to the bill S. 744, supra; which was ordered to lie on the table.

SA 1515. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1520. Mr. GRASSLEY (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1525. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1526. Ms. KLOBUCHAR (for herself, Mr. COATS, Ms. LANDRIEU, and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1527. Mr. KING (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1528. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1529. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1530. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1531. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1532. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1533. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1534. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. WICKER, Mr. KAINE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1535. Mr. BROWN (for himself, Mr. ENZI, Mr. CASEY, Mr. BEGICH, Mr. PRYOR, Mr. TESTER, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1536. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1537. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1538. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1539. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1540. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1541. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1542. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1543. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1544. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1545. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1546. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1547. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1548. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1549. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1550. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1428. Mr. BLUMENTHAL (for himself, Ms. MURKOWSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BEGICH, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1004, between lines 4 and 5, insert the following:

''(F) SPECIAL RULE FOR CHILDREN.—Notwithstanding subparagraph (A), the Secretary may adjust the status of a registered provisional immigrant to the status of an alien lawfully admitted for permanent residence if the alien—

''(i) satisfies the requirements under clauses (i) and (ii) of subparagraph (A); and

''(ii) is under 18 years of age on the date the alien submits an application for such adjustment.

On page 1007, between lines 2 and 3, insert the following:

(2) WAIVER.—Section 334 (8 U.S.C. 1445) is amended—

(A) in subsection (b), by striking ''person'' and inserting ''person, other than a person who received an adjustment of status pursuant to section 245D,''; and

(B) in subsection (f), by inserting ''who received an adjustment of status pursuant to section 245D or an alien'' after ''An alien''.

SA 1429. Mr. BLUMENTHAL (for himself, Mrs. MURRAY, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) WHISTLEBLOWER PROTECTIONS.—

''(A) PROHIBITIONS.—A person may not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because such employee—

''(i) has filed or is about to file a complaint, instituted or caused to be instituted any proceeding, testified, assisted, or will testify, or cooperated or seeks to cooperate, in an investigation or other proceeding concerning compliance with the requirements under this title or any rule or regulation pertaining to this title or any covered claim;

''(ii) has disclosed or is about to disclose information to the person or to any other person or entity, that the employee reasonably believes evidences a violation of this title or any rule or regulation pertaining to this title, or grounds for any covered claim;

''(iii) has assisted or participated, or is about to assist or participate, in any manner in a proceeding or in any other action to carry out the purposes of this title or any covered claim;

''(iv) furnished, or is about to furnish, information to the Department of Labor, the Department of Homeland Security, the Department of Justice, or any Federal, State, or local regulatory or law enforcement agency relating to a violation of this title or any covered claim; or

''(v) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act or any other Act, or any order, rule, regulation, standard, or ban under any Act.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An employee who believes that he or she has suffered a violation of subparagraph (A) may seek relief in accordance with the procedures, notifications, burdens of proof, remedies, and statutes of limitation set forth in section 1514A of title 18, United States Code.

''(ii) STAY OF REMOVAL.—The Attorney General and the Secretary of Homeland Security, after consulting with the Secretary of Labor and the Secretary of Labor has determined that a claim filed under this section for a violation of subparagraph (A) is not frivolous and demonstrates a prima facie case that a violation has occurred, may stay the removal of the nonimmigrant from the

United States for time sufficient to participate in an action taken pursuant to this section. Upon the final disposition of the claim filed under this section, either by the Secretary of Labor or by a Federal court, the Secretary of Homeland Security shall adjust the employee's status consistent with such disposition. A determination to deny a stay of removal under this clause shall not deprive an individual of the right to pursue any other avenue for relief from removal proceedings.

''(iii) APPEAL.—

''(I) JURISDICTION.—Any person adversely affected or aggrieved by a final order issued under clause (i) may obtain review of the order in the United States Court of Appeals for—

''(aa) the circuit in which the violation, with respect to which the order was issued, allegedly occurred; or

''(bb) the circuit in which the complainant resided on the date of such violation.

''(II) FILING DEADLINE.—A petition for review under this subparagraph shall be filed not later than 60 days after the date on which the final order was issued by the Secretary of Labor.

''(III) APPLICABLE LAW.—A review under this subparagraph shall conform to the provisions set forth in chapter 7 of title 5, United States Code.

''(IV) STAY OF ORDER.—Unless ordered by the court, the commencement of proceedings under this subparagraph shall not operate as a stay of the order by the Secretary of Labor.

''(C) EDUCATION.—Each person, entity, and institution covered by this Act shall—

''(i) prominently communicate to all sectors and ranks of its labor force the rights and responsibilities under this Act; and

''(ii) provide associated education and training to all sectors and ranks of its labor force through notifications, postings, mailings, and training classes, supplemented with publicly accessible online materials on the requirements of, and developments that would affect the implementation of this Act.

''(D) NO LIMITATION ON RIGHTS.—Nothing in this paragraph may be construed to diminish the rights, privileges, or remedies of any person under any Federal or State law, equity, or under any collective bargaining agreement. The rights and remedies set forth in this paragraph may not be waived by any agreement, policy, form, or condition of employment.

''(E) DEFINITIONS.—In this paragraph:

''(i) COVERED CLAIM.—The term 'covered claim' means any claim, petition, charge, complaint, or grievance filed with, or submitted to, a Federal, State, or local agency or court, relating to the violation of applicable Federal or State labor or employment laws.

''(ii) DISCLOSE.—The term 'disclose' means to make a formal or informal communication or transmission.

''(iii) EMPLOYEE.—The term 'employee' means—

''(I) a current or former nonimmigrant alien admitted pursuant to section 101(a)(15)(H)(ii)(B); or

''(II) persons performing or formerly performing substantially the same work as such nonimmigrants in a related workplace.''.

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, and after an opportunity for notice and comment, the Secretary of Labor shall promulgate regulations to carry out the amendment made by subsection (a).

SA 1430. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION _____. PROHIBITION OF SALE OF FIREARMS TO, OR POSSESSION OF FIREARMS BY, ALIENS NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)(B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in the United States not as an alien lawfully admitted for permanent residence;'';

(2) in subsection (g)(5)(B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in the United States not as an alien lawfully admitted for permanent residence;''; and

(3) in subsection (y)—

(A) in the heading by striking ''ADMITTED UNDER NONIMMIGRANT VISAS'' and inserting ''NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE'';

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).'';

(C) in paragraph (2), by striking ''under a nonimmigrant visa'' and inserting ''but not lawfully admitted for permanent residence''; and

(D) in paragraph (3)(A), by striking ''admitted to the United States under a nonimmigrant visa'' and inserting ''lawfully admitted to the United States but not as an alien lawfully admitted for permanent residence''.

SA 1431. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1421, between lines 12 and 13, insert the following:

''(D) The compensation or terms, conditions, or privileges of employment of the individual.

On page 1422, line 5, strike ''law enforcement;'' and insert ''eligibility requirements for law enforcement officers;''.

SA 1432. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 3722. NOTIFICATION WHEN BACKGROUND CHECK FAILS DUE TO STATUS AS PROHIBITED ALIEN.

Section 922(t) of title 18, United States Code, is amended by adding at the end the following:

''(7) If the national instant background check system notifies the licensee that the receipt of a firearm by such other person would violate subsection (g)(5), the Attorney General shall notify the Secretary of Homeland Security.''.

SEC. 3723. NOTIFICATION AFTER MULTIPLE FIREARMS PURCHASES.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any 5 consecutive business days, 2 or more pistols, or revolvers, or any combination of pistols and revolvers totaling 2 or more, to a non-citizen. The report shall be prepared on a form specified by the Attorney General and forwarded to the office specified thereon and to the Department of Homeland Security, not later than the close of business on the day that the multiple sale or other disposition occurs.''.

SA 1433. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 970, strike lines 15 through 19, and insert the following:

''(ii) is able to demonstrate—

''(I) average income or resources that are not less than 100 percent of the Federal poverty level throughout the period of admission as a registered provisional immigrant; or

''(II) that average income was adversely impacted due to a violation of applicable Federal, State, or local labor or employment laws.

