago that he thought, using a dynamic scoring model, the immigration bill could reduce deficits by even more—shaving as much as $2.7 trillion off our deficits.

So until yesterday we had not heard what this nonpartisan group, the Congressional Budget Office, had to say about this immigration bill. But it supports what we have already heard from businesses at home, our industry leaders across the country, and economists no matter what political stripe they are, that fixing our immigration system is going to help strengthen our economy. We know it will secure our borders. We know it will reunite families. And we know it will bring people who came to this country for a better life a chance to come out of the shadows and contribute to our democracy and contribute to our economy in the 21st century, as they did in the 20th century and as they did in the 19th century before that.

What we have not heard is a convincing case to maintain the status quo that is holding back our economy, that is keeping unresolved the question about what to do with the 11 million people who are living in our shadow economy, and what we are to do to reinvite talented people from around the world to make their best contribution in America. That is what this bill represents. This bill is a reaffirmation of the idea that we are a nation of laws and a nation of immigrants. The Senate should pass this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

FROMAN NOMINATION

Ms. WARREN. Madam President, I rise today to talk about trade agreements and the impact they have on our economy. Trade agreements affect access to foreign markets and our level of imports and exports. They also affect a wide variety of public policy issues—everything from wages, jobs, the environment, and the Internet, to monetary policy, pharmaceuticals, and financial services.

Many people are deeply interested in tracking the trajectory of trade negotiations, but if they do not have reasonable access to see the terms of the agreements under negotiation, then they do not have any real input. Without transparency, the benefits of an open marketplace of ideas are reduced enormously.

I am deeply concerned about the transparency record of the U.S. Trade Representative and with one ongoing trade agreement in particular: the Trans-Pacific Partnership. For months, the Trade Representative, who negotiates on our behalf, has been unwilling to provide any public access to the composite bracketed text relating to the negotiations. The composite bracketed text includes proposed language from the United States and also from other countries, and it serves as the focal point for negotiations. The Trade Representative has allowed Members of Congress to access the text, and I appreciate that, but there is no substitute for public transparency.

I have heard the argument that transparency would undermine the Trade Representative's policy to complete the trade agreement because public opposition would be significant. In other words, if people knew what was going on, they would stop it. This argument is exactly backward. If transparency would lead to widespread public opposition to a trade agreement, then that trade agreement should not be the policy of the United States.

I believe in transparency and democracy, and I think the U.S. Trade Representative should too. So I asked the President's nominee to be Trade Representative Michael Froman three questions: The first: Would he commit to releasing the composite bracketed text. The second: If not, would he commit to releasing a scrubbed version of the bracketed text that made anonymous which country proposed which provision. And I want to note that even the Bush administration put out a scrubbed version during the negotiations around the Free Trade Area of the Americas agreement. Third, I asked Mr. Froman if he would provide more transparency behind what information is made available to outside advisers. Currently, there are about 600 outside advisers who have access to sensitive information, and the roster includes a wide diversity of industry representatives and some from labor and some from NGOs. But there is no transparency around who gets what information or whether they are all getting the same things, and I think that is a real problem.

Mr. Froman's response to my three questions was clear: no, no, and no. He will not commit to making this information public so that the public can track what is going on.

So I am voting against Mr. Froman's nomination later today because I believe we need a new direction from the Trade Representative—a direction that prioritizes transparency and public debate. The American people have the right to know more about our negotiations that will have a dramatic impact on our working men and women, on our environment, on our economy, on the Internet.

We should have a serious conversation about our trade policies because these issues matter. But it all starts with the transparency of the U.S. Trade Representative.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the roll.

The assistant legislative 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.

Mr. GRASSLEY. Madam President, I want to speak for a few minutes on the progress we are making on the immigration bill. In speaking about the progress, it also gives me a chance to say to my colleagues on this side of the aisle that I hope we can get an agreement to vote on amendments this afternoon, because it is not only Democrats who want amendments, we have got a lot of Republicans who want to put up some amendments. If we can get this tranche of amendments out of the way, then that gives us a chance to put up another tranche of 8 to 10 amendments is what I think we have the possibility of doing.

We have been on this bill for 1 week. We had one vote last week. That was on my own amendment. That dealt with border security. Of course, that vote was not a vote up or down on the amendment, it was a vote to table. We were refused by the majority to have

an up-or-down vote on legislation that is part of the legislation that is some of the most important to the people of this country, securing the border before we have legalization. I quoted yesterday a CNN poll that said 60 percent of the people say border security is the No. 1 issue as far as immigration is concerned. It is a necessary predecessor to legalization.

Yesterday we had three votes. Unfortunately, they were 60-vote thresholds. Obviously, most of the time you have a 60-vote threshold, it is set up so that any amendment under that rule would fail. Yesterday the majority leader threatened again to keep us working all weekend. He stated he could file a cloture motion to cut off debate as early as Friday. Of course, I hope that is not the case, because we need an open and fair amendment process. We do immigration reform about once every 25 years. My colleagues hear me say we made a lot of mistakes in 1986. That is the last time we had a major immigration bill pass the Senate. So we need to get it right. People do not want us to do it in a fast and haphazard way. People want us to be very cautious about something you do once every 25 years.

The chairman of the Judiciary Committee and I had a very good working relationship in committee. We still have a good working relationship with this bill out here on the floor of the Senate. But there are 98 other Senators involved. In committee it is a different situation than on the Senate floor. In committee, we did not limit the ability of any Member to raise an amendment. We had some tough votes we were all forced to take in committee.

But now there are other Members who want their chance to improve the bill. Of course, I said at the beginning of my remarks if we get these eight amendments out of the way that are in this tranche, then we can bring other amendments up, both Republican and Democratic amendments.

I realize there is a bipartisan group of Senators working on a border security amendment. This is supposed to be some grand compromise. The group is trying to find common ground somewhere between the bill as drafted, 1,075 pages in that bill as drafted, and the Cornyn amendment—middle ground.

At this point I am hearing from the other side as well as the Group of 8 that they think the Cornyn amendment goes too far. Some would say the Democrats will not negotiate in good faith because they have the votes to pass the bill as is. It is no secret the Democrats wish to have 70 votes at the end of the day. But even with 70 votes, in my view, that is not a big victory and may very well be a failure. It should not take much to get 15 Republican votes. It does not guarantee the House will take up the bill. In fact, this bill may be dead on arrival in the other body since they have their own approach and they have their own ideas.

It was reported today that this bipartisan group of Senators trying to find middle ground between this big bill and the Cornyn amendment on border security are having trouble finding that consensus. They are having trouble because the Democrats do not want any triggers or roadblocks to legalization. That is clear. In other words, some people are not willing to learn from the mistakes we made in 1986. We thought in good faith we were writing a piece of legislation that would stop people crossing the border without papers. We did that by making it illegal for the first time to hire undocumented workers. We did it by adding a $10,000 fine. So take away the magnet to work, the border is secure, legalize 3 million people at that time.

We found that legalizing illegality brings yet more illegality. So now there are 12 million people who either overstayed a visa or crossed the border without papers. We should learn from that mistake of 25 years ago, the last time an immigration bill was up. We should do something about border security. That something has to be stronger than what is in this piece of legislation. But it is apparent to me—I hear rumors that a lot of people on the other side of the aisle do not want any triggers or roadblocks to legalization. That is not saying you do not want legalization, that is only saying certain preconditions ought to happen before there is legalization. Those ought to be meaningful steps to take.

Yesterday the majority leader, as I said, said he was not in favor of triggers. Secretary Napolitano in this administration made it clear legalization should come first and triggers should not be a roadblock to legalization, the very same mistakes we made in 1986.

The group negotiating this broader amendment is trying to do the right thing, but I have real doubts that the other side of the aisle wants to do anything to secure the border. Because of this, the misguided, mislabeled bill before us could be falling apart. Those of us who question this big government bill appear to be making headway in exposing the bill for what it truly is, legalization first, enforcement later. Despite repeated promises, it is that, legalization first, border security when? Sometime down the road. Sometime never happens.

Sure, the proponents can throw money and dictate how many cameras and drones to buy, but that does not mean the border will be stronger or more secure. We need to do more than give them the capability of achieving specific metrics. We need them to prove their success.

One more thing on the possibility of working this weekend. Since I have been in the Senate, we have had a lot of weekend sessions. Generally what happens is you have a lot of debate and a lot of talk and a lot of wasted time on Saturdays. You have one vote at 2 o'clock on Sunday. For a guy like me, I am going to be here regardless, not because I am manager of this bill solely, but I have not missed a vote in the Senate since July 1993. I have cast about 6,700 votes without missing a vote. If there is only one vote Sunday afternoon I am going to be here. But I would suggest if we are going to have a weekend session, that action be taken to make sure we are actually doing something and voting, that if we are going to be in session, that there is not some sort of accommodation made, usually for the majority party and sometimes the Republican Party, but right now it is the Democratic Party to make a provision so people who want to fly home can do it. Either we are here to work on the weekend or we should not be here.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HEINRICH). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mrs. MURRAY. Mr. President, Senate Democrats have come to the floor now 13 times and requested unanimous consent to move to bipartisan budget negotiations with the House. We are ready to get to work. We have been ready for 88 days now, which is how long it has been since the Senate passed a budget.

Back in March we assumed that once the two Chambers passed their budgets, Republicans would be eager to join us in a formal budget conference, since they have spent years talking about the need to return to regular order. Instead, we have seen delay after delay. Now that Republicans have gotten exactly what they wished for, they seem to be running as quickly as they can in the other direction, and they have offered excuse after excuse after excuse.

First, they said they wanted a framework before they would start a conference, even though a framework is exactly what a budget is. In other words, they wanted to negotiate behind closed doors when we should be negotiating in a conference.

Then they said they wouldn't allow us to go to conference unless we guaranteed the wealthiest Americans and biggest corporations would be protected from paying a penny more in taxes.

Then many Republicans indicated they didn't want negotiations happening too early, to take away the leverage they think they have on the debt ceiling.

Then some of them called for a do-over of the budget debate, including another 50 hours of debate and a whole new round of unlimited amendments, even after they praised the open and thorough floor debate we had on the Senate budget.

Now, in what seems to be the latest delaying tactic, some Republicans are

saying before we can work to solve short-term problems we first need to agree on the budget outlook 30 years down the road.

Enough is enough. The American people are sick and tired of the constant lurching from crisis to crisis. They are looking to their elected officials to come together, to compromise, to find common ground, and that is exactly what we would be doing in a conference.

It is not just Democrats saying so. Over the past few weeks, we have heard a number of Republicans step forward and agree with us that the tea party and Senate Republican leadership are wrong. Senator COBURN said blocking conference is ''not a good position to be in.'' Senator BOOZMAN said he would ''very much like to see a conference.'' Senator WICKER said, weeks ago now, that ''by the end of next week, we probably should be ready to go to conference.'' Now, according to Politico, ''more Republicans appear to favor heading to conference than blocking it.''

As many of my colleagues on the other side of the aisle have said, it is certainly true there are big differences between the parties' budget values, and priorities, but that would give us all the more reason to sit down and try to find some common ground. The fact is we have a lot of work that needs to be done in the next few weeks. We have 11 days until the next State work period and then just 3½ weeks before we all go back to our home States again for August. Because some Republicans want to continue the harmful austerity measures resulting from sequestration, we now have a $91 billion gap between the House and Senate spending bills for the next fiscal year.

If we don't reconcile those differences, we are going to find ourselves in a very tough, bad situation come September, and a lot of hard-working families and communities are going to feel the consequences. It does not have to be that way. I am confident, if both sides come together now in a conference committee and are ready to compromise, we can find a way to reach a fair and bipartisan and responsible agreement.

The American people shouldn't have to worry the government is going to lurch into another crisis that has been manufactured by this Congress. It doesn't have to happen. Instead of fighting over whether we should be engaging in bipartisan talks, we should be working together to get more Americans back to work, to protect our economic recovery, and lay the foundation for strong middle-class growth in the future. I think we can all agree on those important goals, and they are very urgent ones. But we cannot move forward on them if we are consumed with constant artificial crises.

I believe it is time for Senate Republican leaders to listen to the many Members of their own party who prefer commonsense bipartisanship over delay and disorder and allow the House and Senate to begin a bipartisan budget conference. I am here this afternoon to ask unanimous consent to do just that.

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

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, reserving the right to object, and I hope I am not going to have to object, but I wish to suggest a very modest and sensible alteration to the UC request from my colleague, the chair of the Budget Committee, so hopefully we can get on to this because I would like to see us go to conference.

I was very critical of the 3 years when my Democratic colleagues absolutely refused to do a budget. It is progress that this year they decided to do one. I am glad. I am on the Budget Committee. I think we ought to have a budget, and I think we should go to the conference committee, despite the fact we are very far apart.

My Democratic friends supported and voted for a budget with at least $1 trillion of new tax increases, and I strongly oppose that. But I agree that is what ought to be discussed in conference. The budget that was passed uses the big tax increase that was in the budget for additional spending. I strongly disagree with that. But again, that is exactly the kind of thing that ought to be the subject of negotiations in a conference. We are very far apart. I don't know whether we can narrow that gap, but we should try.

The only reason I have been objecting, and that some of my colleagues have been objecting thus far, is that our Democratic friends want to insist on retaining the opportunity to use the conference report on a budget resolution to raise the debt ceiling, and I would point out the debt ceiling issue was not even contemplated in the Senate budget resolution. It never came up, it wasn't discussed, there was no amendment, there was no vote, and it is not in the document. In the House budget, the debt limit increase is not contemplated. It is not there. It wasn't voted on. It is completely absent.

So consistent with the rules of the Senate, I would simply suggest we go right ahead to conference, that we have a conference on the budget but that we follow the normal procedure of the Senate, which is that matters that are not in either bill, either the House or Senate bill, be excluded from consideration in a conference report so we don't airdrop in some extraneous unrelated matter that was never contemplated by either body.

I think that is the sensible approach and necessary because the debt limit is a very important issue. We have a staggering amount of debt we have allowed to accumulate. It is already damaging our economy and is a huge threat and we know the President and many of our Democratic friends think we should just raise that debt ceiling with no strings, no conditions, no reforms. So we have a very real concern this conference committee, as contemplated by my friends on the other side, would be a vehicle for the backroom deal that would allow them to exclude Republicans and come back and jam through a debt ceiling increase with no reforms.

In order to avoid that, but so we can go to conference, which I think we should do, I would simply ask that we modify the unanimous consent request as follows; so it would not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

If the chair of the Budget Committee would agree to that modification of her unanimous consent request, then I would agree to it.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I would like to point out to everyone that we had hours and hours of debate, with over 100 amendments offered, and no one offered an amendment on the debt ceiling limit. As part of the agreement in order to go to conference, we have offered to have a vote now on whether we should have motions to instruct. I would be willing, as chair, to abide by that vote once our unanimous consent is agreed to.

But I have to say, as a matter of principle, for a chair of any committee to say, once we have gone through hundreds of hours of debate and a lot of amendments, that then, before we go to conference, we have to agree to a principle that has not been voted on or offered in the Senate as part of that is not how we can proceed in this body. It would be the same as if I would come out and say: I am not going to allow us to go to conference on whatever bill because I have a small provision, and unless you absolutely agree it has to be in there, even though I don't have the votes, we are not going to conference. We would never get anything done.