On page 986, strike lines 11 through 15, and insert the following:

''(ii) can demonstrate—

''(I) average income or resources that are not less than 125 percent of the Federal poverty level throughout the period of admission as a registered provisional immigrant; or

''(II) that average income was adversely impacted due to a violation of applicable Federal, State, or local labor or employment laws.

SA 1434. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1439, between lines 10 and 11, insert the following:

(c) SUSPENSION OF ENFORCEMENT ACTIONS DURING WORKPLACE INVESTIGATIONS OF PROTECTED WORKPLACE ACTIVITIES..—Section 274A (8 U.S.C. 12324a), as amended by section 3101, is further amended by adding at the end of subsection (e) the following:

''(10) SUSPENSION OF CIVIL WORKSITE ENFORCEMENT ACTIONS DURING WORKPLACE INVESTIGATIONS OR PROTECTED WORKPLACE ACTIVITIES FOR PROTECTION OF WORKERS' RIGHTS.—

''(A) IN GENERAL.—To ensure that enforcement actions of U.S. Immigrations and Customs Enforcement are consistent with laws protecting the rights of workers and workplace rights, the Secretary may not initiate or continue a civil worksite enforcement action—

''(i) at a facility where an investigation of violations of workplace rights by another government agency or body is ongoing; or

''(ii) directed at employees who are engaged in a protected workplace activity.

''(B) REQUIREMENTS BEFORE COMMENCEMENT OF ENFORCEMENT ACTIONS.—

''(i) NO INITIATION WITHOUT DETERMINATION.—Whenever the Secretary contemplates

initiating a civil worksite enforcement action, the Secretary shall first determine whether either conditions set forth in clause (i) or (ii) of subparagraph (A) are met.

''(ii) MANNER OF MAKING DETERMINATION.—The Secretary shall make each determination required by clause (i) by all means reasonably available to the Secretary and appropriate under the circumstances, including, but not limited to—

''(I) by contacting the Department of Labor, which shall act as a repository for reports or claims filed concerning protected workplace activity (including reports and claims filed with government agencies or bodies); and

''(II) by reviewing records of the Secretary of previous enforcement actions, if any, at the facility concerned.

''(iii) DEPARTMENT OF LABOR ASSISTANCE.—The Secretary of Labor shall assist the Secretary in making determinations under this subparagraph by providing timely and accurate information to allow for identification of civil worksite enforcement actions at facilities.

''(C) DEFINITIONS.—In this paragraph:

''(i) ENFORCEMENT ACTION.—The term 'enforcement action' includes the civil authority of Immigration and Customs Enforcement to inspect Forms I-9, to investigate referrals received from the electronic employment eligibility verification program of the U.S. Citizenship and Immigration Services, to investigate, to search, to fine, and to make civil arrests for violations of immigration law relating to employment of aliens without work authorization.

''(ii) GOVERNMENT AGENCY OR BODY.—The term 'government agency or body' including any Federal, State, or local government entity.

''(iii) PROTECTED WORKPLACE ACTIVITY.—The term 'protected workplace activity' includes the assertion or exercise of any workplace rights.

''(iv) WORKPLACE RIGHTS.—The term 'workplace rights' has the meaning given that term in section 274A(b)(8).''.

On page 1439, strike lines 11 through 13 and insert the following:

(d) TEMPORARY STAY OF REMOVAL.—Section 274A (8 U.S.C. 1324a), as amended by section 3101 and subsection (c), is further amended—

On page 1439, line 16, strike ''(10)'' and insert ''(11)''.

On page 1442, line 4, strike ''(d)'' and insert ''(e)''.

On page 1442, line 21, strike ''(e)'' and insert ''(f)''.

On page 1443, line 3, strike ''(f)'' and insert ''(g)''.

On page 1445, line 5, strike ''(g)'' and insert ''(h)''.

SA 1435. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFINITIONS OF CONVICTION AND TERM OF IMPRISONMENT.

(a) IN GENERAL.—Section 101(a)(48) (8 U.S.C. 1101(a)(48)(A)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) The term 'conviction' means, with respect to an alien, a formal judgment of guilt of the alien entered by a court. An adjudication or judgment of guilt that has been expunged, deferred, annulled, invalidated, withheld, or vacated, an order of probation without entry of judgment, or any similar disposition shall not be considered a conviction for purposes of this Act.''; and

(2) in subparagraph (B)—

(A) by inserting ''only'' after ''deemed to include''; and

(B) by striking ''court of law'' and all that follows and inserting ''court of law. Any such reference shall not be deemed to include any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) APPLICATION.—The amendments made by subsection (a) shall apply to convictions and sentences entered before, on, or after the date of the enactment of this Act.

SEC. _____. RETROACTIVE APPLICATION.

(a) GROUNDS OF DEPORTABILITY.—Section 237 (8 U.S.C. 1227) is amended by adding at the end the following

''(e) DATE OF OFFENSE.—Notwithstanding any other provision of this section, an alien is not deportable by reason of committing any offense that was not a ground of deportability on the date on which the offense occurred.''.

(b) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182), as amended by sections 2312(d), 2313(b), and 4211(a)(3), is further amended by adding at the end the following:

''(y) DATE OF OFFENSE.—Notwithstanding any other provision of this section, an alien is not inadmissible by reason of committing any offense that was not a ground of inadmissibility on the date on which the offense occurred.''.

On page 1494, between lines 17 and 18, insert the following:

(d) EXECUTION OF ORDER OF REMOVAL.—Section 240(b)(5)(C) (8 U.S.C. 1229a(b)(5)(C)) is amended to read as follows:

''(C) EXECUTION OF ORDER.—

''(i) IN GENERAL.—An order of removal under subparagraph (A) may be executed only after an immigration judge makes findings, by clear and convincing evidence, that—

''(I) the alien's failure to appear was not because of exceptional circumstances;

''(II) the alien received notice in accordance with paragraph (1) or (2) of section 239(a);

''(III) the alien was not in Federal, State, or local custody; and

''(IV) failure to appear was not otherwise due to circumstances beyond the alien's control.

''(ii) NOTICE.—Before the immigration judge enters the findings set forth in clause (i), the alien or the alien's representative shall be given notice and an opportunity to make oral and written submissions regarding the applicability of subclauses (I) through (IV) of clause (i).

''(iii) ORDER OF REMOVAL IN ABSENTIA.—If the judge enters the findings set forth in clause (i), the judge may enter an order in absentia under this paragraph.

''(iv) MOTION TO RESCIND PROCEEDINGS PERMITTED.—Findings set forth in clause (i) shall not bar the subsequent filing of a motion to rescind, including a motion filed at any time based on evidence that the alien's failure to appear was due to a lack of notice in accordance with paragraph (1) or (2) of section 239(a).

''(v) REOPEN PROCEEDINGS REQUIRED.—If the immigration judge does not enter findings, by clear and convincing evidence, that subclauses (I) through (IV) of clause (i) have been satisfied, the judge shall reopen the proceedings.

''(vi) FINDINGS REQUIRED BEFORE REMOVAL.—No alien may be removed pursuant to the authority of an in absentia removal order described in clause (iii) before the immigration judge issues the findings set forth in clause (i).''.

On page 1566, strike lines 7 through 19, and insert the following:

(a) INADMISSIBILITY.—Section 212(a)(2)(A) (8 U.S.C. 1182(a)(2)(A)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(B) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after subclause (II) the following:

''(III) a violation of section 1541, 1545, and subsection (b) of section 1546 of title 18, United States Code,''; and

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking ''(I)'';

(B) in subclause (I), by striking ''when the alien was under 18 years of age, and the crime was committed (and the alien released from any confinement to a prison or correctional institution imposed for the crime)''; and

(C) by amending subclause (II) to read as follows:

''(II) the crime resulted in a conviction for which the alien was incarcerated for a period of 1 year or less.''.

(b) REMOVAL.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (2)(A), by amending clause (i) to read as follows:

''(i) CRIMES OF MORAL TURPITUDE.—Any alien who is convicted of a crime involving moral turpitude committed within 5 years (or 10 years in the case of an alien provided lawful permanent resident status under section 245(j)) after the date of admission for which the alien was incarcerated for a period exceeding 1 year, is deportable.''; and

(2) in paragraph (3)(B), by amending clause (iii) to read as follows:

SA 1436. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 943, line 2, strike ''**BEFORE DECEMBER 31, 2011,**''.

On page 944, beginning on line 6, strike ''December 31, 2011;'' and insert ''April 17, 2013;''.

On page 944, line 10, strike ''December 31, 2011,'' and insert ''April 17, 2013,''.

On page 944, beginning on line 24, strike ''December 31, 2011,'' and insert ''April 17, 2013,''.

On page 950, beginning on line 8, strike ''December 31, 2012.'' and insert ''April 17, 2013,''.

On page 956, beginning on line 2, strike ''December 31, 2011'' and insert ''April 17, 2013''.

On page 1020, strike line 3 and all that follows through the first 2 undesignated lines after line 5, and insert the following:

(e) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 245A the following:

''Sec. 245B. Adjustment of status of eligible entrants to that of registered provisional immigrant.

SA 1437. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, add the following:

SEC. 4416. SHORT-TERM STUDY ON TOURIST VISAS.

Section 101(a)(15)(B) (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

''(B) an alien (other than an alien coming to the United States to pursue a course of study exceeding 90 days, to perform skilled or unskilled labor, or as a representative of foreign press, radio, film, or other foreign information media engaged in such vocation) having a residence in a foreign country, which the alien has no intention of abandoning, who is visiting the United States temporarily—

''(i) for business purposes;

''(ii) for pleasure; or

''(iii) to pursue a course of study for up to 90 days at an accredited institution of higher education.''.

SA 1438. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15) WHISTLEBLOWER PROTECTIONS.—

''(A) PROHIBITIONS.—A person may not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because such employee—

''(i) has filed or is about to file a complaint, instituted or caused to be instituted any proceeding, testified, assisted, or will testify, or cooperated or seeks to cooperate, in an investigation or other proceeding concerning compliance with the requirements under this title or any rule or regulation pertaining to this title or any covered claim;

''(ii) has disclosed or is about to disclose information to the person or to any other person or entity, that the employee reasonably believes evidences a violation of this title or any rule or regulation pertaining to this title, or grounds for any covered claim;

''(iii) has assisted or participated, or is about to assist or participate, in any manner in a proceeding or in any other action to carry out the purposes of this title or any covered claim;

''(iv) furnished, or is about to furnish, information to the Department of Labor, the Department of Homeland Security, the Department of Justice, or any Federal, State, or local regulatory or law enforcement agency relating to a violation of this title or any covered claim; or

''(v) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act or any other Act, or any order, rule, regulation, standard, or ban under any Act.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An employee who believes that he or she has suffered a violation of subparagraph (A) may seek relief in accordance with the procedures, notifications, burdens of proof, remedies, and statutes of limitation set forth in section 1514A of title 18, United States Code.

''(ii) APPEAL.—

''(I) JURISDICTION.—Any person adversely affected or aggrieved by an order issued under clause (i) may obtain review of the order in the United States Court of Appeals for—

''(aa) the circuit in which the violation, with respect to which the order was issued, allegedly occurred; or

''(bb) the circuit in which the complainant resided on the date of such violation.

''(II) FILING DEADLINE.—A petition for review under this subparagraph shall be filed not later than 60 days after the date on which the final order was issued by the Secretary of Labor.

''(III) APPLICABLE LAW.—A review under this subparagraph shall conform to the provisions set forth in chapter 7 of title 5, United States Code.

''(IV) STAY OF ORDER.—Unless ordered by the court, the commencement of proceedings under this subparagraph shall not operate as a stay of the order by the Secretary of Labor.

''(C) EDUCATION.—Each person, entity, and institution covered by this Act shall—

''(i) prominently communicate to all sectors and ranks of its labor force the rights and responsibilities under this Act; and

''(ii) provide associated education and training to all sectors and ranks of its labor force through notifications, postings, mailings, and training classes, supplemented with publicly accessible online materials on the requirements of, and developments that would affect the implementation of this Act.

''(D) NO LIMITATION ON RIGHTS.—Nothing in this paragraph may be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, equity, or under any collective bargaining agreement. The rights and remedies set forth in this paragraph may not be waived by any agreement, policy, form, or condition of employment.

''(E) DEFINITIONS.—In this paragraph:

''(i) COVERED CLAIM.—The term 'covered claim' means any claim, petition, charge, complaint, or grievance filed with, or submitted to, a Federal, State, or local agency or court, relating to the violation of applicable Federal or State labor or employment laws.

''(ii) DISCLOSE.—The term 'disclose' means to make a formal or informal communication or transmission.

''(iii) EMPLOYEE.—The term 'employee' means—

''(I) a current or former nonimmigrant alien admitted pursuant to section 101(a)(15)(H)(ii)(B); or

''(II) persons performing or formerly performing substantially the same work as such nonimmigrants in a related workplace.''.

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, and after an opportunity for notice and comment, the Secretary of Labor shall promulgate regulations to carry out the amendment made by subsection (a).

SA 1439. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ALIEN CREWMAN.

Section 258(c)(4) (8 U.S.C. 1288(c)(4)) is amended—

(1) in subsection (c)(4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting ''to file an attestation in accordance with paragraph (1) or subsection (d)(1) or'' after ''failure''; and

(ii) in clause (iii), by inserting ''an entity has failed to file an attestation in accordance with paragraph (1) or subsection (d)(1),'' after ''believe that'';

(B) in subparagraph (C)(i), by inserting ''or failure to file an attestation'' after ''attestation''; and

(C) in subparagraph (E)(i), by inserting ''has failed to file an attestation in accordance with paragraph (1) or subsection (d)(1) or'' after ''an entity''; and

(2) in subsection (d)(1)(A), by striking ''except that—'' and all that follows through ''(ii)'' and inserting ''except that''.

SA 1440. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1829, line 8, strike ''20,000'' and insert ''200,000''.

On page 1829, line 9, strike ''35,000'' and insert ''250,000''.

On page 1829, line 10, strike ''55,000'' and insert ''300,000''.

On page 1829, line 11, strike ''75,000'' and insert ''350,000''.

On page 1833, lines 1 and 2, strike ''20,000 nor more than 200,000'' and replace with ''200,000 nor more than 400,000''.

SA 1441. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 3722. BREACHED BOND/DETENTION FUND DEPOSITS.

Section 286(r) (8 U.S.C. 1356(r)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) There shall be deposited—

''(A) as offsetting receipts into the Fund all breached cash and surety bonds, posted under this Act which are recovered by the Department of Homeland Security, and amounts described in section 245(i)(3)(B).; and

''(B) into the Fund unclaimed moneys from the 'Unclaimed Moneys of Individuals Whose Whereabouts are Unknown' account established pursuant to 31 U.S.C. 1322, from cash received as security on immigration bonds and interest that accrued on such cash, that remains unclaimed for a period of at least 10 years from the date it was first transferred into Treasury's Unclaimed Moneys account if the transfer of the unclaimed moneys will occur only after electronic notice is posted for six months and the moneys remain unclaimed after such notice.'';

(2) in paragraph (3), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(3) in paragraph (5)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''transfers to the general fund,''; and

(4) by striking paragraph (6).

SA 1442. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 855, strike line 24 and all that follows through ''(i)'' on page 856, line 23, and insert the following:

(1) PROCESSING OF APPLICATIONS FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.—

(A) IN GENERAL.—Not earlier than the date on which the Secretary submits to Congress a certification that the Secretary has maintained effective control of high-risk border sectors along the Southern border for a period of not less than 6 months, the Secretary may commence processing applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act.

(B) HIGH-RISK BORDER SECTOR DEFINED.—In this paragraph, the term ''high-risk border sector'' means a border sector in which more than 30,000 individuals were apprehended by the Department during the most recent fiscal year.

(2) ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not adjust the status of aliens who have been granted registered provisional immigrant status, except for aliens granted blue card status under section 2201 of this Act or described in section 245D(b) of the Immigration and Nationality Act, until the Secretary, after consultation with the Comptroller General of the United States, submits to the President and Congress a written certification that—

(i) the Secretary has maintained effective control of the Southern border for a period of not less than 6 months;

(ii)

SA 1443. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 133, strike line 20 and all that follows through page 136, line 17.