The unanimous consent request I have offered allows my Republican friends to have a vote on this, even though they didn't ask for a vote in all those hours of debate and hundreds of hours we spent on this issue, before we move to conference. The principle is this: Our Republican colleagues wish to have an open debate, they say, but we are not having an open debate because of their insistence we don't go to conference.

So I object to the Senator's request and again renew my request as I stated before with the provision we have a motion to instruct and allow those Senators who have strong feelings about this to vote on it before we go to conference.

Finally, I would add, remember with whom I am going to conference: Republicans and Democrats from our side and Republicans and Democrats from the other body, a majority of whom are on their side of the aisle, with the chairman, PAUL RYAN, a Republican conservative, chairing their side.

This is an issue that is going to have plenty of debate, plenty of open discussion, if it should come up, and we will all have an opportunity to vote on it.

I renew my unanimous consent request.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, reserving the right to object, and I will wrap up quickly. I thank my colleague, the chair of the Budget Committee, but as she knows—and I wish to make sure everyone is clear—the motion to instruct conferees the chairman of the Budget Committee is recommending is completely nonbinding. It is nothing more than a recommendation. The fact remains she is insisting on retaining the ability to do a backroom deal that would raise the debt ceiling without allowing any Republican input in this body whatsoever. This is a very bad policy. It was not contemplated in either bill.

I would be delighted to go to conference with a budget resolution from the House and the Senate that does contemplate everything that is in those two respective agreements but not some extraneous matter that could be very damaging to our economy that was never contemplated. So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

AMENDMENT NO. 1200, AS MODIFIED

Mr. PAUL. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1200, which is cosponsored by the Senator from Missouri, Mr. ROY BLUNT, with a modification at the desk.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL], for himself and Mr. BLUNT, proposes an amendment numbered 1200, as modified.

Mr. PAUL. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To provide for enhanced border security, including strong border security metrics and congressional votes on border security and for other purposes)

At the appropriate place in title I, insert the following:

CHAPTER ____—BORDER SECURITY ENHANCEMENTS

SEC. 1____1. SHORT TITLE.

This chapter may be cited as the ''Trust But Verify Act of 2013''

SEC. 1____2. MEASURES USED TO EVALUATE BORDER SECURITY.

(a) BORDER SECURITY REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct an annual comprehensive review of the following:

(A) The security conditions in each of the following 9 Border Patrol sectors along the Southwest border:

(i) The Rio Grande Valley Sector.

(ii) The Laredo Sector.

(iii) The Del Rio Sector.

(iv) The Big Bend Sector.

(v) The El Paso Sector.

(vi) The Tucson Sector.

(vii) The Yuma Sector.

(viii) The El Centro Sector.

(ix) The San Diego Sector.

(B) Update on the new and existing double layered fencing built and in place, broken down on an annual basis since the date of the enactment of the Secure Fence Act of 2006 (Public Law 109–367), with the goal of completing the fence not later than 5 years after the date of the enactment of this Act.

(C) Progress towards the completion of an effective exit and entry program at all points of entry that tracks visa holders.

(D) Progress towards the goal of a 95 percent apprehension or turn back rate.

(E) A 100 percent incarceration until trial rate for newly captured illegal entrants and overstays.

(F) Progress towards the goal ending of illegal immigration and undocumented presence, as measured by census data and the Department.

(2) REPORT.—Not later than July 1, 2014, and annually thereafter, the Secretary shall submit a report to Congress containing specific results of the review conducted under paragraph (1).

(3) RULE OF CONSTRUCTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in paragraph (1) may be construed as prohibiting the Secretary from proposing—

(i) alterations to boundaries of the Border Patrol sectors; or

(ii) a different number of sectors to be operated on the Southern border.

(B) REPORTING.—The Secretary may not make any alteration to the Border Patrol sectors in operation or the boundaries of such sectors as of the date of the enactment of this Act unless the Secretary submits, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a written notification and description of the proposed change not later than 120 days before any such change would take effect.

(b) UNQUALIFIED OPINION.—

(1) IN GENERAL.—The Secretary shall submit a report to Congress that contains—

(A) an unqualified opinion of whether each of the sectors referred to in subsection (a)(1)(A) has achieved ''total operational control'' of the border within its jurisdiction; and

(B) the following criteria and goals of the Department:

(i) Transparent data relating to the success of border security and immigration enforcement policies.

(ii) Improved accountability to the people of the United States.

(iii) 100 percent surveillance capability on the border not later than 2 years after the date of the enactment of this Act.

(iv) An apprehension or turn back rate of 95 percent or higher not later than 5 years after the date of the enactment of this Act.

(v) Increasing annual targets for apprehensions, which shall be adapted to the unique conditions of each Border Patrol sector.

(vi) Uniformity in data collection and analysis for each Border Patrol sector.

(vii) An update on the new and existing double layered fencing built and in place, broken down on an annual basis since the date of the enactment of the Secure Fence Act of 2006.

(2) TOTAL OPERATIONAL CONTROL DEFINED.—In this chapter, the term ''total operational control'', with respect to a border sector, occurs if—

(A) the fence construction requirements required under this chapter have been completed;

(B) the infrastructure enhancements required under this chapter have been completed and deployed;

(C) there have been verifiable increases in personnel dedicated to patrols, inspections, and interdiction;

(D) U.S. Customs and Border Protection has achieved 100 percent surveillance capacity and uninterrupted monitoring throughout the entire sector;

(E) U.S. Customs and Border Protection has achieved an apprehension rate of at least 95 percent for all attempted unauthorized crossings;

(F) uniform data collection standards have been adopted across all sectors; and

(G) U.S. Customs and Border Protection is tracking the exits of 100 percent of outbound aliens through all points of entry.

(3) METRICS DESCRIBED.—The Secretary shall use specific metrics to assess the progress toward, and maintenance of, total operational control of the border in each Border Patrol sector, including—

(A) with respect to resources and infrastructure—

(i) a description of the infrastructure and resources deployed on the Southwest border, including physical barriers and fencing, surveillance cameras, motion and other ground sensors, aerial platforms, and unmanned aerial vehicles;

(ii) an assessment of the Border Patrol's ability to perform uninterrupted surveillance on the entirety of the border within each sector;

(iii) an assessment of whether the Department of Homeland Security has attained a 100 percent surveillance capability for each sector; and

(iv) a specific analysis detailing the miles of fence built, including double-layered fencing, pursuant to the Secure Fence Act of 2006 (Public Law 109–367), as amended by this Act.

(B) with respect to illegal entries between ports—

(i) the number of attempted illegal entries, categorized by—

(I) number of apprehensions;

(II) people turned back to country of origin (turn-backs); and

(III) individuals who have escaped (got aways);

(ii) the number of apprehensions, including data on unique apprehensions to capture individuals who attempted to enter multiple times;

(iii) the apprehension rate as a percentage of total attempted illegal entries;

(iv) an estimate of the total number of successful illegal entries, based on reliable supporting evidence;

(v) the prevalence of drug and contraband smuggling, categorized by—

(I) the frequency of attempted crossings;

(II) successful evasions of law enforcement;

(III) the value of smuggled contraband;

(IV) successful discoveries and arrests; and

(V) arrest rate trends related to violent criminals crossing the border;

(vi) physical evidence of crossings not otherwise tied to a pursuit, including fence-cuttings; and

(vii) transparent data that reports if the numbers include actual physical capture or turn-backs witnessed by border enforcement and a segregation of data that includes evidence of individuals going back, including but not limited to footprints, food and torn clothing;

(C) with respect to illegal entries at ports—

(i) the number of attempted illegal entries, categorized by the number of apprehensions, turn-backs, and got aways;

(ii) the number of apprehensions, including data on unique apprehensions to capture individuals who attempt to enter multiple times;

(iii) the apprehension rate as a percentage of total attempted illegal entries;

(iv) an estimate of the number of successful illegal entries, based on reliable supporting evidence; and

(v) the prevalence of drug and contraband smuggling, categorized by—

(I) the frequency of attempted entries;

(II) successful discovery methods;

(III) the use of falsified official travel documents;

(IV) evolving evasion tactics; and

(V) arrest rate trends related to persons apprehended attempting to smuggle prohibited items;

(D) with respect to repeat offenders—

(i) data and analysis of recidivism trends, including the prevalence of multiple arrests and repeated attempts to enter unlawfully; and

(ii) updated information on U.S. Customs and Border Protection's Consequence Delivery System;

(E) with respect to smuggling—

(i) progress made in creating uniformity in the punishment of unlawful border crossers relative to their crimes for the purposes of deterring smuggling;

(ii) the percentage of unlawful immigrants and smugglers who are subject to a uniform punishment; and

(iii) data breaking down the treatment of, and consequences for, repeat offenders to determine the extent to which the Consequence Delivery System serves as an effective deterrent;

(F) with respect to visa overstays, data for each year, categorized by—

(i) the type of visa issued to the alien; and

(ii) the nationality of the alien;

(G) with respect to the unlawful presence of aliens—

(i) the total number of individuals present in the United States, which will be correlated in future years with normalization participants;

(ii) net migration into the United States, including legal and illegal immigrants, categorized by—

(I) nationality; and

(II) country of origin, if different from nationality;

(iii) deportation data, categorized by country and the nature of apprehension;

(iv) individuals who have obtained or who seek legal status; and

(v) individuals without legal status who have died while in the United States;

(H) the number of Department agents deployed to the border each year, categorized by staffing assignment and security function;

(I) progress made on the implementation of full exit tracking capabilities for land, sea, and air points of entry;

(J) progress towards the goal of 100 percent incarceration until trial date for newly captured illegal entrants and overstays;

(K) progress towards the goal of ending illegal immigration and undocumented presence, as measured by data collected by the United States Census Bureau and the Department; and

(L) progress towards eliminating disputes between Federal agencies in the use of public lands to perform border enforcement operations.

SEC. 1___3. REPORTS ON BORDER SECURITY.

(a) DEPARTMENT OF HOMELAND SECURITY REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, and annually thereafter for 5 years, the Secretary shall submit a report to Congress that contains a comprehensive review of the security conditions in each of the Border Patrol sectors along the Southwest border.

(2) PUBLIC HEARINGS FOR REPORT.—Congress shall hold public hearings with the Secretary and other individuals responsible for preparing the report submitted under paragraph (1) to discuss the report and educate the United States public on border security from the perspective of such officials. Congress shall allow differing views on the conclusions of the report to be expressed by outside groups and interested parties for purposes of analyzing data through a transparent and deliberative committee process.

(b) INSPECTOR GENERAL'S REPORT.—

(1) IN GENERAL.—Not later than 30 days after the issuance of each report under subsection (a), the Inspector General of the Department shall submit a report to Congress that provides an independent analysis of the report submitted under subsection (a)(1) to analyze—

(A) the accuracy of the report; and

(B) the validity of the data used by the Department to issue the report.

(2) PARTICIPATION.—The Inspector General should participate in any hearings relating to the assessment of the border security report of the Department.

(c) GOVERNORS REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Governor of each of the States along the Southern border may submit an independent report to Congress that provides the perspective of the Governor and other officials of such State tasked to law enforcement on the security conditions along that State's border with Mexico.

(2) PUBLIC HEARINGS FOR STATE REPORTS.—Congress shall hold public hearings with the Governor and other officials from each State that submits a report under paragraph (1) to discuss the report and educate the United States public on border security from the perspective of such officials.

(d) PUBLIC DISCLOSURE OF REPORTS.—Upon the receipt of a report submitted under this section, the Senate and the House of Representatives shall—

(1) provide copies of the report to the Chair and ranking member of each standing committee with jurisdiction under the rules of such House, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate; and

(2) make the report available to the public.

SEC. 1___4. CONGRESSIONAL APPROVAL PROCEDURES.

(a) JOINT RESOLUTION DEFINED.—

(1) IN GENERAL.—In this subsection, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress that only includes—

(A) the matter contained in the preamble set forth in paragraph (2); and

(B) the matter after the resolving clause set forth in paragraph (3).

(2) PREAMBLE.—The joint resolution shall include the following preamble:

''Whereas Congress passed and the President enacted into law section 1___6 of the Trust But Verify Act of 2013, with the promise to the American people that the border would be fully secure within 5 years;

''Whereas, one goal of comprehensive immigration reform was to verify that the United States Government is capable of implementing operational control of the border;

''Whereas the prerequisite to reforming visa law and the creation of new immigration and visa categories was the implementation of full border security within a reasonable amount of time; and

''Whereas the American people have been the subject of broken promises in the past on border security: Now, therefore, be it''.

(3) MATTER AFTER THE RESOLVING CLAUSE.—The matter after the resolving clause in the joint resolution shall read as follows: ''It is the sense of Congress that the United States border is secure because—

''(1) the double-layered fencing is on schedule to be completed in 5 years and sufficient progress has been made in the past year to complete such fencing on the schedule promised to the American people;

''(2) an effective exit-entry registration system at all points of entry that tracks visa holders is either completed or sufficiently completed to the satisfaction of Congress;

''(3) the goal of a 95 percent effectiveness rate for the capture of unauthorized immigrants has been achieved, or is on pace to be achieved, not later than 5 years after the date of the enactment of the Trust But Verify Act of 2013;

''(4) the security conditions in each of the 9 Border Patrol sectors along the Southwest border have been achieved, or are on pace to be achieved not later than 5 years after the date of the enactment of the Trust But Verify Act of 2013, as determined by total operational control metric set forth in section 1___2 of such Act;

''(5) a 100 percent incarceration rate until trial for newly captured illegal entrants and overstayers has been implemented;

''(6) progress towards the goal of ending illegal immigration and undocumented presence has been achieved, as measured by data collected by the United States Census Bureau and the Department; and

''(7) sections 245B of the Immigration and Nationality Act, as added by section 2101 of the Border Security, Economic Opportunity, and Immigration Modernization Act, will not compromise border security and shall remain in effect for at least 1 more year notwithstanding section 1___5 of the Trust But Verify Act of 2013.''.

(b) PROCEDURES FOR CONSIDERING RESOLUTIONS.—

(1) INTRODUCTION.—A joint resolution—

(A) may be introduced in the Senate or in the House of Representatives during the 30-day calendar day period beginning on—

(i) July 1, 2014;

(ii) July 1 of any of the following 4 years; or

(iii) 30 days after date on which the report is submitted under section 1___3(a) if such submission occurs before July 1 of a calendar year;

(B) in the Senate, may be introduced by any Member of the Senate;

(C) in the House of Representatives, may be introduced by any Member of the House of Representatives; and

(D) may not be amended.

(2) REFERRAL TO COMMITTEE.—A joint resolution introduced in the Senate shall be referred to the Committee on Homeland Security and Governmental Affairs of the Senate. A joint resolution introduced in the House of Representatives shall be referred to the Committee on Homeland Security of the House of Representatives.

(3) DISCHARGE OF COMMITTEE.—If the congressional committee to which a joint resolution is referred has not discharged the resolution at the end of 30th day after its introduction—

(A) such committee shall be discharged from further consideration of such resolution; and

(B) such resolution shall be placed on the appropriate calendar of the House involved.

(4) FLOOR CONSIDERATION.—

(A) MOTION.—

(i) IN GENERAL.—After the committee to which a joint resolution is referred has reported, or has been discharged pursuant to paragraph (3) from further consideration of, the joint resolution—

(I) it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution; and

(II) all points of order against the joint resolution (and against consideration of the joint resolution) are waived;

(III) the motion described in subclause (I) is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable;

(IV) the motion described in subclause (I) is not subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business; and

(V) a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(ii) UNFINISHED BUSINESS.—If a motion to proceed to the consideration of the joint resolution is agreed to, the resolution shall remain the unfinished business of the respective House until it has been disposed.

(B) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as applicable, to the procedure relating to a joint resolution shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—If 1 House receives a joint resolution from the other House before the House passes a joint resolution—

(A) the joint resolution of the other House shall not be referred to a committee; and

(B) with respect to a joint resolution of the House receiving the resolution—

(i) the procedures in that House shall be the same as if no joint resolution had been received from the other House; except that

(ii) the vote on final passage shall be on the joint resolution of the other House.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such—

(i) it is deemed a part of the rules of each House, respectively;

(ii) it is only applicable with respect to the procedures to be followed in that House in the case of a joint resolution; and

(iii) it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 1___5. CONDITIONS.

(a) YEAR 1.—Except as provide in section 1___6, section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, shall cease to have effect beginning on December 31, 2014, unless Congress enacts a joint resolution pursuant to section 1___4 during the 1-year period ending on such date.

(b) YEAR 2.—Except as provided in section 1___6, section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, shall cease to have effect beginning on December 31, 2015, unless Congress enacts a joint resolution pursuant to section 1___4 during the 1-year period ending on such date.

(c) YEAR 3.—Except as provided in section 1___6, section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, shall cease to have effect beginning on December 31, 2016, unless Congress enacts a joint resolution pursuant to section 1___4 during the 1-year period ending on such date.

(d) YEAR 4.—Except as provided in section 1___6, section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, shall cease to have effect beginning on December 31, 2017, unless Congress enacts a joint resolution pursuant to section 1___4 during the 1-year period ending on such date.

(e) YEAR 5.—Except as provided in section 1___6, section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, shall cease to have effect beginning on December 31, 2018, unless Congress enacts a joint resolution pursuant to section 1___4 during the 1-year period ending on such date.

(f) STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.—If section 245B of the Immigration and Nationality Act ceases to be effective pursuant to this section—

(1) any alien who was granted registered provisional immigrant status before the date such section ceases to be effective shall remain in such status; and

(2) any alien whose application for registered provisional immigrant status is pending may not be granted such status until such section is reinstated.

(g) RULES OF CONSTRUCTION.—Except as provided in subsection (g), no provision of this section may be construed—

(1) to limit the authority of the Secretary to review and process applications for registered provisional immigrant status under section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act; or

(2) to repeal or limit the application of section 245B(c) of such Act.

(h) SUNSET.—Paragraphs (1) and (2) shall cease to have effect on December 31, 2018, unless Congress enacts a joint resolution pursuant to section 1___4 during 2018.

SEC. 1___6. TRIGGERS BASED ON CONGRESSIONAL APPROVAL.

(a) YEAR 1.—If a joint resolution is enacted pursuant to section 1___4 during 2014, the sunset provision set forth in section 1___5(a) shall have no further force or effect.

(b) YEAR 2.—If a joint resolution is enacted pursuant to section 1___4 during 2015, the sunset provision set forth in section 1___5(b) shall have no further force or effect.

(c) YEAR 3.—If a joint resolution is enacted pursuant to section 1___4 during 2016, the sunset provision set forth in section 1___5(c) shall have no further force or effect.

(d) YEAR 4.—If a joint resolution is enacted pursuant to section 1___4 during 2017, the sunset provision set forth in section 1___5(d) shall have no further force or effect.

(e) YEAR 5.—If a joint resolution is enacted pursuant to section 1___4 during 2018, the sunset provision set forth in section 1___5(e) shall have no further force or effect.

SEC. 1___7. REQUIREMENT FOR PHYSICAL BORDER FENCE CONSTRUCTION.

(a) CONSTRUCTION OF BORDER FENCING.—

(1) FIRST YEAR.—Except as provided in subsection (d), during the 1-year period beginning on the date of the enactment of this Act, the Secretary shall construct not fewer than 100 miles of double-layer fencing on the Southern border.

(2) SUBSEQUENT YEARS.—During each of the first 4 1-year periods immediately following the 1-year period described in paragraph (1), the Secretary shall construct not fewer than 150 miles of double-layer fencing on the Southern border.

(b) CERTIFICATION.—Except as provided in subsection (d), not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a written certification that construction of the double-layer fencing required under subsection (a) has been completed during the preceding year to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

(c) DETERMINATION OF MILES OF FENCING CONSTRUCTED.—

(1) INCLUDED ITEMS.—In determining the number of fencing miles constructed in the preceding year, the Secretary may apply, toward the requirement under subsection (a), the number of miles of—

(A) new double-layer fencing that have been completed; and

(B) a second fencing layer that has been added to an existing, single-layered fence.

(2) EXCLUDED ITEMS.—In determining the number of fencing miles constructed in the preceding year, the Secretary may not apply, toward the requirement in subsection (a)—

(A) vehicle barriers;

(B) ground sensors;

(C) motion detectors;

(D) radar-based surveillance;

(E) thermal imaging;

(F) aerial surveillance platforms;

(G) observation towers;

(H) motorized or nonmotorized ground patrols;

(I) existing single-layer fencing; or

(J) new construction of single-layer fencing.

(d) SUNSET.—The Secretary shall no longer be required to comply with the requirements under subsection (a) and (b) on the earliest of—

(1) the date on which the Secretary submits the 5th affirmative certification pursuant to subsection (b); or

(2) the date on which the Secretary certifies the completion of not fewer than 700 miles of double-layer fencing on the Southern border.

(e) CONFORMING AMENDMENT.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended by striking subparagraph (D).

SEC. 1___8. ONE HUNDRED PERCENT EXIT TRACKING FOR ALL UNITED STATES VISITORS.

(a) FINDINGS.—Congress makes the following findings:

(1) Consistent with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the United States will continue its progress toward full biometric entry-exit capture capability at land, air, and sea points of entry.

(2) No capability exists to fully track whether non-United States persons in the United States on a temporary basis have exited the country consistent with the terms of their visa, whether by land, sea, or air.

(3) No program exists along the Southwest border to track land exits from the United States into Mexico.

(4) Without the ability to capture the full cycle of an alien's trip into and out of the United States, it is possible for persons to remain in the United States unlawfully for years without detection by U.S. Immigration and Customs Enforcement.

(5) Because there is no exit tracking capability, there is insufficient data for an official assessment of the number of persons who have overstayed a visa and that remain in the United States. Studies have estimated that as many as 40 percent of all persons in the United States without lawful immigration status entered the country legally and did not return to their country of origin or follow the terms of their entry.

(6) Despite a legal mandate to track alien exits, more than a decade without any significant capability to do so has—

(A) degraded the Federal Government's ability to enforce immigration laws;

(B) placed a greater strain on law enforcement resources; and

(C) undermined the legal immigration process in the United States.

(b) REQUIREMENT FOR OUTBOUND TRAVEL DOCUMENT CAPTURE AT LAND POINTS OF ENTRY.—

(1) OUTBOUND TRAVEL DOCUMENT CAPTURE AT FOOT CROSSINGS.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a mandatory exit data system for all outbound lanes at each land point of entry along the Southern border that is only accessible to individuals on foot or by nonmotorized means.

(B) DATA COLLECTION REQUIREMENTS.—The system established under subparagraph (A) shall require the collection of data from machine-readable visas, passports, and other travel and entry documents for all categories of aliens who are exiting the United States through an outbound lane described in subparagraph (A).

(2) OUTBOUND TRAVEL DOCUMENT CAPTURE AT ALL OTHER LAND POINTS OF ENTRY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish a mandatory exit data system at all outbound lanes not subject to paragraph (1) at each land point of entry along the Southern border.

(B) DATA COLLECTION REQUIREMENTS.—The system established under subparagraph (A) shall require the collection of data from machine-readable visas, passports, and other travel and entry documents for all categories of aliens who are exiting the United States through an outbound lane described in subparagraph (A).

(3) INFORMATION REQUIRED FOR COLLECTION.—While collecting information under paragraphs (1) and (2), the Secretary shall collect identity-theft resistant departure information from the machine-readable visas, passports, and other travel and entry documents.

(4) RECORDING OF EXITS AND CORRELATION TO ENTRY DATA.—The Secretary shall integrate the records collected under paragraphs (1) and (2) into the interoperable data system established under section 3303(b) and any other database necessary to correlate an alien's entry and exit data.

(5) PROCESSING OF RECORDS.—Before the departure of outbound aliens at each point of entry, the Secretary shall provide for cross-reference capability between databases designated by the Secretary under paragraph (4) to determine and record whether an outbound alien has been in the United States without lawful immigration status.

(6) RECORDS INCLUSION REQUIREMENTS.—The Secretary shall maintain readily accessible entry-exit data records for immigration and other law enforcement and improve immigration control and enforcement by including information necessary to determine whether an outbound alien without lawful presence in the United States entered the country through—

(A) unauthorized entry between points of entry;

(B) visa or other temporary authorized status;

(C) fraudulent travel documents;

(D) misrepresentation of identity; or

(E) any other method of entry.

(7) PROHIBITION ON COLLECTING EXIT RECORDS FOR UNITED STATES CITIZENS.—

(A) PROHIBITION.—While documenting the departure of outbound individuals at each point of entry along the Southern border, the Secretary may not—

(i) process travel documents of United States citizens;

(ii) log, store, or transfer exit data for United States citizens;

(iii) create, maintain, operate, access, or support any database containing information collected through outbound processing at a point of entry under paragraph (1) or (2) that contains records identifiable to an individual United States citizen.

(B) EXCEPTION.—The prohibition set forth in subparagraph (A) does not apply to the records of an individual if an officer processing travel documentation in the outbound lanes at a point of entry along the Southern border—

(i) has a strong suspicion that the individual has engaged in criminal or other prohibited activities; or

(ii) needs to verify an individual's identity because the individual is attempting to exit the United States without travel documentation.

(C) VERIFICATION OF TRAVEL DOCUMENTS.—Subject to the prohibition set forth in subparagraph (A), the Secretary may provide for the confirmation of a United States citizen's travel documentation validity in the outbound lanes at a point of entry along the Southern border.

(c) INFRASTRUCTURE IMPROVEMENTS AT LAND POINTS OF ENTRY.—

(1) FACILITATION OF LAND EXIT TRACKING.—The Secretary may improve the infrastructure at, or adjacent to, land points of entry, as necessary, to implement the requirements under paragraphs (1) and (2) of subsection (b), by—

(A) expanding or reconfiguring outbound road or bridge lanes within a point of entry;

(B) improving or reconfiguring public roads or other transportation infrastructure leading into, or adjacent to, the outbound lanes at a point of entry if—

(i) there has been a demonstrated negative impact on transportation in the area adjacent to a point of entry as a result of projects carried out under this section; or

(ii) the Secretary, in consultation with State, local, or tribal officials responsible for transportation adjacent to a point of entry, has submitted a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that projects proposed under this section will have a significant negative impact on transportation adjacent to a point of entry without such transportation infrastructure improvements; and

(iii) the total of funds obligated in any year to improve infrastructure outside a point of entry under subsection (c)(1) shall not exceed 25 percent of the total funds obligated to meet the requirements under paragraphs (1) and (2) of subsection (b) in the same year;

(C) constructing, expanding, or improving access to secondary inspection areas, where feasible;

(D) physical structures to accommodate inspections and processing travel documents described in subsection (b)(3) for outbound aliens, including booths or kiosks at exit lanes;

(E) transfer, installation, use, and maintenance of computers, software or other network infrastructure to facilitate capture and processing of travel documents described in subsection (b)(3) for all outbound aliens; and

(F) performance of outbound inspections outside of secondary inspection areas at a point of entry to detect suspicious activity or contraband.

(2) REPORT ON INFRASTRUCTURE REQUIREMENTS TO CARRY OUT 100 PERCENT LAND EXIT TRACKING.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a report that assesses the infrastructure needs for each point of entry along the Southern border to fulfill the requirements under subsection (b), including—

(A) a description of anticipated infrastructure needs within each point of entry;

(B) a description of anticipated infrastructure needs adjacent to each point of entry;

(C) an assessment of the availability of secondary inspection areas at each point of entry;

(D) an assessment of space available at or adjacent to a point of entry to perform processing of outbound aliens;

(E) an assessment of the infrastructure demands relative to the volume of outbound crossings for each point of entry; and

(F) anticipated wait times for outbound individuals during processing of travel documents at each point of entry, relative to possible improvements at the point of entry.

(d) PROCEDURES FOR EXIT PROCESSING AND INSPECTION.—

(1) INDIVIDUALS SUBJECT TO OUTBOUND SECONDARY INSPECTION.—Officers performing outbound inspection or processing travel documents may send an outbound individual to a secondary inspection area for further inspection and processing if the individual is—

(A) determined or suspected to have been in the United States without lawful status during processing under subsection (b) or at another point during the exit process;

(B) found to be subject to an outstanding arrest warrant;

(C) suspected of engaging in prohibited activities at the point of entry;

(D) traveling without travel documentation; or

(E) subject to any random outbound inspection procedures, as determined by the Secretary.

(2) LIMITATIONS ON OUTBOUND SECONDARY INSPECTIONS.—The Secretary may not designate an outbound United States citizen for secondary inspection or collect biometric information from a United States citizen under outbound inspection procedures unless criminal or other prohibited activity has been detected or is strongly suspected.

(3) OUTBOUND PROCESSING OF PERSONS IN THE UNITED STATES WITHOUT LAWFUL PRESENCE.—

(A) PROCESS FOR RECORDING UNLAWFUL PRESENCE.—If the Secretary determines, at a point of entry along the Southern border, that an outbound alien has been in the United States without lawful presence, the Secretary shall—

(i) collect and record biometric data from the individual;

(ii) combine data related to the individual's unlawful presence with any other information related to the individual in the interoperable database, in accordance with paragraphs (4) and (5) of subsection (b); and

(iii) except as provided in subparagraph (B), permit the individual to exit the United States.

(B) EXCEPTION.—An individual shall not be permitted to leave the United States if, during outbound inspection, the Secretary detects previous unresolved criminal activity by the individual.

SEC. 1___9. RULE OF CONSTRUCTION.

Nothing in this Act, or amendments made by this Act, may be construed as replacing or repealing the requirements for biometric entry-exit capture required under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

SEC. 1___10. STUDENT VISA NATIONAL SECURITY REGISTRATION SYSTEM.

(a) ESTABLISHMENT.—The Secretary shall establish a Student Visa National Security Registration System (referred to in this section as the ''System'').