SA 1444. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 397, strike line 11 and all that follows through page 399, line 8.

SA 1445. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STATUS VERIFICATION FOR REMITTANCE TRANSFERS.

(a) IN GENERAL.—Section 919 of the Electronic Fund Transfer Act (relating to remittance transfers) (12 U.S.C. 1692o-1) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) STATUS VERIFICATION OF SENDER.—

''(1) REQUEST FOR PROOF OF STATUS.—

''(A) IN GENERAL.—Each remittance transfer provider shall request from each sender of a remittance transfer, the recipient of which is located in any country other than the United States, proof of the status of that sender under the immigration laws, prior to the initiation of the remittance transfer.

''(B) ACCEPTABLE DOCUMENTATION.—Acceptable documentation of the status of the sender under this paragraph—

''(i) shall be, in any State that requires proof of legal residence—

''(I) a State-issued driver's license or Federal passport; or

''(II) the same documentation as required by the State for proof of identity for the issuance of a driver's license, or as required for a passport; and

''(ii) shall be, in any State that does not require proof of legal residence, such documentation as the Bureau shall require, by rule; and

''(iii) does not include any matricula consular card.

''(2) FINE FOR NONCOMPLIANCE.—Each remittance transfer provider shall impose on any sender who is unable to provide the proof of status requested under paragraph (1) at the time of transfer, a fine equal to 7 percent of the United States dollar amount to be transferred (excluding any fees or other charges imposed by the remittance transfer provider).

''(3) SUBMISSION OF FINES TO BUREAU.—All fines imposed and collected by a remittance transfer provider under paragraph (2) shall be submitted to the Bureau, in such form and in such manner as the Bureau shall establish, by rule.

''(4) ADMINISTRATIVE AND ENFORCEMENT COSTS.—The Bureau shall use fines submitted under paragraph (3) to pay the administrative and enforcement costs to the Bureau in carrying out this subsection.

''(5) USE OF FINES FOR BORDER PROTECTION.—Amounts from the collection of fines under this subsection that remain available after the payment of expenses described in paragraph (4), shall be transferred by the Bureau to the Treasury, to be used to pay expenses relating to United States Customs and Border Protection for border security fencing, infrastructure, and technology.

''(6) DEFINITION RELATING TO IMMIGRATION STATUS.—In this subsection, the term 'immigration laws' has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).''.

(b) STUDY AND REPORT REGARDING REMITTANCE TRANSFER PROCESSING FINES AND IDENTIFICATION PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the effects of the enactment of section 919(g) of the Electronic Fund Transfer Act, as amended by this Act.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under paragraph (1) that includes—

(A) an analysis of the costs and benefits of complying with section 919(g) of the Electronic Fund Transfer Act, as amended by this Act; and

(B) recommendations about whether the fines imposed under that section 919(g) should be extended or increased.

SA 1446. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 979, between lines 22 and 23, insert the following:

''(D) MANDATORY REMOVAL.—The Secretary shall revoke the status of, and commence special removal proceedings under section 238 against, any registered provisional immigrant who is convicted of—

''(i) any felony;

''(ii) a crime of violence that results in death or serious bodily injury; or

''(iii) an offense relating to drug trafficking.

SA 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 967, strike line 22 and all that follows through page 968, line 8, and insert the following:

''(C) CLEARANCES AND OTHER PREREQUISITES.—

''(i) IN GENERAL.—Before any alien may be granted registered provisional immigrant status, the Secretary shall—

''(I) enable all aliens applying for such status to file applications electronically;

''(II) ensure that in addition to the submission of biometric and biographic data under subparagraph (A), an alien applying for such status submits to national security and law enforcement clearances, which shall be paid for with the fees collected under paragraph (10)(A) and shall include—

''(aa) a State and local criminal background check through the National Law Enforcement Telecommunication System, including the exchange of interstate driver license photos, if available;

''(bb) a fingerprint check by the Federal Bureau of Investigation;

''(cc) verification that the alien is not listed on the consolidated terrorist watch list of the Federal Government;

''(dd) screening by the Office of Biometric and Identity Management (formerly known as 'US-VISIT''); and

''(ee) a check against the TECS system (formerly known as the 'Treasury Enforcement Communications System');

''(III) ensure that an official of the agency performing each such clearance documents the results of the clearance; and

''(IV) establish procedures to ensure that a minimum of 5 percent of the aggregate pool of applicants for registered provisional immigrant status at any time are randomly selected for interviews.

''(ii) ADDITIONAL SECURITY SCREENING.—The Secretary, in consultation with the Secretary of State and other interagency partners, shall conduct an additional security screening upon determining, in the Secretary's opinion based upon information related to national security, that an alien or alien dependent spouse or child is or was a citizen or long-term resident of a region or country known to pose a threat, or that contains groups or organizations that pose a threat, to the national security of the United States.''.

On page 971, line 20, insert ''clearances, and other prerequisites required under paragraph (8)(C),'' after ''checks,''.

SA 1448. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1083, strike lines 3 and 4 and insert the following:

''*(C) REGIONAL CONSIDERATIONS.—*

''*(i) IN GENERAL.—In determining the distribution of visas described in subparagraph (A), the Secretary shall consider the needs of various geographical regions and the current and historical demand for agriculture workers evidenced by the usage of each State of the H-2A worker program pursuant to section*

101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) .

''(ii) COORDINATION.—In making the determinations required by clause (i), the Secretary shall annually solicit input from State and local authorities, including State Commissioners, Secretaries, and Directors of Agriculture.

''(D) EFFECT OF 2ND OR SUBSEQUENT DESIGNATED AGRICULTURAL EMPLOYER.—A non-

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SA 1449. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1636, line 18, strike ''$1,000'' and insert ''$2,500''.

On page 1649, line 7, strike ''or'' and insert the following:

(F) providing funding to public institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), to strengthen and increase capacity for computer science and computer engineering programs offered by the institutions;

(G) to support student loan repayment programs for kindergarten through grade 12 mathematics or science teachers who have received baccalaureate or postbaccalaureate degrees in STEM fields from institutions of higher education, as defined in such section 101(a), for the student loans incurred by the teachers for such degrees; or

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SA 1450. Ms. HEITKAMP (for herself, Mr. HOEVEN, Mr. JOHNSON of South Dakota, and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1145, strike line 3 and insert the following:

SEC. 2244. BEEKEEPERS IN AGRICULTURAL WORKER PROGRAMS.

(a) IN GENERAL.—Section 4 of the Migrant and Seasonal Agricultural Worker Protection Act (7 U.S.C. 1803) is amended by adding at the end the following:

''(c)(1) In this subsection, the term 'beekeeper' means any person [who is a producer, or who engages in honey production,] as such terms are defined in section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602).

''(2) The provisions of title I requiring registration as a farm labor contractor do not apply to a beekeeper, for purposes of determining whether the beekeeper or employees of the beekeeper are eligible to participate in a program under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act, section 245F of the Immigration and Nationality Act, as added by section 2212 of the Border Security, Economic Opportunity, and Immigration Modernization Act, or section 218A of the Immigration and Nationality Act, as added by section 2232 of the Border Security, Economic Opportunity, and Immigration Modernization Act.''.

(b) EFFECTIVE DATE.—Notwithstanding section 2245, this section takes effect on the date of enactment of this Act.

SEC. 2245. EFFECTIVE DATE.

SA 1451. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1626, strike line 5, and insert the following:

SEC. 3807. PROTECTION OF DETAINED CHILDREN.

(a) PROHIBITION ON HOUSING CHILDREN IN ADULT DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall not house any child who is younger than 18 years of age in any adult detention facility unless the child is detained pursuant to section 236A of the Immigration and Nationality Act (8 U.S.C. 1226a).

(2) TRANSFER REQUIREMENTS.—Upon any notice or suspicion that an alien in the custody of the Department may be younger than 18 years of age at any time after apprehension, the Secretary shall—

(A) immediately, or as soon as practicable, but in no case later than 24 hours after such notice or suspicion, initiate an age determination assessment in accordance with section 3612, unless the Secretary determines an alien is a child;

(B) release or transfer the child out of any adult detention facility where the child is being housed, as soon as practicable, but in no case later than 72 hours after the determination of the child's age; and

(C) give primary consideration to the best interests of the child and utilize the least restrictive means available in carrying out the transfer or release of the child.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to abrogate or limit any rights, protections, or requirements under section 3612 and 3717(b) of this Act, section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), or section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232).