(b) COUNTRIES REPRESENTED.—The System shall include information about each alien in the United States on a student visa from 1 of the following countries:

(1) Afghanistan.
(2) Algeria.
(3) Bahrain.
(4) Bangladesh.
(5) Egypt.
(6) Eritrea.
(7) Indonesia.
(8) Iran.
(9) Iraq.
(10) Jordan.
(11) Kuwait.
(12) Lebanon.
(13) Libya.
(14) Morocco.
(15) Nigeria.
(16) North Korea.
(17) Oman.
(18) Pakistan.
(19) Qatar.
(20) Russia.
(21) Saudi Arabia.
(22) Somalia.
(23) Sudan.
(24) Syria.
(25) Tunisia.
(26) United Arab Emirates.
(27) Yemen.

(c) REGISTRATION.—The Secretary shall notify each alien from 1 of the countries listed under subsection (b) who is seeking a student visa under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) that the alien, not later than 30 days after receiving a student visa, shall—

(1) register with the System, as part of the visa application process; and

(2) be interviewed and fingerprinted by a Department official.

(d) BACKGROUND CHECK.—The Secretary shall perform a background check on all aliens described in subsection (c) to ensure that such individuals do not present a national security risk to the United States.

(e) MONITORING.—The Secretary shall establish a procedure for monitoring the status of all alien students in the United States on student visas.

(f) REPORTS.—

(1) INSPECTOR GENERAL.—The Secretary shall submit an annual report to Congress that—

(A) describes the effectiveness with which the Department is screening student visa applicants through the System; and

(B) indicates whether the System has been implemented in a manner that is overbroad or results in the deportation of individuals with no reasonable link to a national security threat or perceived threat.

(2) CERTIFICATION AND NATIONAL SECURITY REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that—

(i) certifies that the System has been implemented; and

(ii) describes the specific steps that have been taken to prevent national security failures in screening out terrorists from using student visas to gain entry into the United States.

(B) EFFECT OF NONCOMPLIANCE.—Beginning on the date that is 181 days after the date of the enactment of this Act, the Secretary shall suspend the issuance of visas under subparagraphs (F) and (J) of section 101(a)(15) of the Immigration and Nationality Act until the Secretary has submitted the report described in subparagraph (A).

(3) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that contains—

(A) the number of students screened and registered under the System during the past year, broken down by country of origin; and

(B) the number of students deported during the past year as a result of information gathered during the interviews and background checks conducted pursuant to subsections (c)(2) and (d), broken down by country of origin.

SEC. 1___11. ASYLUM AND REFUGEE REFORM.

(a) REGISTRATION.—The Secretary shall notify each alien who is admitted 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) that the alien, not later than 30 days after being admitted as a refugee or granted asylum—

(1) shall register with the Department as part of application process; and

(2) shall be interviewed and fingerprinted by an official of the Department.

(b) BACKGROUND CHECK.—The Secretary shall screen and perform a background check on all individuals seeking asylum or refugee status under section 207 or 208 of the Immigration and Nationality Act to ensure that such individuals do not present a national security risk to the United States.

(c) MONITORING.—The Secretary shall monitor individuals granted asylum or admitted as refugees for indications of terrorism.

(d) REPORTS.—

(1) SECRETARY OF HOMELAND SECURITY.—The Secretary shall submit an annual report to Congress that—

(A) describes the effectiveness with which the Department is screening applicants for asylum and refugee status; and

(B) indicates whether the System has been implemented in a manner that is overbroad or results in the deportation of individuals with no reasonable link to a national security threat or perceived threat.

(2) CERTIFICATION AND NATIONAL SECURITY REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that—

(i) certifies that the requirements described in subsections (a) through (c) have been implemented; and

(ii) describes the specific steps that have been taken to prevent national security failures in screening out terrorists from using asylum and refugee status to gain entry into the United States.

(B) EFFECT OF NONCOMPLIANCE.—Beginning on the date that is 181 days after the date of the enactment of this Act, the Secretary shall suspend the granting of asylum and refugee status under sections 207 and 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) until the Secretary has submitted the report described in subparagraph (A).

(3) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that contains—

(A) the number of aliens seeking asylum or refugee status who were screened and registered during the past year, broken down by country of origin; and

(B) the number of aliens seeking asylum or refugee status who were deported as a result of information gathered during interviews and background checks under subsections (a)(2) and (b), broken down by country of origin.

SEC. 1___12. RESOLUTION OF PUBLIC LAND USE DISPUTES IMPEDING BORDER SECURITY AND ENFORCEMENT.

(a) PROHIBITION.—The Secretary of Interior and the Secretary of Agriculture may not impede, prohibit, restrict, or delay activities of the Secretary on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to achieve total operational control of the Southern border.

(b) AUTHORIZED ACTIVITIES.—The Secretary shall be granted immediate access to land under the jurisdiction of the Secretary of Interior or the Secretary of Agriculture for purposes of conducting the following activities on such land in accordance with the requirements under this Act:

(1) Installing and using ground and motion sensors.

(2) Installing and using of surveillance equipment, including—

(A) video or other recording devices;

(B) radar and infrared technology; and

(C) infrastructure to enhance border enforcement line-of-sight.

(3) Using aircraft and securing landing rights, where appropriate, as determined by the Secretary.

(4) Using motorized vehicles to conduct routine patrols and pursuits as required, including trucks and all-terrain vehicles.

(5) Accessing roads.

(6) Constructing and maintaining roads.

(7) Constructing and maintaining fences or other physical barriers.

(8) Constructing and maintaining communications infrastructure.

(9) Constructing and maintaining operations centers.

(10) Setting up any other temporary tactical infrastructure.

(c) CLARIFICATION OF WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any termination date relating to the waivers referred to in this subsection), the waiver by the Secretary on April 1, 2008, pursuant to 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 Southern border shall be considered to apply to all land under the jurisdiction of the Secretary of Interior or the Secretary of Agriculture that is located within 100 miles of the Southern border for all activities of the Secretary described in subsection (b).

(2) DESCRIPTION OF LAWS SUBJECT TO WAIVED.—The laws referred to in paragraph (1) are—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Clean Air Act (42 U.S.C. 7401 et seq.);

(G) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(H) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(I) the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.);

(J) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(K) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(L) Public Law 86–523 (16 U.S.C. 469 et seq.);

(M) the Act of June 8, 1906 (16 U.S.C. 431 et seq.) (commonly known as the ''Antiquities Act of 1906'') ;

(N) the Act of August 21, 1935 (16 U.S.C. 461 et seq.);

(O) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(P) the Farmland Protection Policy Act (7 U.S.C. 4201 et seq.);

(Q) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(R) the Wilderness Act (16 U.S.C. 1131 et seq.);

(S) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(T) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(U) the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.);

(V) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(W) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'');

(X) the Otay Mountain Wilderness Act of 1999 (Public Law 106–145, 113 Stat. 1711);

(Y) sections 102(29) and 103 of California Desert Protection Act of 1994 (16 U.S.C. 410aaa et seq.);

(Z) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(AA) Public Law 91–383 (16 U.S.C. 1a-1 et seq.);

(BB) sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625, 92 Stat. 3467);

(CC) the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628);

(DD) section 10 of the Act of March 3, 1899 (33 U.S.C. 403);

(EE) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940)'';

(FF) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(GG) Public Law 95–341 (42 U.S.C. 1996);

(HH) Public Law 103–141 (42 U.S.C. 2000bb et seq.);

(II) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(JJ) the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.);

(KK) the Mineral Leasing Act (30 U.S.C. 181, et seq.);

(LL) the Materials Act of 1947 (30 U.S.C. 601 et seq.); and

(MM) the General Mining Act of 1872 (30 U.S.C. 22 note).

(d) NOTIFICATION REQUIREMENTS.—The Secretary shall submit a monthly report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(1) describes any public land use dispute raised by another Federal agency;

(2) describes any other land conflict subject to subsection (a) relating to border security operations on public lands; and

(3) explains whether the waiver authority under subsection (c) was exercised in regards to such dispute or conflict.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize—

(1) the restriction of legal land uses, including hunting, grazing, and mining; or

(2) additional restriction on legal access to such land.

SEC. 1___13. SAVINGS AND OFFSETS.

(a) USE OF FUNDS.—The Secretary may use amounts from the Comprehensive Immigration Reform Trust Fund made available under subparagraphs (A)(ii) and (D) of section 6(a)(3)—

(1) to fulfill the requirement under section 1___8 for 100 percent exit tracking of outbound aliens at land points of entry;

(2) to establish and maintain the Student Visa National Security Registration System described in section 1___10; and

(3) to reform the processing of applications for asylum and refugee status pursuant to section 1___11.

(b) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds may be obligated or expended for the construction of a new headquarters for the Department.

(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply if the Secretary certifies to Congress that—

(A) total operational control of the Southern border has been achieved;

(B) 100 percent exit tracking for all United States visitors at air, sea, and land points of entry has been achieved;

(C) the Student Visa National Security Visa Registration System is fully operational; and

(D) reforms to asylum and refugee processing set forth in section 1___11 have been fully implemented.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000,000 to carry out paragraphs (1) through (3) of subsection (a).

(d) RESCISSION OF CERTAIN UNOBLIGATED FUNDS.—From discretionary funds appropriated to the Department, but not obligated as of the date of the enactment of this Act, $1,000,000,000 is hereby rescinded.

SEC. 1___14. IMMIGRATION LAW ENHANCEMENTS.

(a) TRANSITION OF EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.—

(1) ESTABLISHMENT OF COURT OF IMMIGRATION REVIEW.—Title 28, United States Code, is amended by inserting after chapter 7 the following:

"CHAPTER 9—COURT OF IMMIGRATION REVIEW

"§ 211. Establishment and appointment of judges

''(a) ESTABLISHMENT.—There is established, under article I of the Constitution of the United States, a court of record, which shall be known as the United States Court of Immigration Review.

''(b) JURISDICTION.—The Court of Immigration Review shall have original, but not exclusive, jurisdiction over all civil proceedings arising under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and is authorized to implement orders issued by the Court, in cooperation with the Department of Justice.

''(c) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, such judges as may be necessary to carry out the duties of the Court of Immigration Review.

"§ 212. Tenure and salaries of judges

''(a) TENURE.—Each judge of the United States Court of Immigration Review shall be appointed for a term of 10 years.

''(b) SALARY.—Each judge shall receive a salary at an annual rate determined in accordance with section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), as adjusted by section 461 of this title.

"§ 213. Times and places of holding court

''The United States Court of Immigration Review may hold court at such times and such places as it may fix by rule of court.''.

(2) CONFORMING AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Subtitle A of title XI of the Homeland Security Act of 2002 (6 U.S.C. 521 et seq.) is amended—

(A) by striking the subtitle heading and inserting the following:

"Subtitle A—United States Court of Immigration Review"; and

(B) by amending section 1101 (6 U.S.C. 521) to read as follows:

"SEC. 1101. RESPONSIBILITIES OF UNITED STATES COURT OF IMMIGRATION REVIEW.

''The United States Court of Immigration Review, established under chapter 9 of title 28, United States Code, shall be responsible for interpreting and administering Federal immigration laws by conducting immigration court proceedings and appellate reviews of such proceedings, in cooperation with the Department of Justice.''.

(3) CONFORMING AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Section 103 (8 U.S.C. 1103) is amended—

(A) in subsection (a)—

(i) by striking ''He'' each place it appears and inserting ''The Secretary'';

(ii) by striking ''the Service'' each place it appears and inserting ''the Department of Homeland Security'';

(B) in subsection (c)—

(i) by striking ''The Commissioner shall'' and inserting ''The Director, U.S. Citizenship and Immigration Services, shall'';

(ii) by striking ''He'' and inserting ''The Director'';

(iii) by striking ''the Service'' each place it appears and inserting ''U.S. Citizenship and Immigration Services''; and

(iv) by striking ''The Commissioner may'' and inserting ''The Director may'';

(C) in subsections (d) and (e), by striking ''The Commissioner'' and inserting ''The Director, U.S. Citizenship and Immigration Services'';

(D) in subsection (e), by striking ''the Service'' and inserting ''U.S. Citizenship and Immigration Services''; and

(E) in subsection (g), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Attorney General shall assist the Secretary of Homeland Security in enforcing the provisions of this Act, in cooperation with the United States Court of Immigration Review, established under chapter 9 of title 28, United States Code.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the immigration judges serving in the Executive Office for Immigration Review on the day before the date of the enactment of this Act, absent misconduct or other compelling circumstances, should be—

(1) appointed by the President to serve on the United States Court of Immigration Review, established under chapter 29 of title 28, United States Code; and

(2) confirmed by the Senate as soon as practicable, but in no case later than 1 year after such date of enactment.

(c) CONTINUITY PROVISION.—All officers and employees of the Executive Office for Immigration Review on the day before the date of the enactment of this Act, absent misconduct or other compelling circumstances, shall remain in their respective positions during the Office's transition to the United States Court of Immigration Review.

(d) ENDING OF CAPTURE AND RELEASE.—The Secretary may not release any individual arrested by the Department for the violation of any immigration law before the individual is duly tried by the United States Court of Immigration Review unless the Secretary determines that such arrests were made in error. Individuals arrested or detained by the Department have the right to an expedited proceeding to ensure that they are not detained without a hearing for an excessive period of time.

SEC. 1___15. PROTECTING THE PRIVACY OF AMERICAN CITIZENS.

(a) IN GENERAL.—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.

(b) 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 prior cause.

(2) PHOTO TOOL.—As used in this Act, 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.

(c) IDENTIFICATION OF NONCITIZENS.—The Federal Government is authorized to require noncitizens, for identification purposes, to provide biometric identification, including fingerprints, DNA, and Iris scans, and non-biometric information, including photographs.

SEC. 1___16. NUMERICAL LIMITATION ON REGISTERED PROVISIONAL IMMIGRANTS.

Notwithstanding any other provision of law, the Secretary may not grant registered provisional immigrant status under section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, until the first joint resolution is enacted pursuant to section 1___4, and to more than 2,000,000 applicants for such status in any calendar year following enactment of the first joint resolution enacted pursuant to section 1___4.

Mr. PAUL. Mr. President, I rise today to speak about my amendment, which we have entitled ''Trust But Verify.''

I am in full support of immigration reform, as are most Members of this body and most Americans. But part of that reform must be that we insist on border security.

Recently the authors of the current bill made clear that legalization will not be made contingent on border security. Most conservatives such as myself believe just the opposite, that legalization or documentation of workers absolutely must depend on border security first. My amendment does that. Trust But Verify makes documentation of undocumented workers contingent on border security.

I believe the American people should not rely on bureaucrats or a commission to enforce border security. We have been promised security in the past and it never happens. My amendment is different than any other amendment because I want Congress to institute border security, not wait for a plan from the administration.

With Trust But Verify Congress will vote every year for 5 years on whether the border is secure. The power to enforce border security will be in our hands, the people's representatives, and it is Congress that will be held accountable if we fail. If Congress believes the border is not secure, then the processing of the undocumented workers stops until the border becomes secure.

To be clear, my amendment doesn't replace any triggers of the underlying bill. It simply adds new conditions to build on border security measures that are already in the bill. The only way to put real pressure on the Department of Homeland Security is to have tough triggers that ensure that the border is secure before immigration reform can proceed.

My amendment is entitled ''Trust But Verify.'' My amendment legislates exactly how we secure the border. The current bill merely requests a plan to secure the border. My amendment requires 100 percent border surveillance capability, a 95-percent apprehension rate, and a completion of a double-layered fence. Instead of having a plan to build a fence, we just tell them: Build the fence. We monitor the building of the fence as it progresses, and we make these triggers transparent to the public.

This amendment also would end the practice of releasing people who are caught crossing the border. Ninety-five percent of the people caught are released and they never come back—they go to the interior of the country.

Legalization of undocumented workers is allowed to commence after 1 year if Congress agrees that the border is secure. The resolution would be simple and would simply state every year: It is the sense of Congress that the U.S. border is increasingly secure. And Congress will determine if the Department of Homeland Security has met the goals Congress has written into law.

My amendment mandates that 100 percent exit tracking for U.S. visitors is accomplished through all portals—air, land, and water. One of the biggest problems our Nation is experiencing is that individuals here on temporary visas tend to overstay, and some never exit the country. My amendment solves this problem.

My amendment also has two important national security elements. One provision sets up a student visa national security registration system as a means to track young men and women who come to this country on student visas. Also, individuals here under asylum or refugee status must register in a program providing increased screening and a means to make sure the Federal Government has an idea of where people in these programs reside.

We should remember that most of the 9/11 hijackers were here on student visas and were not being properly monitored. And I still don't think that problem has been fixed.

This amendment is fully paid for by taking funds that would have gone toward this commission. We will not need a commission because we are actually going to put border security in the bill, and it requires no additional funding. If my amendment is implemented, there will not be a need for this commission.

One big problem with immigration reform is the dire need to reform our immigration court system. My amendment empowers immigration judges to have the power to implement orders. Judges make decisions and then no one will carry out the orders. It is a completely broken system. Both the left and the right agree we need to fix the immigration court system. This amendment would do it. My amendment would convert our courts from administrative courts to article I courts with enhanced jurisdiction.

My amendment also protects the privacy of all Americans by placing in law protections against citizens being subject to invasive biometric identification cards. Most Second Amendment supporters rightly see universal background checks as a step too far in invading citizens' personal business. Any national ID, biometric or otherwise, raises the same constitutional concerns.

Finally, my amendment does not allow the processing of this new category called registered provisional immigrants until Congress votes that the border is secure. Then we limit the number to 2 million per year, and each year we vote: Is the border more secure? If the border is not becoming more secure, the process stops until we agree the border is secure. This will allow the Department of Homeland Security to do an effective job of conducting background checks on the estimated 11 to 12 million people.

If Congress votes that the border is not secure, the processing of people into this category stops. It will not start again until Congress, the Representatives of the people, believe that the border is secure.

We desperately need immigration reform. If we don't have reform, I think we will have another 10 million people come over in the next decade. So something should be done, but it has to be done in a way that fixes the system. This amendment will fix the system.

I ask my colleagues to support Senate amendment No. 1200, Trust But Verify.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. 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. 1251

(Purpose: Requiring Enforcement, Security and safety while Upgrading Lawful Trade and travel Simultaneously (RESULTS))

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendments, and to call up my amendment No. 1251.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, Mr. CRAPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURR, Mr. CHAMBLISS, and Mr. JOHANNS, proposes an amendment numbered 1251.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Wednesday, June 12, 2013, under ''Text of Amendments.'')

Mr. CORNYN. Mr. President, I have been working on immigration policy for all the time I have been in the Senate, about 10 years now. So I have some familiarity with the issues and the arguments that have been made. It is always amazing to hear a lot of the same arguments being repeated now that we have heard before in 2007 and before. But one of the differences is we have 43 new Senators who weren't here in 2007, the last time we had a major debate on immigration reform. So I think the discussions have been useful and, hopefully, they will be productive.

There is one obstacle, in my view, to immigration reform which is something I would like to see: When it comes to securing our borders and making sure that the flow of illegal immigration across our borders stops or gets as close as we can to zero, the Federal Government has zero credibility. The reason is simple. We have been making promises since 1986 about border security enforcement.

Remember, 1986 was the year that Ronald Reagan—a model to Republicans and conservatives—signed an amnesty for 3 million people, premised on the representation and the expectation that enforcement would ensue and the problem would be solved. In other words, he and the American people said: We will have a compassionate resolution of the condition of the 3 million people who are here, but we want to make sure that the rule of law is restored and that we will not have to do this again.

When the Gang of 8—the four Republicans and four Democrats who authored the underlying bill—announced their product, I was hopeful they would produce a bill with solid mechanisms for gaining secure borders. Unfortunately, the bill contains no guarantees or results, no real trigger, only more promises reminiscent of 1986 and many years subsequent.

In 1996, Bill Clinton signed a law saying we were going to implement a biometric entry-exit system. When that didn't happen, after 2011 the 9/11 Commission said one of the things we needed and was revealed as a vulnerability for national security was the absence of a biometric entry-exit system.

Despite the passage of all those years and the recommendations of the 9/11 Commission, we still have not implemented a biometric entry-exit system. An entry system, yes, but exit, no. And 40 percent of illegal immigration occurs as a result of the fact that people enter the country legally and don't leave when their visa expires.

So, unfortunately, this bill contains more hollow promises and no real trigger. By that I mean a conditioning on the transfer to either probationary status or to legal permanent residency based on hitting the standards that are met in the underlying bill—100 percent situational awareness, 90 percent apprehensions, which is defined in the bill as operational control of the border.

The message is, again, we don't have any enforcement mechanism here. We are going to put a lot of money and a lot of resources into this but we cannot control what future administrations do. We know no current Congress can bind future Congresses. So these promises once again—I am very concerned and I think the American people should be concerned—are promises only and not delivering the results that I think they insist upon before they will accept a resolution of the 11 million people in compassionate terms.

But I do not think promises alone are good enough. You should not take my word for it. You want to see, for example, what the Congressional Budget Office came out with yesterday. I think people would be serious about serious solutions to illegal immigration, but the Congressional Budget Office which—love them or hate them, agree or disagree—is the gold standard that Congress is bound by when evaluating legislation. What they said is the number of new unauthorized immigrants in the United States by the year 2033 will go up. It will be 7.5 million people. If we did not pass any bill at all, it will be 10 million. That is what the Congressional Budget Office said. Those are not my figures, those are their figures. I think it is incumbent upon anybody who disagrees to challenge these figures, and so far we have heard no challenge forthcoming.

Make no mistake, border security is not an alternative to immigration reform, it is a necessary complement to the sensible reforms that I think a large majority of this Chamber could agree on, such as allowing the United States to retain more highly skilled immigrants who get Ph.D's and master's degrees at our colleges and universities in STEM fields—science, technology, engineering, mathematics, and the like.

I know there has been a fair amount of disinformation circulated about the proposals in my RESULTS amendment, so let me explain what it actually does once more. My amendment requires the Federal Government to have 100-percent situational awareness on the border. With technology the American taxpayer has already paid for and which has been deployed in Afghanistan and Iraq and is owned by the Department of Defense, I am absolutely convinced we can get 100-percent situational awareness on the border. Senator MCCAIN yesterday said he agreed with that. He cited a letter, which I am sure we will see forthwith, by the head of the Border Patrol who said that is attainable.

Senator BENNET of Colorado and Senator FLAKE of Arizona, two members of the Gang of 8, said they agree it is attainable. I think it is attainable. That is one requirement.

Second, my amendment requires full operational control of the border. That does not mean 100-percent detention of people coming across. It means we have a deterrent effect by at least 90 percent of people coming across being detained.

I have been in and around law enforcement most of my adult life. It is not just how many people we detain, it is the deterrent value of the knowledge of people who violate our laws that if they do so they will be apprehended and they will receive the appropriate punishment. So the deterrence factor is very important here. It is not just how

many people you catch but there has to be some metric that can be objectively measured.

Next—and I alluded to this a moment ago—there has to be a nationwide biometric entry-exit system. As I said, this has been the law since 1996 when Bill Clinton signed it into law. Yet it has never been implemented. What has been implemented is that when foreign nationals visit the United States they do have to give a set of fingerprints, but there is no complementary exit system to make sure those same people leave the country when their visa expires—whether they are a student or a tourist or a guest worker or something of the like. Forty percent of our illegal immigration is people who enter legally and simply do not leave when their visa expires. This biometric entry-exit system would allow us to identify them and then to allow the Department of Homeland Security and Immigration and Customs Enforcement to do their job.

Fourth, my amendment requires nationwide E-Verify; in other words, a means not to make the employers the police to sort of sift through documents to try to figure out from your utility bill whether you actually are a legal resident of the United States and can qualify to work, but actually an electronic system. All employees of the Federal Government, all of our employees in our Senate offices have to go through that anyway to make sure this is uniformly observed, so that the economic magnet that attracts so much illegal immigration is removed and only people who can legally work in the country are allowed to do so.

My amendment could have taken a much tougher position and said this trigger must be met before people can progress or sign up for probationary status. I voted for such an amendment, but knowing that amendment would not pass the Senate I said the trigger ought to be between the probationary status and the time when people transition from probationary status to legal permanent residency. The whole rationale is not to be punitive, not to create an obstacle that cannot be met, but to realign the incentives for the executive branch, the bureaucracy, Republicans, Democrats, Independents, conservatives, liberals to come together and say we are going to make sure this target is hit: 100-percent surveillance; 90-percent apprehensions or full operational control of the border; an E-Verify system; and a biometric entry-exit system.

Is it realistic to believe these goals can be met in the next decade? Many experts, including members of the Gang of 8, which I mentioned a moment ago, believe it is. Some of those experts include people such as Robert Bonner, the former head of Customs and Border Protection; Asa Hutchison, the former Under Secretary for Border & Transportation Security at the Department of Homeland Security, and as I mentioned, several of the Gang of 8—Senator BENNET of Colorado, Senator FLAKE of Arizona, Senator MCCAIN of Arizona—have all said they believe this requirement of 100-percent situational awareness and operational control of our southern border is feasible and can be accomplished and that it is a reasonable, attainable goal.

My question for them and for others is, if they believe it is feasible and if they believe we are suffering from a trust deficit as a result of the American people being asked to trust us and that trust being exploited and violated so many times in the past with promises that are not kept, why not agree to a reasonable condition after probationary status, before people transfer to legal permanent residency where we know the forces will be aligned in order to make sure that is met. Then we can regain the American people's confidence and see we restored law and order and legality out of a current lawless and chaotic system which exploits and preys on many innocent people who die, who are subjected to human slavery as a result of trafficking, and you name it.

There is a crisis of confidence in Washington these days and the only way I think we are going to regain that confidence and demonstrate to the American people we are serious about making this happen is a trigger and a conditioning of that transition from RPI status to LPR status contained in my amendment.

If it is attainable and if it is something that is important in terms of regaining the public's confidence instead of just saying ''trust us,'' why not support the amendment? Why not demand real results on border security, rather than repetitive promises that have not been kept in the past and which the American public is in deep doubt will be kept in the future? Without a genuine border security trigger, this bill, I would daresay, has zero chance of passing the House of Representatives. For those of us who wish to see an improvement in the status quo because we believe the status quos is simply unacceptable, for those of us who wish to see a good immigration reform bill pass, why not pass this bill with my amendment? Why not give this bill some momentum as it goes over to the House of Representatives and as we come together as a Senate and a House to reconcile those differences in the bill and send over a good bill, an enforceable bill—not just full of hollow promises but one which will actually gain results when it comes to security.

Everybody in this Chamber knows the Senate bill is dead on arrival in the House. They have their own ideas. They are going to take up immigration reform on a piecemeal basis, but ultimately my hope is they will cobble together one or more smaller bills and then we will be able to get to a conference with the House to work out the differences. But this is the kind of sleight of hand which I think undermines our credibility and increases the skepticism of the American people that we are actually going to deliver as represented when it comes to immigration reform.

You have seen this before. Senator DURBIN, the distinguished majority whip, said in January 2013: A pathway to citizenship needs to be ''contingent upon securing the border.'' I agree with Senator DURBIN. I agree that is the essential bargain the American people are willing to accept. There was a CNN poll yesterday that said 6 out of 10 of the American people would accept a pathway to citizenship, perhaps grudgingly, if they actually felt as though the results they demand be provided on border security and enforcement are contained in this bill.

That is why I believe it was so important for Senator DURBIN to say, as part of their announcement of the goals of the Gang of 8, that a pathway to citizenship would be ''contingent upon securing the border.''

Here is the disconnect. Unfortunately, 6 months later, June 11, 2013, Senator DURBIN was quoted in the National Journal that the gang has now decided that ''the pathway to citizenship'' and border enforcement can be delinked. In other words, the way to citizenship is guaranteed and good luck on the border security and the enforcement. Good luck, present Congress, trying to enforce your will, present and hence, on a future Congress; good luck, President Obama, trying to dictate exactly what a future President, 10 years from now, will do.

The only way I believe we can credibly go back and defend our position for immigration reform before our constituents, certainly my constituents, is to look them in the eyes and say we have fixed the problem. We have done everything humanly possible to make sure all the incentives are aligned so that border security, interior enforcement, and E-Verify are actually in place before people transition to legal permanent residency.

We have now had three decades to fix our broken promises on border security and now is the time to demand real results and to create a mechanism for achieving them. It is time to make good on our promises to the American people by securing America's borders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I rise to speak about amendment No. 1311, the Hire Americans First amendment, which I hope to call up later.

Nearly 8 percent of Americans are unemployed or underemployed and our immigration policy obviously must be a jobs policy. Any successful immigration plan must take a closer look at the H–1B Program, which serves an important but specific and limited purpose. The H–1B visa was created so businesses—particularly in high tech but not exclusively that—so businesses could recruit foreign workers to help fill the void created a by a lack of

American workers with those specific skills. Yet, as this bill comes to the floor, something very important was excluded. The bill lacks a requirement—which was in earlier versions of the bill—that employers hire an equally or better qualified American worker when one is available, rather than a potential H–1B worker.

The bill lacks a requirement that employers hire a qualified, equally or better qualified American worker when one is available, rather than a potential H–1B foreign worker. With this bill we are enshrining a process—without this amendment—that allows companies to pass over skilled Americans for foreign workers after they have been required to actually actively recruit those Americans.

The bill has provisions to recruit Americans for these jobs that might have gone to an H–1B foreign worker, but it falls short. It doesn't require the employer to actually—after going through that process, to actually hire the American worker who is as qualified or better qualified than the H–1B foreign worker. This approach only undermines support for the H–1B Program because it will be seen as a tool to avoid hiring American workers.

Understand the American public, as they start to kind of understand and digest the provisions of this purported new law, this legislation, when they hear that, yes, companies have to recruit and look for American workers but in the end, even if the American worker is as qualified or more qualified, the company is under no obligation to actually hire the American. Senator GRASSLEY has been a champion in the fight to end H–1B abuse. That is why I am proud to join Senator GRASSLEY in our bipartisan amendment to introduce the H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2013.

The H–1B program should only be used when there is no qualified worker available in the United States. That is clearly what the American people overwhelmingly say they want: that the program should only be used when there is no qualified worker available here. This amendment would increase protections to workers by requiring that employers only hire H–1B workers, as I said before, when there is no equally qualified or better qualified American.