(4) DEFINED TERM.—In this subsection, the term ''detention facility'' has the meaning given the term in section 3802, except that family residential facilities and units in which the child is housed with family members shall not be deemed a detention facility for purposes of this subsection.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States, after consultation with the appropriate committees and nongovernmental organizations, shall submit a report to the appropriate congressional committees on the housing and detention practices of children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include an assessment of the Department's compliance with Federal statutes and Department regulations and policies on the housing and transfer of child detainees in and from detention facilities.

SEC. 3808. SEVERABILITY.

On page 1606, between lines 17 and 18, insert the following:

(12) For any alien child who is younger than 18 years of age at any stage in the child's bond and removal proceedings, on at least a quarterly basis—

(A) each facility where the child is being housed;

(B) the duration of the child's stay at each facility; and

(C) the conditions of confinement for the child at each facility housed, including—

(i) whether the child is placed in solitary confinement; and

(ii) whether the conditions of confinement for the detained child meet the applicable policies and standards of the Department.

(13) On at least a quarterly basis, whether each child who has been housed in custody at any point during the child's bond and removal proceedings was represented by an attorney.

On page 1609, between lines 3 and 4, insert the following:

(9) For any alien child who is younger than 18 years of age at any point during the removal process, on at least a quarterly basis—

(A) each facility where the child is being or has been housed;

(B) the duration of the child's stay at each facility; and

(C) the conditions of confinement for the child at each facility housed, including—

(i) whether the child is placed in solitary confinement; and

(ii) whether the conditions of confinement for the detained child meet the applicable policies and standards of the Department.

(10) On at least a quarterly basis, whether each child who has been housed in custody at any point during the child's removal process was represented by an attorney.

SA 1452. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 897, strike line 14 and insert the following:

(b) REASSIGNMENTS.—

(1) BETWEEN SECTORS.—The Secretary is authorized to reassign U.S. Customs and Border Protection officers and Border Patrol agents from 1 border sector to another border sector.

(2) CONSTRUCTION.—Nothing in subsection (a) may

SA 1453. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle D of title IV, add the following:

SEC. 4416. NATIONAL SECURITY INVESTIGATIONS.

(a) S NONIMMIGRANT STATUS.—Section 101(a)(15)(S)(i)(III) (8 U.S.C. 1101(a)(15)(S)(i)(III)) is amended by inserting ''or national security investigation'' after ''authorized criminal investigation''.

(b) REPORT ON S NONIMMIGRANTS.—Section 214(k)(4) (8 U.S.C. 1184(k)(4)) is amended—

(1) in subparagraph (B), by inserting ''or national security investigations'' after ''prosecutions or investigations''; and

(2) in subparagraph (D), by striking ''successful criminal prosecution or investigation'' inserting ''successful criminal prosecution or investigation, successful national security investigation,''.

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245(j)(1)(B) (8 U.S.C. 1255(j)(1)(B)) is amended by inserting ''national security investigation or'' after ''criminal investigation or''.

SA 1454. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table, as follows:

On page 852, strike the item relating to section 4409 and insert the following:

''Sec. 4409. F–1 Visa admission fee.''.

On page 852, strike the item relating to section 4509 and insert the following:

''Sec. 4509. B Visa admission fee.''.

On page 892, lines 14 and 15, strike ''Inspector Generals'' and insert ''Inspectors General''.

On page 940, line 23, strike ''migrant'' and insert ''alien''.

On page 941, line 3, strike ''migrant'' and insert ''alien''.

On page 941, line 13, strike ''migrant'' and insert ''alien''.

On page 941, line 14, strike ''migrant'' and insert ''alien''.

On page 941, line 17, strike ''migrant'' and insert ''alien''.

On page 942, line 6, strike ''migrants'' and insert ''aliens''.

On page 942, line 14, strike ''migrant'' and insert ''alien''.

On page 942, line 16, strike ''migrant'' and insert ''alien''.

On page 990, line 24, strike ''(3)(2)'' and insert ''(3)(1)''.

On page 991, line 1, strike ''12102(2)'' and insert ''12102(1)''.

On page 1043, line 18, insert ''is not represented or'' after ''applicant''.

On page 1162, strike lines 7 through 11 and insert the following:

(B) has been lawfully present in the United States, in a status that allows for employment authorization, for a continuous period of not less than 10 years, not counting brief, casual, and innocent absences.

On page 1163, lines 1 and 2, strike ''the effective date specified in section 2307(a)(3) of this Act'' and insert ''the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act''.

On page 1181, line 12, insert ''or lawful permanent resident'' after ''citizen''.

On page 1181, line 20, insert ''or lawful permanent residence'' after ''citizenship''.

On page 1187, line 2, strike ''minute'' and insert ''day''.

On page 1191, strike lines 14 through 16 and insert the following:

(iii) by amending subsection (h) to read as follows:

''(h) SURVIVAL OF RIGHTS TO PETITION.—The legal termination of a marriage may not be the sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(C) pursuant to conditions described in subsection (a)(1)(C)(i). Remarriage of an alien whose petition was approved under subsection (a)(1)(C) or marriage of an alien described in subparagraphs (D) or (F) of subsection (a)(1) shall not be the basis for revocation of a petition approval under section 205.''.

On page 1198, line 24, strike ''(1)(A)'' and insert ''(1)(B)''.

On page 1200, line 9, strike ''2212(d)'' and insert ''2212(b)''.

On page 1214, line 25, strike ''the United States'' and insert ''a State''.

On page 1220, line 13, insert ''Federal'' after ''any''.

On page 1247, line 4, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1258, line 14, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1277, line 23, strike ''institutions'' and insert ''instruction''.

On page 1287, line 1, strike ''**DIRECTORS**'' and insert ''**TRUSTEES**''.

On page 1287, line 4, strike ''Directors'' and insert ''Trustees''.

On page 1287, line 10, strike ''directors'' and insert ''trustees''.

On page 1287, lines 10 and 11, strike ''directors'' and insert ''trustees''.

On page 1358, lines 1 and 2, strike ''Secretary'' and insert ''Attorney General''.

On page 1600, line 24, '', to citizens, subjects, nationals, or residents of that country'' after ''classes of visas''.

On page 1612, strike lines 3 through 6 and insert the following:

''(2)(A) An enforcement action may not take place at, or be focused on, a sensitive location except—

''(i) under exigent circumstances; or

''(ii) if prior approval is obtained.''.

On page 1736, line 4, strike ''clause (iv) or (v)'' and insert ''clause (iii), (iv), or (v)''.

On page 1744, line 17, strike ''**f–1 visa fee**'' and insert ''**F–1 VISA ADMISSION FEE**''.

On page 1745, line 1, strike ''Fees'' and insert the following:

''(2) DEPOSIT.—Fees''.

On page 1745, strike lines 6 through 17.

On page 1783, line 21, strike ''**B VISA FEE**'' and insert ''**B VISA ADMISSION FEE**''.

On page 1784, line 1, strike ''B VISA FEE'' and insert ''B VISA ADMISSION FEE''.

On page 1793, line 7, strike ''FEE'' and insert ''ADMISSION FEE''.

On page 1853, line 4, strike ''application'' and insert ''applicable''.

On page 1855, line 7, strike ''or'' and insert ''of''.

On page 1855, strike line 11.

On page 1855, line 12, strike ''(dd)'' and insert ''(cc)''.

On page 1855, line 14, strike ''(ee)'' and insert ''(dd)''.

On page 1855, line 17, insert ''business'' before ''entity''.

On page 1855, line 18, strike ''(ff)'' and insert ''(ee)''.

On page 1855, line 21, strike ''(gg)'' and insert ''(ff)''.

On page 1855, line 23, strike ''(ff)'' and insert ''(ee)''.

On page 1861, strike lines 4 through 7 and insert the following:

''(III) is managed by an investment adviser (as defined in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11))) that—''.

On page 1862, lines 6 and 7, strike ''includes the position of'' and insert ''shall include such positions as''.

On page 1864, line 5, insert ''interest'' after ''ownership''.

On page 1864, line 16, strike ''devoted'' and insert ''made''.

On page 1864, line 19, strike ''to'' and insert ''in''.

On page 1865, line 2, insert '', the alien's United States business entity'' after ''date''.

On page 1866, line 9, strike ''devoted'' and insert ''made''.

On page 1866, line 12, strike ''to'' and insert ''in''.

On page 1866, line 19, insert '', the alien's United States business entity'' after ''date''.

SA 1455. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1869, strike line 22 and all that follows through page 1910, line 5, and insert the following:

SEC. 4804. PERMANENT AUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

(a) REPEAL.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is repealed.

(b) AUTHORIZATION.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)) is amended by adding at the end the following:

''(E) REGIONAL CENTER PROGRAM.—

''(i) IN GENERAL.—Visas under this paragraph shall be made available to qualified immigrants participating in a program implementing this paragraph that involves a regional center in the United States, which has been designated by the Secretary of Homeland Security, in consultation with the Secretary of Commerce, on the basis of a general proposal for the promotion of economic growth, including—

''(I) increased export sales;

''(II) improved regional productivity;

''(III) job creation; or

''(IV) increased domestic capital investment.

''(ii) ESTABLISHMENT OF A REGIONAL CENTER.—A regional center shall have jurisdiction over a defined geographic area, which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones. The establishment of a regional center may be based on general predictions, contained in the proposal, concerning—

''(I) the kinds of commercial enterprises that may receive investments from aliens without limiting the scope of regional center activity to any specific industry or industries referenced in the proposal;

''(II) the jobs that may be created directly or indirectly as a result of such investments; and

''(III) other positive economic effects such investments may have.

''(iii) INDIRECT JOB CREATION.—The Secretary of Homeland Security shall permit immigrants admitted under this paragraph to satisfy the requirements under subparagraph (A)(ii) with jobs that are estimated to be created indirectly through investment under this paragraph in accordance with this subparagraph.

''(iv) COMPLIANCE.—In determining compliance with subparagraph (A)(ii), the Secretary of Homeland Security shall permit aliens admitted under the program described in this subparagraph to establish reasonable methodologies for determining the number of jobs created by the program, including jobs estimated to have been created indirectly through revenues generated from increased exports, improved regional productivity, job creation, and increased domestic capital investment resulting from the program, including jobs created outside of the geographic boundary of the regional center as a result of the immigrant's investment in regional center associated commercial enterprises.

''(v) AMENDMENTS.—The Secretary of Homeland Security—

''(I) may require approved regional centers to give notice to the Secretary of significant changes to their organization;

''(II) may approve or disapprove the changes referred to in subclause (I); and

''(III) shall not suspend the Secretary's adjudication of any filings by, or related to, a regional center, including investor petitions under section 203(b)(5), regardless of whether such regional center has given notice to the Secretary pursuant to subclause (I).

''(F) PREAPPROVAL OF BUSINESS PLANS FOR REGIONAL CENTER INVESTMENTS.—

''(i) PETITION.—Before the filing of a petition under this subparagraph by an alien investor, a commercial enterprise associated with a regional center may file a petition with the Secretary of Homeland Security to preapprove a particular investment in the commercial enterprise, as provided in—

''(I) a business plan for a specific capital investment project;

''(II) investment documents, such as subscription, investment, partnership, and operating agreements; and

''(III) a credible economic analysis regarding estimated job creation that is based upon reasonable methodologies.

''(ii) PREAPPROVAL PROCEDURE.—The Secretary shall establish a process to facilitate the preapproval of business plans under this subparagraph related to investment in a regional center commercial enterprise, which

shall include an opportunity for the applicant to address and cure any deficiencies identified by the Secretary in the applicant's business plan, investment documents, or statement regarding job creation prior to a final determination. The Secretary shall impose a fee for the use of the process described in this clause sufficient to recover the costs of its administration pursuant to subsections (m) and (n) of section 286.

''(iii) EFFECT OF PREAPPROVAL OF BUSINESS PLAN FOR INVESTMENT IN REGIONAL CENTER COMMERCIAL ENTERPRISE.—The preapproval of a petition under this subparagraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by immigrants investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or other evidence affecting program eligibility that was not disclosed by the petitioner during the preapproval process.

''(iv) EXPEDITED PROCESSING OPTION FOR ALIEN INVESTOR PETITIONS ASSOCIATED WITH PREAPPROVED BUSINESS PLANS.—The Secretary may establish a premium processing option for business plan preapproval and for petitions by alien investors who are investing in a commercial enterprise that has received preapproval under this subparagraph pursuant to section 286(u).

''(v) CONSIDERATION OF CRIMINAL ACTIVITY IN ESTABLISHING ELIGIBILITY CRITERIA.—The Secretary shall consider the potential for fraud, misrepresentation, criminal misuse, and threats to national security in establishing eligibility criteria for any program the Secretary may establish under this subparagraph.

''(vi) EFFECT OF PRIOR DETERMINATIONS.—If a commercial enterprise does not file a petition for preapproval under this subparagraph, or files a petition under this subparagraph that is denied, the approval of any of the items described in clause (i) submitted in support of a petition seeking classification of an alien as an alien investor under this paragraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by aliens investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed.

''(G) REGIONAL CENTER FINANCIAL STATEMENTS.—

''(i) IN GENERAL.—Each regional center designated under subparagraph (E) shall annually submit, to the Director of U.S. Citizenship and Immigration Services (referred to in this subparagraph as the 'Director'), in a manner prescribed by the Secretary of Homeland Security, financial statements, including—

''(I) an accounting of all foreign investor money invested in association with the regional center or associated conventional, enterprise; and

''(II) for each capital investment project—

''(aa) an accounting of the aggregate capital invested in association with the regional center or associated commercial enterprises by immigrants under this paragraph;

''(bb) a description of how such funds are being used to execute the approved business plan;

''(cc) evidence that 100 percent of such investor funds have been dedicated to the project;

''(dd) detailed evidence of the progress made toward the completion of the project;

''(ee) an accounting of the aggregate direct and indirect jobs created or preserved; and

''(ff) a certification by the regional center that such statements are accurate.

''(ii) AMENDMENT OF FINANCIAL STATEMENTS.—If the Director determines that a financial statement required under clause (i) is deficient, or if the Director otherwise deems appropriate, the Director may require the regional center to amend or supplement such financial statement.

''(iii) SANCTIONS.—

''(I) EFFECT OF VIOLATION.—If the Director determines that a regional center, director, or other individual involved with a regional center (other than an alien investor) has violated any requirement under clause (i) or that the regional center is conducting itself in a manner inconsistent with its designation, the Director, after giving the regional center an opportunity to rebut the alleged violations, may sanction the violating entity or individual under subclause (II).

''(II) AUTHORIZED SANCTIONS.—The Director shall establish a graduated set of sanctions for violations referred to in subclause (I), including—

''(aa) fines equal to not more than 5 percent of the total capital invested by immigrant investors in the commercial enterprise's approved business plan, the payment of which shall not in any circumstance utilize any of such immigrant investors' capital investment;

''(bb) temporary suspension from participation in the program described in subparagraph (E), which may be lifted by the Director if the individual or entity cures the alleged violation after being provided such an opportunity by the Director;

''(cc) permanent bar from program participation for 1 or more individuals affiliated with the regional center; and

''(dd) termination of regional center status.

''(H) BONA FIDES OF PERSONS INVOLVED IN REGIONAL CENTERS OR REGIONAL CENTER ASSOCIATED COMMERCIAL ENTERPRISES.—

''(i) IN GENERAL.—No person shall be permitted by any regional center or regional center associated commercial enterprise to be involved with the regional center or commercial enterprise as its principal, representative, administrator, owner, officer, board member, manager, executive, general partner, fiduciary, marketer, promoter, or other similar position of substantive authority for the operations, management or promotion of the regional center or commercial enterprise if the Secretary of Homeland Security—

''(I) determines such person has been found liable within the previous 5 years for any criminal or civil violation of any law relating to fraud or deceit, or at any time if such violation involved a criminal conviction with a term of imprisonment of at least 1 year or a criminal or civil violation of any law or agency regulation in connection with the purchase or sale of a security, unless the Secretary determines that the past violation should not prevent involvement with the regional center or regional center associated commercial enterprise; or

''(II) knows or has reasonable cause to believe that the person is engaged in, has ever been engaged in, or seeks to engage in any—

''(aa) illicit trafficking in any controlled substance;

''(bb) activity relating to espionage or sabotage;

''(cc) activity related to money laundering (as described in section 1956 or 1957 of title 18, United States Code);

''(dd) terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B));

''(ee) human trafficking or human rights offense; or

''(ff) violation of any statute, regulation, or Executive Order regarding foreign financial transactions or foreign asset control.