This amendment would make sure a worker from Wuhan would not be hired at the expense of a qualified engineer or scientist from Elyria or Sylvania, OH. It means ensuring that American companies seek out, find, and hire skilled American workers before seeking visas for foreign workers. However, that is not included in this version of the bill that we are debating on the Senate floor—the immigration bill. The bill in its current form simply says that companies have to look for qualified Americans. It doesn't require them to actually hire the equally qualified or better qualified American, such as a chemist from Cleveland or a computer scientist from Celina. The underlying bill increases the number of H–1B-eligible visas, and that is fine. But it also cracks down on employers who take advantage of the system. Without the requirement to also hire qualified U.S. workers, the recruitment steps mean standing on an escalator that leads to nowhere.

What this legislation now says is that companies that consider H–1B visa hires need to recruit Americans, but the bill falls short of saying if the American is as qualified or more qualified they need to hire that American. If they are qualified Americans who can do the work, there is simply no need to fill the post with an H–1B worker. Passing the Brown-Grassley amendment—also cosponsored by Senator SESSIONS, a Republican from Alabama, and Senator MANCHIN, a Democrat from West Virginia—the hire Americans first amendment is important in fixing that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1237, AS MODIFIED

Mr. MERKLEY. Mr. President, under the prior unanimous consent agreement, I call up my amendment numbered 1237, as modified.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes amendment numbered 1237, as modified.

The amendment is as follows:

(Purpose: To increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer seeks to fill with H–2B nonimmigrants)

On page 1793, between lines 17 and 18, insert the following:

SEC. 4607. AMERICAN JOBS IN AMERICAN FORESTS.

(a) SHORT TITLE.—This section may be cited as the ''American Jobs in American Forests Act of 2013''.

(b) DEFINITIONS.—In this section:

(1) FORESTRY.—The term ''forestry'' means—

(A) propagating, protecting, and managing forest tracts;

(B) felling trees and cutting them into logs;

(C) using hand tools or operating heavy powered equipment to perform activities such as preparing sites for planting, tending crop trees, reducing competing vegetation, moving logs, piling brush, and yarding and trucking logs from the forest; and

(D) planting seedlings and trees.

(2) H–2B NONIMMIGRANT.—The term ''H–2B nonimmigrant'' means a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

(3) PROSPECTIVE H–2B EMPLOYER.—The term ''prospective H–2B employer'' means a United States business that is considering employing 1 or more nonimmigrants described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

(4) STATE WORKFORCE AGENCY.—The term ''State workforce agency'' means the workforce agency of the State in which the prospective H–2B employer intends to employ H–2B nonimmigrants.

(c) DEPARTMENT OF LABOR.—

(1) RECRUITMENT.—As a component of the labor certification process required before H–2B nonimmigrants are offered forestry employment in the United States, the Secretary of Labor shall require all prospective H–2B employers, before they submit a petition to hire H–2B nonimmigrants to work in forestry, to conduct a robust effort to recruit United States workers, including, to the extent the State workforce agency considers appropriate—

(A) advertising at employment or job-placement events, such as job fairs;

(B) placing the job opportunity with the State workforce agency and working with such agency to identify qualified and available United States workers;

(C) advertising in appropriate media, including local radio stations and commonly used, reputable Internet job-search sites; and

(D) such other recruitment efforts as the State workforce agency considers appropriate for the sector or positions for which H–2B nonimmigrants would be considered.

(2) SEPARATE CERTIFICATIONS AND PETITIONS.—A prospective H–2B employer shall submit a separate application for temporary employment certification and petition for each State in which the employer plans to employ H–2B nonimmigrants in forestry for a period of 7 days or longer. The Secretary of Labor shall review each application for temporary employment certification and decide separately whether certification is warranted.

(d) STATE WORKFORCE AGENCIES.—The Secretary of Labor may not grant a temporary labor certification to a prospective H–2B employer seeking to employ H–2B nonimmigrants in forestry until after the Director of the State workforce agency, in each State in which such workers are sought—

(1) submits a report to the Secretary of Labor certifying that—

(A) the employer has complied with all recruitment requirements set forth in subsection (c)(1) and there is legitimate demand for the employment of H–2B nonimmigrants in each of those States; or

(B) the employer has amended the application by removing or making appropriate modifications with respect to the States in which the criteria set forth in subparagraph (A) have not been met; and

(2) makes a formal determination that nationals of the United States are not qualified or available to fill the employment opportunities offered by the prospective H–2B employer.

Mr. MERKLEY. Mr. President, I thought I would take a few moments to share the contents of this amendment and why it is an important addition to the bill we are considering currently. This is related to a very critical part of Oregon's economy; that is, timber and forest jobs. Forest jobs have long been a pillar of our rural economy in my State. In fact, my father worked as a millwright when he first came to Oregon. He worked as a mechanic, which was basically to keep the sawmill operating.

When the sawmill shut down, he pursued other jobs as a mechanic. We traveled with the timber economy, as so many families in Oregon did. Many of our rural towns are mill towns—towns closely related to the production of

lumber from our national forests and from private forests.

Over the past several decades, times have been pretty tough in the timber economy, and we have many forest workers who have suffered through these tough times. Their families have gone with the ups and downs of the timber economy. Certainly, the recession added insult to injury, and the unemployment rates in many of our timber counties soared and have been stuck at over 15 percent.

That is why in 2009 I and others fought to get funding in the recovery bill to expand thinning and wildfire prevention. The concept was that we have millions of acres of overgrown second-growth forests which is not ideal for ecosystems, and it is not ideal for producing timber. What it is ideal for is forest fires and disease. So thinning these forests made a lot of sense, and we can put a lot of folks to work.

We did get funding for forest health, but in 2010 we had a little shock. One of our newspapers in Oregon, the Bend Bulletin, started reporting about how the forest service contracts intended to put Americans to work—and for the Oregon forests, Oregonians to work—were instead awarded to contractors who were bringing in foreign workers under the H–2B visa program. These contractors, using cheap labor, were underbidding the local companies that were employing Oregonians from these rural communities—communities deeply steeped in the tradition of forest jobs.

In 2011, we found out from a Department of Labor audit of some of these contracts—more than $7 million worth—that not one Oregonian was hired. In fact, the audit concluded that it was likely Oregonians didn't even know the jobs existed. Now, why is that? Because the contractor—seeking to underbid the contractors who would hire Americans—proceeded to advertise in California for jobs in Oregon. They proceeded to advertise well in advance of the jobs; there was a disconnect in time. They proceeded to imply in the advertisements that a second language was required.

When applications were received by the few Oregonians who found out about those jobs, they round-filed those applications, put them through the shredder, rather than using our tax money to thin our forests to prevent forest fires and disease and didn't hire Americans for those jobs.

The information provided to my office showed that in 2010 and 2011 in Oregon and Washington more than one-third of the contracts being awarded by the Forest Service were going to companies that self-attested that they could not find a single American worker who wanted to do these jobs. Now these companies are operating in rural communities with very high unemployment rates in the middle of a terrible recession. We have thousands of Oregonians who have signed up on a job seeker database saying they want to work in our forests.

In Oregon that list involves more than 5,000 individuals who are on a State list wanting to work in the woods, and the contractors said they could not find anyone who wanted one of these jobs. This is exactly the type of abuse that undermines the entire program. This is the type of abuse that must not be allowed.

As I go from county to county doing townhalls, as I do in each county every year, folks say time and time again: We need more jobs in the woods. Well, those jobs that we do have in the woods, we need to make sure they know about those jobs. When our taxpayer dollars are funding the work, we need to make sure the money goes to create jobs where they are needed.

That is why I am proposing a narrowly tailored amendment to address this problem with three simple changes to the H–2B program for forestry jobs. First, enhanced recruitment. Employers, before submitting a petition to hire H–2B workers, would be required to use appropriate recruitment strategies to find or notify Americans who are interested in these jobs. This could be advertising at job fairs, with local and State workforce agencies and nonprofits, or advertising on reputable Internet job search sites or radio. The key is they must work with the State workforce agency to advertise in the places where local residents are likely to hear about the jobs. That is exactly what did not happen in Oregon in 2009 and 2010.

The second provision of this amendment is that the Secretary of Labor could grant a temporary labor certification to an employer to hire H–2B forest workers. In order to do that, the director of the State workforce agency would have to certify that the employer has complied with the recruitment requirements, and the director of the State workforce agency would have to make a determination that local workers were not qualified or available to fill the jobs. That way we connect the contractor who is responsible to make sure that folks know about these jobs with the workforce agency that has the expertise in finding people who want to know about these jobs. If there is a situation where a contractor simply says, well, we advertised, but we cannot find anyone, the workforce agency would know whether that was a legitimate and valid conclusion.

The third point is that if an employer seeks to be certified for a work itinerary that covers multiple States, and if the work outside the primary State lasts 7 days or longer, then the employer needs to contact the agency in each State. That way they don't simply have someone starting work in California for a day or two and shifting to Oregon, shifting to Washington, or shifting to Idaho—perhaps for a month in each place—but never advertising in the State where the work is being done. These are three simple changes to our H–2B program for forest workers that could make a real difference for individuals struggling to find work in the woods.

Now, we cannot go back and fix the contracts that have already been issued and abused in the past, but we can fix the problems we know about now so that those forest workers do get the jobs in the future—those Oregonians, those Americans who want to work in the woods.

In places like Myrtle Creek, where I was born, or Roseburg, where I went to first grade, when you are born in these timber communities, you are practically born with a chainsaw in your hand. Timber is the heart of the local economy. To have folks—who are unemployed, trying to support their families and desperate for jobs in the woods—find out that our tax money that was supposed to go to put them to work has been put to work hiring people from outside our country is outrageous and unacceptable. This amendment will address it in a responsible manner.

I urge my colleagues to support this amendment.

I thank the Presiding Officer for the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

WOMEN'S HEALTH CARE

Mr. BLUMENTHAL. Mr. President, I come to the floor today to discuss H.R. 1797. A number of my colleagues, Senators MURRAY and BOXER, have been here this morning to talk about the bill that passed yesterday in the House of Representatives that would prohibit all abortions beyond 20 weeks with very, very limited exceptions.

This topic is critically important to the women of Connecticut and our country, and the bill is lamentably and regrettably yet another example of legislation that feigns concern for women's health when actually it would endanger the lives and well-being of women across this great country.

The bill would take decisions regarding health care away from women and their doctors and would force doctors to decide between incurring criminal penalties and helping their patients. That choice is unacceptable professionally and morally.

The decision to end a pregnancy is a serious decision that a woman should make in consultation with her doctor. When those decisions are made later in a pregnancy, they are most often the result of serious health risks to the mother or the discovery that the fetus is not viable. They are the result of those risks or the discovery that a fetus is not viable. Political interference is abhorrent and unacceptable in these personal and private decisions, and it violates the constitutional right of privacy.

The other scenario in which a woman may seek an abortion later in a pregnancy is due to an inability to access such services earlier—whether due to

financial restrictions or a lack of access to health care or other extenuating circumstances.

In fact, 58 percent of abortion patients say they would have preferred to have an abortion earlier. Low-income women were more than twice as likely as their wealthier counterparts to be delayed because of financial limitation and difficulty in making arrangements. As politicians, we should not be placing additional restrictions on women in these circumstances.

The House bill blatantly ignores constitutional protections that are vitally necessary to protect the health of women, as decided in Roe v. Wade and Planned Parenthood v. Casey, because these kinds of restrictions place limitations that interfere with constitutional rights and have no place in these personal and very private decisions.

The limited exceptions in this bill would require a woman to report a rape or incest to law enforcement or a specific government agency when she is seeking much needed health care services. Those restrictions that affect women when they have been victims of a crime or face serious health risks have no effect in reducing abortions, and that is their purported purpose—to reduce abortion—but that purpose will in no way be served by these restrictions. Victims of incest or rape may be too young or too fearful of retaliation to report to a law enforcement agency. Why create a needless, lawless obstacle to vital health care?

We should be working to ensure that women have the ability to access safe and affordable contraception so there are fewer unintended pregnancies in this country. And yet supporters of this bill would also restrict access to contraception, and they are the ones who have tried to make it more difficult to get access to the information and services necessary to prevent unintended pregnancies.

We need to do more. Our Nation needs to do better to ensure that women have access to preventive and maternal health care so they can be prepared to face the responsibility of pregnancy and parenthood. This bill would do very little, if anything, to actually help women protect their health care and the health care of their families.

I urge my colleagues to reject any consideration of this ill-intended and, I hope, ill-fated measure that endangers women's health across the country, and I urge my colleagues to focus on the real priorities that face this Congress—job creation and economic recovery, for example—and stop this attack on women's health.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. PORTMAN. Mr. President, we are debating the immigration bill again today, and as the Presiding Officer knows, I am one of those Members of the Senate who believe our immigration system is broken, both the legal system and the way in which we want to deal with those who come here illegally.

I have concerns with the underlying legislation. I have spoken about that on the floor. I have concerns about the workplace magnet. I think the E-Verify proposals in the underlying bill are an improvement to the current system but still not as strong as they need to be to be an effective deterrent to those who are unauthorized to work. I don't think the system will work, frankly, unless we strengthen those provisions at the workplace. Most people want to come here for economic reasons, and if we don't deal with the workplace we will not be able to affect much at the border if people really want to come here with their families to get a job.

Second, we have learned now that 40 percent of those who are here illegally have actually overstayed their visas, meaning they came here legally but then overstayed their visas and are here illegally now.

We also learned that under E-Verify, unfortunately, about 54 percent of those who are unauthorized to work are getting through the system now with the pilot programs that are available. So that needs to be strengthened, and I will have proposals to do that.

I am working with the eight Members of our body here who have put together this legislation and other Senators on both sides of the aisle to try to strengthen those provisions because I don't think the bill is going to hold together without real enforcement.

Secondly, the border enforcement needs to be strengthened and the triggers need to be strengthened. I am working with Senator JOHN CORNYN and others on that. I hope Senators on both sides of the aisle can agree that along with having workplace verification that really does determine who is eligible to work and whether documentation is fraudulent, we also need to have a secure border moving forward.

Third, I have concerns about some of the benefits that will be offered to people who are in this interim status, so-called RPI status, who would be in a legal status but still not able to obtain a green card. So the question is, What benefit should they get? We want to be sure people are not enticed to come here for benefits but, rather, come here legally to work.

Finally, I have concerns about some of the criteria for this status, which would be a legal status, as it relates to crimes they have committed. As a result, I rise today to urge my colleagues to support two amendments I have filed to the underlying bill. I believe these amendments would serve to clarify what kinds of criminal acts would render violent offenders inadmissible under the immigration reform bill we are debating.

The first amendment addresses convictions for domestic violence, stalking, or child abuse. Under the current language, those convicted of these crimes would only be ineligible for admission in the event they served at least 1 year in prison. My amendment would change this language to declare inadmissible anybody convicted of such crimes who could have been sentenced to no less than 1 year of imprisonment for the crime at the time of conviction. I think this is really a clarification amendment and a simple amendment that should be accepted by both sides because it is in keeping with the original purpose of the language, which is to allow a more consistent and fair application of the law.

If my amendment is accepted, two individuals convicted of the same crime under the same circumstances would be treated in the same way under our Nation's immigration laws. That is not the case as the bill is currently written. The current language puts emphasis on the time served rather than the offense committed. As we all know, the amount of time a person convicted of a crime might serve in prison is related to a whole lot of factors unrelated to the purpose of this legislation—from the disposition of the sentencing judge, to the recommendations made by the prosecutors, to the overcrowding in many of our State prisons. So this amendment would take those extraneous considerations out of the picture, applying the same standard to all applicants for citizenship while ensuring that the spirit of the original language remains—preventing violent criminals from reaping the benefits of this legislation.

The second amendment serves a similar purpose. It would exclude crimes against children involving moral turpitude—things such as child abuse, child neglect, and contributing to the delinquency of a minor through sexual acts. It would remove those from the discretionary authority of the Secretary of the Department of Homeland Security and immigration judges with regard to removal, deportation, or inadmissibility of an individual. This amendment would strengthen our efforts to prevent and punish child abuse and would ensure that anyone who endangers our children is not eligible to become a citizen of this country.

Nothing is more precious than American citizenship. We see that everyday with people coming to this country, some legal and some illegal. We have to ensure that this legislation does not extend that privilege to those who would commit crimes against the most vulnerable among us.

These very simple, commonsense amendments would help to achieve that goal. So along with E-Verify and ensuring that our border will be secure,

ensuring that the appropriate benefits are provided to those who are not citizens but here in an interim status, I urge my colleagues to adopt these two amendments to ensure that those who would like to become citizens of the United States are those who deserve it and are not individuals who have engaged in the kinds of criminal acts that would make them inappropriate to become citizens of the United States.

I thank the Chair, and I yield back the time. I don't see any colleagues stepping forward, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1268, 1298, AND 1224 EN BLOC

Mr. LEAHY. Mr. President, on behalf of Senators MANCHIN, PRYOR, and REED, I ask unanimous consent that the following amendments be called up en bloc: Manchin No. 1268, Pryor No. 1298, and Reed No. 1224.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. MANCHIN, Mr. PRYOR, for himself and Mr. JOHANNS, and Mr. REED, proposes amendments numbered 1268, 1298, and 1224 en bloc.

The amendments are as follows:

AMENDMENT NO. 1268

(Purpose: To provide for common sense limitations on salaries for contractor executives and employees involved in border security)

At the end of title I, add the following:

SEC. 1122. MAXIMUM ALLOWABLE COSTS OF SALARIES OF CONTRACTOR EMPLOYEES.

Section 4304(a)(16) of title 41, United States Code, is amended by inserting before the period at the end the following: '', except that in the case of contracts with the Department of Homeland Security or the National Guard while operating in Federal status that relate to border security, the limit on the costs of compensation of all executives and employees of contractors is the annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (currently $230,700)''.

AMENDMENT NO. 1298

(Purpose: To promote recruitment of former members of the Armed Forces and members of the reserve components of the Armed Forces to serve in United States Customs and Border Protection and United States Immigration and Customs Enforcement)

At the end of section 1102, add the following:

(e) RECRUITMENT OF FORMER MEMBERS OF THE ARMED FORCES AND MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—

(1) REQUIREMENT FOR PROGRAM.—The Secretary, in conjunction with the Secretary of Defense, shall establish a program to actively recruit members of the reserve components of the Armed Forces and former members of the Armed Forces, including the reserve components, to serve in United States Customs and Border Protection and United States Immigration and Customs Enforcement.

(2) RECRUITMENT INCENTIVES.—

(A) STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS WITH A THREE-YEAR COMMITMENT.—Section 5379(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(4) In the case of an employee who is otherwise eligible for benefits under this section and who is serving as a full-time active-duty United States border patrol agent within the Department of Homeland Security—

''(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

''(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.''.

(B) RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

(3) REPORT ON RECRUITMENT INCENTIVES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report including an assessment of the desirability and feasibility of offering incentives to members of the reserve components of the Armed Forces and former members of the Armed Forces, including the reserve components, for the purpose of encouraging such members to serve in United States Customs and Border Protection and Immigration and Customs Enforcement.

(B) CONTENT.—The report required by subparagraph (A) shall include—

(i) a description of various monetary and non-monetary incentives considered for purposes of the report; and

(ii) an assessment of the desirability and feasibility of utilizing any such incentive.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

AMENDMENT NO. 1224

(Purpose: To clarify the physical present requirements for merit-based immigrant visa applicants)

On page 1162, strike lines 7 through 11 and insert the following:

(B) has been in the United States in a class of aliens authorized to accept employment in the United States for a continuous period of at least 10 years, not counting brief, casual, and innocent absences.

Beginning on page 1164, strike line 23 and all that follows through page 1165, line 2, and insert the following:

(f) ELIGIBILITY IN FISCAL YEARS AFTER FISCAL YEAR 2028.—Beginning on October 1, 2028, aliens are not eligible for adjustment of status under subsection (c)(3) unless they have been in a class of aliens authorized to accept employment in the United States for 20 years before the date on which they file an application for such adjustment of status.

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

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

Mr. GRASSLEY. Mr. President, yesterday we had the good fortune of receiving the Congressional Budget Office cost estimate of the immigration bill before the Senate, and I would like to mention two findings from the CBO report.

It says the bill will drive down wages. For legal American workers, the CBO estimates the bill would drive down their average wages.

Secondly, it says the bill will not stop illegal immigration. Despite promises of a secure border, the bill would slow future illegal immigration by only 25 percent, according to the CBO. In the next couple of decades, that would mean 7.5 million new undocumented immigrants coming to the country.

Before I dive into these two findings, let me remind my colleagues what was said by the authors of the bill. They said that undocumented immigrants and, hence, illegal migration would be a thing of the past. They said their bill included the toughest enforcement measures in history.

In their framework, the Group of 8 said they would write a bill which would ensure that the problem does not have to be revisited. They implied that their bill—similar to the 1986 bill—would take care of the problems once and for all. The obvious fact there is that the 1986 legislation said it would secure the border, but it never did secure the border. So we see the Group of 8 legislation before us as making the same mistakes we made in 1986.

As to what the Group of 8 said—that they would write a bill that would ensure that the problem does not have to be revisited—we find the Congressional Budget Office thinks entirely differently.

I may not always agree with CBO. I disagree with the fact that CBO has used dynamic economic effects to score this bill, when they do not use it on anything else. Yet they refuse to provide the dynamic scoring particularly on revenue bills. But everyone knows what the CBO says goes.

I always say on the Senate floor, CBO is god. If they say something is going to cost something, and you want to dispute what they say, you have to have 60 votes in this body to overturn a point of order against the CBO. It is very difficult to get 60 votes in the Senate, so that is when if they say something is something, it is something, and that makes them god around this town.

So I ask the proponents about these two key findings that I have pointed

out: What do the proponents say about the fact that the influx of new immigrants would have the effect of bringing down the average wage for America's workforce?

This is exactly the point Peter Kirsanow, a member of the U.S. Commission on Civil Rights, argued before our Judiciary Committee on April 19. He said illegal immigration has a negative effect on the wages and employment levels of low-skilled workers, particularly African Americans.

The second question to the group: Is the fact that S. 744 will drive down wages acceptable to those who support the bill?

In the report, the ''CBO estimates that, under the bill, the net annual flow of unauthorized residents would decrease by about 25 percent relative to what would occur under current law.''

I wish to put in front of that 25 percent my own words: You mean if we pass this legislation, according to CBO, this legislation is only going to have the effect of lowering the illegal immigration by 25 percent, when we are led to believe they are going to overcome the problems we did not foresee in 1986, when we legalized—thought we did it once and for all; that would take care of it—and we find out now it did not take care of it. We legalized 3 million people, and now we have 12 million undocumented people here as well.

So let's just see. If the CBO is correct and the net flow of unauthorized residents would only decrease by about 25 percent, does that not indicate we will have to revisit the immigration issue again?

It is obvious this bill will not ensure that we are not back in this same position down the road, contrary to the promises of the Group of 8 that: We are going to write this legislation in a way that we will not have to revisit it. We said that very same thing in 1986, but here we are 25 years later with four times the number of undocumented workers than we had then.

The CBO also reported that while ''enforcement and employment verification requirements in the legislation would probably reduce the size of the U.S. population,'' other aspects of the bill will, in fact, ''probably increase the number of unauthorized residents—in particular, people overstaying their visas issued under the new programs for temporary workers.''

This bill favors legalization before border security and, apparently, will have no noticeable decrease in the net annual flow of unauthorized residents. The CBO says the bill will not stop the flow of illegal immigration.

If proponents are serious about stopping people from living here illegally—contrary to our law, a nation based upon the rule of law—they need to adopt commonsense legislation that will stop this flow, not merely reduce it by just 25 percent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1200

Mr. REID. Mr. President, it is my understanding regular order would be my calling up Paul amendment No. 1200, as modified.

The PRESIDING OFFICER. The Senator may call for regular order.

Mr. REID. I so move.

The PRESIDING OFFICER. The amendment is now pending.

Mr. REID. I move to table the Paul amendment. 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 motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Idaho (Mr. RISCH) and the Senator from New Jersey (Mr. CHIESA).

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

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—61

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

NAYS—37

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

NOT VOTING—2

Chiesa	Risch

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, has the matter just voted on been tabled?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent the time until 4:25 p.m. be equally divided between the two leaders or their designees, with Senator SESSIONS controlling 7 minutes of the Republican time, and this be for debate on the following amendments: Manchin No. 1268, Lee No. 1208, as modified, with the changes at the desk, Pryor No. 1298, Heller No. 1227, and Merkley No. 1237, as modified.

We still have a number of other amendments the managers are working on and we will get to those later, or try to at least.

Continuing my request: At 4:25 p.m. the Senate will proceed to votes in relation to the amendments in the order listed; that the amendments be subject to a 60-affirmative-vote threshold; that there be 2 minutes equally divided prior to each vote and all after the first vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I wish to address the leader and the managers of the bill, both Senator SESSIONS and Senator LEAHY. I know there are about 100 or so other amendments pending, and I know we have been sort of held up the last couple of days, but there are amendments—and this is the question I have—that don't touch the heart of the bill but that are important to connect to this bill that have no opposition that I know of.

I am asking the leader, for amendments that have no opposition and have bipartisan support, when could we possibly get on amendments that don't have opposition.

Mr. REID. I would say through the Chair to my dear friend from Louisiana, the managers have been working through these amendments. I know my friend says there is no opposition. Having said that, that doesn't mean there isn't opposition.

Ms. LANDRIEU. So I should do more checking on them then.

Mr. REID. We have a number of people trying to get amendments on the list. We will continue to work on that. It is not because the managers haven't tried.

Mr. President, I would ask my request be modified to have the vote start at 4:35 rather than 4:25; otherwise, Senator SESSIONS will not have time.

The PRESIDING OFFICER. Is there objection to the leader's unanimous consent?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, in consultation with Senator MCCONNELL, the Senate proceed to executive session to consider Calendar No. 182; that there be 2 minutes for debate equally divided in the

usual form; that following the use or yielding back of time, the Senate proceed to vote with no intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

It is Michael Froman to be U.S. Trade Representative.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, unless Senator MCCONNELL objects, we will have a vote right after this batch of votes.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be equally charged to both sides.

The Senator from Alabama is recognized.

Mr. SESSIONS. The Congressional Budget Office's analysis of the immigration bill of the Gang of 8 confirmed in dramatic fashion our most significant concerns about the bill. Indeed, I would say, through the history of the movement of this bill through the Senate, this is the most dramatic event yet.

Basically, it says these things in explicit phrases after careful analysis:

No. 1, it will reduce the wages of American citizens.

No. 2, it will increase unemployment in America.

No. 3, it will reduce GNP per capita in America. The growth in our economy will be reduced by the passage of this bill.

It concludes that the flow of illegal immigrants will not be stopped but will only be reduced by 25 percent.

So we are talking about a bill that is supposed to be the toughest ever, that is going to promote economic growth in America, a bill that is supposed to make us economically stronger and end illegal immigration in the future. It just doesn't do that.

I have read the bill. I have studied the bill and looked at the bill. I have been concluding and saying for weeks each one of those things, and the score confirms that.

So I would ask colleagues: How can we vote for a bill that pulls down wages of Americans, increases unemployment, and only has a modest reduction in the illegality that is occurring today, reduces GNP, and increases the debt? How can we do that?

For example, the bill would increase welfare spending by $259 billion in the first 10 years and increase the on-budget deficits by $14 billion.

It has been said the overall deficit when we account for the off-budget items looks better. But that is a direct result of counting the Social Security, Medicare, FICA withholding on people's payroll. That money, for the people who are paying in, is being set aside in trust funds to pay for their Social Security and retirement when they draw it in the future. We can't count that money as improving the debt situation of the United States. As soon as the 10-year prohibition or so that limits welfare is off, then the cost of the legislation is going to go up much more.

The bill would make no meaningful reduction in future illegal immigration. CBO estimates about 350,000 illegal immigrants would be added each year. As Senator CORNYN has said, 7.5 million people would enter illegally in the next 10 years instead of the current level of about 10 million. So that is a 25-percent reduction. CBO writes:

> However, other aspects of the bill would probably increase the number of unauthorized residents—in particular, people overstaying their visas issued under the new programs for temporary workers. . . .

I have been pointing out for weeks people are going to come here with their families, supposedly to work temporarily for 3 years, with the ability to extend for 3 years, and then who is going to be able to tell them to go home? They are not going to go home in any realistic way. We are going to have a substantial increase in visa overstays. CBO concludes that is correct. It is a guaranteed policy that will not work. So the bill would result in a massive increase in the future legal flow of immigration.

Current law estimates we will add 10 million people in 10 years, including the legalized illegal immigrants. That means 30 million immigrants by 2023. That is the number I have been using. I felt that was a fair, legitimate number. It is complicated.

I asked Senator SCHUMER twice in the committee: How many people will be admitted in the next 10 years and given legal status? He wouldn't say. The bill's sponsor would not tell us how many, but CBO now has said the figure I have used—30 million—basically is correct. That is triple the number that would be admitted under the current legal flow of immigrants into our country. We admit 1 million a year. That would be 10 million over 10 years, and this would be 30 million. So we have to ask those questions.

Finally, CBO tells us, under this bill: The average wage would be lower than under current law over the first 12 years.

Let me read that again: The average wage would be lower than under current law over the first 12 years. They use the words ''first dozen years.'' So that should be the end of the bill right there.

This is the chart that is included in CBO's analysis and their report. It is the exact same chart they prepared, not the chart I prepared.

I know the Presiding Officer cares about this issue. This is the impact on average wages. This is where we start today at the zero factor, and it drops down to 2024, 10 years of lower wages than if we didn't pass the bill—which only makes sense because we are flowing in a huge flow and supply of low-skilled workers, and they are going to pull down the wages particularly of our lower income workers. This is going to happen. Mathematics and the free markets tell us that.

So the country—the Nation—the Congress should try to determine what the right flow of immigrant labor is and get it right so we are not hammering American workers today who are unemployed, who are struggling for jobs, trying to get better pay. In fact, average workers' pay has declined since 1999.

CBO's estimate of per capita GNP—this is their chart from their report—shows that through 2030, we have lower GNP per capita than if the bill never passed.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, if we have a few more minutes and no one else is seeking the floor, I would note that CBO's unemployment rate '' . . . S. 744 would cause the unemployment rate to increase slightly between 2014 and 2020''—6 years of higher unemployment rates.