''(ii) INFORMATION REQUIRED.—The Secretary shall require such attestations and information, including, the submission of fingerprints to the Federal Bureau of Investigation, and shall perform such criminal record checks and other background checks with respect to a regional center or regional center associated commercial enterprise, and persons involved in a regional center or regional center associated commercial enterprise as described in clause (i), as the Secretary considers appropriate to determine whether the regional center or regional center associated commercial enterprise is in compliance with clause (i). The Secretary may require the information and attestations described in this clause from such regional center or regional center associated commercial enterprise, and any person involved in the regional center or regional center associated commercial enterprise, at any time on or after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(iii) TERMINATION.—The Secretary is authorized, in the Secretary's unreviewable discretion, to terminate any regional center or regional center associated commercial enterprise from the program under this paragraph if the Secretary determines that—

''(I) the regional center or regional center associated commercial enterprise is in violation of clause (i);

''(II) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise has provided any false attestation or information under clause (ii);

''(III) the regional center, regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise, fails to provide an attestation or information requested by the Secretary under clause (ii); or

''(IV) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise is engaged in fraud, misrepresentation, criminal misuse, or threats to national security.

''(iv) TREATMENT OF INVESTORS IF REGIONAL CENTER TERMINATED.—An alien who previously invested in a commercial enterprise associated with a regional center that is subsequently terminated under subclause (iii) shall be provided an opportunity to invest in another approved regional center. The termination of the regional center shall not affect the alien's status.

''(I) REGIONAL CENTER COMPLIANCE WITH SECURITIES LAWS.—

''(i) CERTIFICATION REQUIRED.—The Secretary of Homeland Security shall not approve an application for regional center designation or regional center amendment that does not certify that the regional center and, to the best knowledge of the applicant, all parties to the regional center are in, and will maintain, compliance with the securities laws of the United States.

''(ii) EXCEPTION FOR GOVERNMENTAL ENTITY.—If the regional center described in clause (i) is operated by a State or municipal entity, the regional center may obtain the certifications required under subclause (i)

for any commercial enterprises associated with the regional center.

''(iii) OVERSIGHT REQUIRED.—In furtherance of the certification described in clause (i), any regional center not operated by a State or municipal entity shall monitor and supervise all offers and sales of securities made by associated commercial enterprises to ensure compliance with the securities laws of the United States, and to maintain records, data ,and information relating to all such offers and sales of securities.

''(iv) TERMINATION OR SUSPENSION.—The Secretary shall terminate the designation of any regional center that does not provide the certification described in subclause (i) on an annual basis. In addition to any other authority provided to the Secretary regarding the regional center program described in subparagraph (E), the Secretary may, in his or her unreviewable discretion, suspend or terminate the designation of any regional center if he or she determines that the regional center or any party to the regional center—

''(I) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction in connection with the purchase or sale of a security;

''(II) is subject to any final order of the Securities and Exchange Commission that—

''(aa) bars such person from association with an entity regulated by the Securities and Exchange Commission; or

''(bb) constitutes a final order based on violations in connection with the purchase or sale of a security; or

''(III) knowingly submitted or caused to be submitted a certification described in clause (i) that contained an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

''(v) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to impair or limit the authority of the Securities and Exchange Commission under the Federal securities laws.

''(vi) DEFINED TERM.—In this subparagraph, the term 'party to the regional center' includes the regional center, its agents, employees, and attorneys, and any persons in active concert or participation with the regional center.

''(J) DENIAL OR REVOCATION.—If the Secretary of Homeland Security determines, in his or her unreviewable discretion, that the approval of a petition, application, or benefit described in this subparagraph is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary may deny or revoke the approval of—

''(i) a petition seeking classification of an alien as an alien investor under this paragraph;

''(ii) a petition to remove conditions under section 216A before granting lawful permanent resident status or any other petition, application, or benefit based upon the previous or concurrent filing or approval of a petition for classification of an alien under this paragraph; or

''(iii) an application for designation as a regional center.''.

(c) ASSISTANCE BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, upon the request of the Secretary, shall provide consultation assistance for determining whether—

(A) a proposed regional center should be designated, terminated, or subject to other adjudicative action; or

(B) a petitioner or applicant for a benefit under section 203(b)(5) of the Immigration and Nationality Act, as amended by subsection (b), has met the requirements under such paragraph with respect to job creation.

(2) RULEMAKING.—The Secretary and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the consultation process provided for in paragraph (1).

(3) SAVINGS PROVISION.—The consultation provided under paragraph (1) shall be voluntary. Nothing in this subsection may be construed to require consultation with the Secretary of Commerce to continue the designation of a regional center approved before the date of the enactment of this Act or to impede or delay the adjudication petitions by the Secretary.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be effective upon the enactment of this Act; and

(2) shall apply to—

(A) any application to designate a regional center, and any person involved with the regional center, that is pending or approved on or after the date of the enactment of this Act; and

(B) any regional center approved before the date of the enactment of this Act, on or after a delayed effective date that is 1 year after such date of enactment with respect to any person involved in the regional center on or after such delayed effective date.

SEC. 4805. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended to read as follows:

''SEC. 216A. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

''(a) IN GENERAL.—

''(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, employment-based immigrants (as defined in subsection (g)(4)), alien spouses, and alien children (as such terms are defined in subsection (g)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

''(2) NOTICE OF REQUIREMENTS.—

''(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an employment-based immigrant, alien spouse, or alien child obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

''(B) AT TIME OF REQUIRED PETITION.—In addition, the Secretary of Homeland Security shall attempt to provide notice to an employment-based immigrant, alien spouse, or alien child, at or about the beginning of the 90-day period described in subsection (d)(3), of the requirements of subsection (c)(1).

''(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to an employment-based immigrant, alien spouse, or alien child.

''(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING EMPLOYMENT IMPROPER.—

''(1) ALIEN INVESTOR.—In the case of an alien investor with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the investment in the commercial enterprise was intended as a means of evading the immigration laws of the United States;

''(B)(i) the alien did not invest, or was not actively in the process of investing, the requisite capital; or

''(ii) the alien was not sustaining the actions described in clause (i) throughout the period of the alien's residence in the United States; or

''(C) subject to the exception in subsection (d)(5), the alien was otherwise not conforming to the requirements under section 203(b)(5),

the Secretary shall so notify the alien investor and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(2) EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency (as defined pursuant to section 203(b)(2)(C)) with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security, in consultation with the relevant employing department or agency, determines, before the first anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the qualifying employment was intended as a means of evading the immigration laws of the United States;

''(B) the alien has not completed or is not likely to complete 12 months of qualifying continuous employment; or

''(C) the alien did not otherwise conform with the requirements of section 203(b)(2),

the Secretary shall so notify the alien involved and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(3) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) or (2) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that a condition described in paragraph (1) or (2), as appropriate, is met.

''(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

''(1) IN GENERAL.—

''(A) PETITION AND INTERVIEW.—In order for the conditional basis established under subsection (a) for an employment-based immigrant, alien spouse, or alien child to be removed—

''(i) the employment-based immigrant shall submit to the Secretary of Homeland Security, during the period described in subsection (d)(3), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate; and

''(ii) in accordance with subsection (d)(3), the employment-based immigrant must appear for a personal interview before an officer or employee of U.S. Citizenship and Immigration Services respecting such facts and information.

''(B) SEPARATE PETITION NOT REQUIRED.—An alien spouse or alien child shall not be required to file separate petitions under subparagraph (A)(i) if the employment-based

immigrant's petition includes such alien spouse or alien child.