We have heard a lot of talk over the years about the declining wages. I do think that it is important for us to discuss. But that decline of wages—which started over a decade ago and is accelerated with this legislation—how is it we are not talking about it?

Senator MENENDEZ, one of the intrepid authors of the immigration bill before us made some remarks earlier this morning that I thought were pretty remarkable. He said not to worry about these first 10 years of lower growth, lower wages, and higher unemployment because the analysis actually gets better in the next 10 years.

But if we look at that and how it plays out, what we would see is this: We would see there is an improvement in the wages in the second 10 years—which, let me tell you, their projections are always better the first 10 years. But in the second 10 years, even if we saw some growth, the growth still does not get back to the level it would have been had the bill never been passed. We have to know that. The growth does not recover from the spot we already are.

Respectfully, the inconvenient truth that he referred to is that this Rube Goldberg scheme that has been hatched will certainly help certain special economic interests and certain political interests will be served for sure, but it will be devastating for American workers at a time they are already hurting. I don't see how we can justify this.

Are we supposed to tell the American people that they are to accept declining wages for another 10 years? How can that be the policy of the Congress of the United States? How can we tell the American person, at a time when

unemployment is way too high, that we are going to pass a bill that makes unemployment higher? How can we tell them the on-budget deficit is going to be increased? Am I hearing this correctly?

To the public I would ask: Can you, the American people, afford that? Can you sustain declining wages for another 10 years? Do you want your Congress to pass a law that will reduce your wages that would increase unemployment?

What about after that? Because of the sustained downward pressure on wages, American wages 20 years from now will still be lower than they would have been had the legislation not passed, and, particularly, as I indicated, it falls on the lower wage people who are falling further behind. The impact of the 1,000-page immigration legislation that is before us today, experts tell us, will fall more heavily on the poorer people and cause them to fall even further behind.

The working people in this country are going to get hammered by this legislation. We need to be passing laws that help them get jobs, help them add higher wages, help them have better benefits and more full-time jobs, not fewer full-time jobs.

I don't see how we owe loyalty to Mr. Zuckerberg, the Facebook billionaire who is running ads telling us what we are supposed to do. Does he know real people who are suffering out there? He doesn't impress me. He claims there is some convention of conservatives running this advertisement. I am not aware that Mr. Zuckerberg is a conservative. Do we all owe our loyalty to him because he brilliantly produced Facebook or do we owe our loyalty to the working men and women who vote for us, who fight our wars, pay our taxes, and serve our country?

I suspect that if Mr. Zuckerberg were to post job openings tonight on Facebook, put out his salaries, what he wants to pay, he would find there might be plenty of Americans who want to take these jobs. I suspect so. I would ask him to do so. Put on your website what kind of qualifications, what kind of salaries you will pay, and let's see if we do not have more applications than you suggest exist out there.

We know we have college graduates in large numbers in STEM fields also having a hard time finding work. We know that is a fact. We have senior engineers and scientists and computer people who would like to go to work too. Maybe they have been laid off. Maybe there has been downsizing. They have experience. Are they not to be considered? We have to bring people in through some of these work programs for a period of time to take the jobs.

A good immigration plan can work. We may need to bring in some workers. We certainly need seasonal workers whom we can bring into America if we do it right, and we need a guest worker program. I support that. I support the million people a year who are admitted into our country who work here every year. But this is a huge increase. The guest worker program will double under this legislation.

I am afraid we are not serving the legitimate interests of the American working men and women—immigrant, native born, Black, Asian, White, Hispanic—who are here today, struggling today. Are we serving them if we bring in more people than the economy can absorb? We can see that will pull down their wages and make it hard for them to have a job.

An author in the National Review wrote recently—I think this is very wise and insightful:

We are a nation with an economy, not an economy with a nation.

What that means to me is that we represent people, human beings, and we have an obligation to help them make their lives better and not to make their lives tougher. It seems to me we have such a pell-mell rush for amnesty that we have not seen the enforcement, we have agreed to too much legal flow, and we have very little reduction in the illegal flow over the next 10 years, and for that reason the bill should not become law.

That is why the bill is in trouble. That is why we need to be listening to the House. They are having serious hearings, step by step, on this legislation. The first legislation that I have seen them to produce is very good.

We can reform the system. We can make it better. We can have a generous immigration system for America, as we have already had. We can be compassionate toward people who have been here for a long time and not try to deport everybody who has been here and done well but is not legally here. We can do something about that. But we need to be sure that the amount of workers coming in is an amount that can readily be absorbed, that can be assimilated, and we need to be sure that the illegality ends. CBO says it will not under this bill.

AMENDMENT NO. 1208, AS MODIFIED

Mr. President, I ask unanimous consent that the Lee amendment No. 1208 be modified with the changes that are at the desk.

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

The amendment, as modified, is as follows:

(Purpose: To require fast-track congressional approval when the Secretary of Homeland Security notifies Congress of the implementation of the border security strategies and certifies that the strategies are substantially operational)

On page 856, lines 1 and 2, strike ''the Secretary has submitted to Congress'' and insert ''Congress has approved, using the fast-track procedures set forth in paragraph (3), the contents of''.

On page 856, strike lines 19 through 22, and insert the following: ''Congress has ratified, using the fast-track procedures set forth in paragraph (3), the written certification submitted by the Secretary to the President and Congress, after consultation with the Comptroller of the United States, that—''.

On page 858, between lines 10 and 11, insert the following:

(3) FAST-TRACK PROCEDURES.—

(A) IN GENERAL.—Not later than 30 days after receiving a submission from the Secretary under paragraph (1) or (2), the Senate and the House of Representatives shall vote to determine whether the action taken by the Secretary meets the requirements set forth in such paragraphs that are required before applications may be processed by the Secretary for registered provisional immigrant status or adjustment of status under section 245B or 245C, respectively, of the Immigration and Nationality Act, as added by sections 2101 and 2102.

(B) REFERRAL TO COMMITTEE.—The question described in subparagraph (A) may not be referred to any congressional committee.

(C) AMENDMENTS.—The question described in subparagraph (A) may not be subject to amendment in the Senate or in the House of Representatives.

(D) MAJORITY VOTE.—The question described in subparagraph (A) shall be subject to a vote threshold of a majority of all members of each House duly chosen and sworn.

(E) PRESIDENTIAL SIGNATURE.—The congressional approval and ratification required under paragraphs (1) and (2) shall not be completed until after it has received the signature of the President.

Mr. SESSIONS. 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. DURBIN. Mr. 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. 1268

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1268, offered by the Senator from West Virginia, Mr. MANCHIN.

Mr. MANCHIN. Mr. President, I rise today to speak to an important amendment to S. 744, the immigration bill now before us. My amendment would cap compensation for private contractors employed for border security at $230,700 a year. That is the same cap we now have on nonelected civilian employees of the Federal Government.

I am offering this amendment because over the last couple of decades the United States has increasingly relied on private contractors to do the work that the men and women in our armed services used to do, and they are getting exorbitant salaries to do it—in some cases, up to $763,000 a year. That is almost twice the salary of the President of the United States, and it is almost four times the salary of the Secretary of Defense or Homeland Security. If we do nothing, that will soon rise to $951,000 a year.

With the war in Afghanistan winding down, defense contractors are looking for new opportunities, and border security is at the top of their list. The New York Times said that some of them will demonstrate military-grade surveillance equipment this summer in an effort to get homeland security contracts worth billions of dollars.

I urge that this amendment be adopted. It caps it at $230,000 across the board for all civilian employees.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, the subcommittee, of which I was not a member, gave a lot of thought to this. Their number reduced by half the amount that could be charged. I think it is somewhat higher than in the amendment of Senator MANCHIN, but it went from—it could have been $900,000 a year and I believe they cut it to under $500,000 a year. The Committee on Armed Services discussed it. I believe the Manchin amendment did not pass. I supported the subcommittee's mark on that. I think they have come to a reasonable number. You are asking top executives maybe to move across the country to lead an engineering project, and maybe that is the right figure.

But I respect the interest of the Senator, and I understand the effort behind his amendment.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 1268.

Mr. MANCHIN. 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 assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Idaho (Mr. RISCH) and the Senator from New Jersey (Mr. CHIESA).

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

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

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—72

Alexander	Flake	Merkley
Baldwin	Franken	Mikulski
Barrasso	Gillibrand	Moran
Baucus	Grassley	Murkowski
Begich	Hagan	Murphy
Bennet	Harkin	Murray
Blumenthal	Heinrich	Nelson
Boozman	Heitkamp	Pryor
Boxer	Heller	Reed
Brown	Hirono	Reid
Cantwell	Hoeven	Roberts
Cardin	Isakson	Rockefeller
Casey	Johanns	Sanders
Chambliss	Johnson (SD)	Schatz
Coats	King	Schumer
Collins	Kirk	Shaheen
Coons	Klobuchar	Stabenow
Corker	Landrieu	Tester
Cornyn	Leahy	Thune
Cowan	Levin	Udall (CO)
Donnelly	Manchin	Udall (NM)
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wyden

NAYS—26

Ayotte	Carper	Crapo
Blunt	Coburn	Cruz
Burr	Cochran	Fischer
Graham	McCain	Shelby
Hatch	Paul	Toomey
Inhofe	Portman	Vitter
Johnson (WI)	Rubio	Warner
Kaine	Scott	Wicker
Lee	Sessions	

NOT VOTING—2

Chiesa	Risch

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

AMENDMENT NO. 1208, AS MODIFIED

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1208 offered by the Senator from Utah, Mr. LEE.

The Senator from Utah.

Mr. LEE. Mr. President, this amendment, if enacted, would require fast-track congressional approval at the introduction of the Department of Homeland Security strategies before the award of registered provisional immigrant—or RPI—status begins and at the certification of the strategy's completion before those receiving RPI status become eligible for green cards.

The basic point of this amendment is that we have a trigger that needs to signal that it is OK to open the RPI process, the process by which illegal aliens will be legalized first and then eventually made citizens. Somebody needs to signal that it is OK to pull that trigger, that it is OK to proceed. I think that decision needs to be made right here in the U.S. Congress.

This would occur pursuant to a fast-track plan of no more than 30 days. It would not be subject to a filibuster; it would be subject only to a 51-vote threshold. We should pass this amendment and we should move forward.

For these reasons, I strongly urge my colleagues to support this amendment, to preserve the right of the people to be heard. If we cut out Congress, we are cutting out the right of the American people to be heard on this issue and the right of the American people to decide when and under what circumstances it is OK to continue the pathway to citizenship.

For this reason, I urge my colleagues to support this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I oppose this amendment because it would significantly delay even the initial registration process.

I have said the pathway to citizenship should not be a false promise. We either make the promise or we don't. It should be attainable, not something that is always over the next mountain.

The drafters worked long and hard to reach a bipartisan agreement. Similar efforts to this were defeated on a bipartisan basis in the Judiciary Committee's consideration because we did not want to make the legalization program inappropriately subject to partisan disputes.

This amendment would simply remove a real promise of citizenship. I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1208, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Idaho (Mr. RISCH) and the Senator from New Jersey (Mr. CHIESA).

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—39

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

NAYS—59

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

NOT VOTING—2

Chiesa	Risch

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

AMENDMENT NO. 1298

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1298, offered by the Senator from Arkansas, Mr. PRYOR.

The Senator from Arkansas.

Mr. PRYOR. Mr. President, this is amendment No. 1298. It is the Pryor-Johanns amendment. I think the good news here is we have agreed to a voice vote. But basically what this amendment does is it requires the Department of Homeland Security, as they are doing their hiring to beef up the border, to hire veterans of our Armed Services.

This is a win-win all the way around. Our vets have, as we know, a higher unemployment rate, but also they happen

to be the best trained, the most disciplined. They have that can-do spirit. They are familiar with the equipment and they make great employees, as many of us know who hire veterans. We also know our veterans know how to complete a mission.

So with that, Mr. President, I wish to yield the floor to Senator JOHANNS.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, very briefly, I thank Senator PRYOR for bringing this amendment forward. I very proudly support it and concur that it can be voice voted.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there anyone who expresses opposition?

The Senator from Arkansas.

Mr. PRYOR. Mr. President, I understand we are able to dispose of this amendment with a voice vote, so I ask unanimous consent that the 60-affirmative-vote threshold be waived on the Pryor amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on adoption of amendment No. 1298.

The amendment (No. 1298) was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1227

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1227, offered by the Senator from Nevada, Mr. HELLER.

The Senator from Nevada.

Mr. HELLER. Mr. President, as I said in my remarks this morning, I hope this commission is never required because if it is, it means the border still is not secure 5 years down the road. If that is the case, then the commission will need to be fully representative of the concerns and recommendations of all the States in the southwestern region that are affected by our broken immigration system.

Should DHS fail to gain control of the borders, and should it be necessary to form a commission to ensure we achieve that objective, it makes no sense to exclude Nevada's perspective and recommendations. My State's unique location and growing immigrant population leave it highly vulnerable to our Nation's flawed immigration system.

I urge my colleagues to support this commonsense amendment.

Mr. President, I yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Who yields time in opposition?

Mr. REID. I yield it back.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1227.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Jersey (Mr. CHIESA) and the Senator from Idaho (Mr. RISCH).

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

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

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—89

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

NAYS—9

Barrasso	Cruz	Lee
Coats	Enzi	Scott
Collins	Johnson (WI)	Sessions

NOT VOTING—2

Chiesa	Risch

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

The majority leader.

Mr. REID. For the information of all Senators, following the disposition of the Merkley amendment, the Senate will consider the Froman nomination.

AMENDMENT NO. 1237, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the amendment No. 1237, as modified, offered by the Senator from Oregon.

The Senator from Oregon.

Mr. MERKLEY. Let me take you back in time to 2009 and 2010. The housing market had collapsed, sawmills had shut down across our Nation, and thousands of loggers and sawmill workers were out of work. You can imagine how outraged those unemployed loggers were when they found out that government contracts had been let for logging but the contracts were going to go to employees from Mexico. That is the type of bypass that completely disturbs the fabric of our immigration system. It undercut the success of thousands of rural families across this Nation.

This amendment has a simple fix. It says that jobs have to be appropriately advertised so that our loggers will know how to apply. That is it. It will work for rural America. It will work for the forest industry. It will work for our loggers.

Mr. President, I understand that we are able to dispose of this amendment with a voice vote. I ask unanimous consent that the 60-vote affirmative threshold be waived under the Merkley amendment, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, so ordered.

Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1237), as modified was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I apologize to everyone for not mentioning this before. We are very close to coming up with an agreement that the managers have developed, along with our able staff, to have a series of amendments in order. As things are now contemplated, we would debate those tonight and in the morning and have some votes starting at 2:15. Hopefully tonight and in the morning we will add to what we are going to agree to later so that we would have even more amendments. It is my understanding that there is already contemplation of some important work in the morning.

In short, I don't think we will have any more votes tonight after this one we are going to take on the Froman nomination. We are going to have a consent agreement to put a number of amendments in order and start those. There are four or five—I don't remember the exact number. We will start those votes at 2:15 and continue working on this important legislation.

EXECUTIVE SESSION

NOMINATION OF MICHAEL FROMAN TO BE UNITED STATES TRADE REPRESENTATIVE

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

The assistant legislative clerk read the nomination of Michael Froman, of New York, to be United States Trade Representative.