''(C) ADDITIONAL FEE.—Notwithstanding any other provision under this section, the Secretary may require the employment-based immigrant to pay an additional fee for a petition filed under subparagraph (A)(i) that includes the alien's spouse and child or children.

''(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

''(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

''(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A); or

''(ii) unless there is good cause shown, the employment-based immigrant fails to appear at the interview described in paragraph (1)(B) (if required under subsection (d)(4)),

the Secretary of Homeland Security shall terminate the permanent resident status of the alien (and the alien's spouse and children if it was obtained on a conditional basis under this section or section 216) as of the second anniversary of the alien's lawful admission for permanent residence.

''(B) HEARING IN REMOVAL PROCEEDING.—In any removal proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

''(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

''(A) IN GENERAL.—If—

''(i) a petition is filed in accordance with the provisions of paragraph (1)(A); and

''(ii) the employment-based immigrant appears at any interview described in paragraph (1)(B),

the Secretary of Homeland Security shall make a determination, not later than 90 days after the date of such filing or interview (whichever is later), as to whether the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate, and alleged in the petition are true.

''(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—

''(i) REMOVAL OF CONDITIONAL BASIS FOR ALIEN INVESTOR.—If the Secretary of Homeland Security determines with respect to a petition filed by an alien investor that such facts and information are true, the Secretary shall so notify the alien investor and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's lawful admission for permanent residence.

''(ii) REMOVAL OF CONDITIONAL BASIS FOR EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—If the Secretary of Homeland Security determines with respect to a petition filed by an employee of a Federal national security, science, and technology laboratory, center, or agency that such facts and information are true, the Secretary shall so notify the alien and shall remove the conditional basis of the alien's status effective as of the first anniversary of the alien's lawful admission for permanent residence.

''(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary of Homeland Security determines that such facts and information are not true, the Secretary shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an employment-based immigrant, alien spouse, or alien child as of the date of the determination.

''(D) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true.

''(d) DETAILS OF PETITION AND INTERVIEW.—

''(1) CONTENTS OF PETITION BY ALIEN INVESTOR.—Each petition filed by an alien investor under section (c)(1)(A) shall contain facts and information demonstrating that the alien—

''(A)(i) invested, or is actively in the process of investing, the requisite capital; and

''(ii) sustained the actions described in clause (i) throughout the period of the alien's residence in the United States; and

''(B) except as provided in paragraph (4), is otherwise conforming to the requirements under section 203(b)(5).

''(2) CONTENTS OF PETITION BY EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER, OR AGENCY.—Each petition under subsection (c)(1)(A) filed by an employee of a Federal national security, science, and technology laboratory, center, or agency shall contain facts and information demonstrating that the alien is conforming to the requirements of section 203(b)(2).

''(3) PERIOD FOR FILING PETITION.—

''(A) 90-DAY PERIOD BEFORE ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed as follows:

''(i) In the case of an alien investor, during the 90-day period before the second anniversary of the alien's lawful admission for permanent residence.

''(ii) In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency, during the 90-day period before the first anniversary of the alien's lawful admission for permanent residence.

''(B) LATE PETITIONS.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Secretary of Homeland Security good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

''(C) FILING OF PETITIONS DURING REMOVAL.—In the case of an alien who is the subject of removal hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Secretary of Homeland Security may stay such removal proceedings against an alien pending the filing of the petition under subparagraph (B).

''(4) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of U.S. Citizenship and Immigration Services, designated by the Secretary of Homeland Security, which is convenient to the parties involved. The Secretary, in the discretion of the Secretary, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

''(5) SPECIAL RULE FOR ALIEN INVESTORS IN A REGIONAL CENTER.—Each petition under subsection (c)(1)(A) filed by an alien investor who invests in accordance with section 203(b)(5)(E) shall contain facts and information demonstrating that the alien is complying with the requirements under section 203(b)(5), except—

''(A) the alien shall not be subject to the requirements under section 203(b)(5)(A)(ii); and

''(B) the petition shall—

''(i) refer to the most recent financial statement filed by the regional center in which the alien has invested in accordance with section 203(b)(5)(G); and

''(ii) contain a certification that the petitioner has read the financial statement to which the alien's petition refers.

''(6) EFFECT OF PRIOR DETERMINATIONS.—The approval of any of the items described in section 203(b)(5)(F)(i) submitted in support of a petition seeking classification of an alien as an alien investor under section 203(b)(5) shall be binding for purposes of the adjudication of the alien investor's petition filed under this section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed by the petitioner.

''(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence, if the alien has had the conditional basis removed pursuant to this section.

''(f) FRAUD, MISREPRESENTATION, CRIMINAL MISUSE, OR THREATS TO THE PUBLIC SAFETY OR NATIONAL SECURITY.—If the Secretary of Homeland Security determines, in his or her sole and unreviewable discretion, that the conditional permanent resident status granted to an employment-based immigrant under subsection (a), or to an alien researcher described in section 203(b)(2)(A)(ii) is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary shall—

''(1) notify the immigrant involved of such determination; and

''(2) terminate the permanent resident status of the immigrant involved (and the alien spouse and alien children of such immigrant) as of the date of such determination.

''(g) DEFINITIONS.—In this section:

''(1) The term 'alien investor' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(5).

''(2) The term 'alien spouse' and the term 'alien child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien investor or an employee of a Federal national security, science, and technology laboratory, center, or agency.

''(3) The term 'commercial enterprise' includes a limited partnership.

''(4) The term 'employment-based immigrant' means an alien described in paragraph (1) or (5).

''(5) The term 'employee of a Federal national security, science, and technology laboratory, center, or agency' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(2)(A)(ii).''.

(b) CONFORMING AMENDMENT.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting before the period at the end the following: '', if the alien has had the conditional basis removed pursuant to this section''.

(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 216A and inserting the following:

''Sec. 216A. Conditional permanent resident status for certain employment-based immigrants, spouses, and children.''.

SEC. 4806. EB–5 VISA REFORMS.

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATION.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c)(2), 2212(d)(2), 2307(b), and 2402, is further amended by adding at the end the following:

''(P) Aliens who are the spouse or a child of an alien admitted as an employment-based immigrant under section 203(b)(5).''.

(b) TECHNICAL AMENDMENT.—Section 203(b)(5), as amended by this Act, is further amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

(c) TARGETED EMPLOYMENT AREAS.—

(1) IN GENERAL.—Section 203(b)(5)(B) (8 U.S.C. 1153(b)(5)(B)) is amended to read as follows:

''(B) SET-ASIDE FOR TARGETED EMPLOYMENT AREAS.—

''(i) IN GENERAL.—Not fewer than 5,000 of the visas made available under this paragraph in each fiscal year shall be reserved for qualified immigrants who invest in a new commercial enterprise described in subparagraph (A), which—

''(I) is investing such capital in a targeted employment area; and

''(II) will create employment in such targeted employment area.

''(ii) DURATION OF HIGH UNEMPLOYMENT AREA DESIGNATION.—A designation of a high unemployment area as a targeted employment area shall be valid for 5 years and may be renewed for additional 5-year periods if the area continues to meet the definition of a high unemployment area. An investor who has made the required amount of investment in such a targeted employment area during its period of designation shall not be required to increase the amount of investment based upon expiration of the designation.''.

(d) ADJUSTMENT OF MINIMUM EB–5 INVESTMENT AMOUNT.—Section 203(b)(5)(C)(i) (8 U.S.C. 1153(b)(5)(C)(i)) is amended—

(1) by striking ''The Attorney General'' and inserting ''The Secretary of Commerce'';

(2) by striking ''Secretary of State'' and inserting ''Secretary of Homeland Security''; and

(3) by adding at the end the following: ''Unless adjusted by the Secretary of Commerce, the amount specified in this clause shall automatically adjust, on January 1, 2016, by the percentage change in the Consumer Price Index (CPI–U) during fiscal year 2015, and on every fifth subsequent January 1 by the cumulative percentage change in the CPI–U during the previous 5 fiscal years, for any petition filed to classify an alien under this paragraph on or after the date of each automatic adjustment.''.

(e) DEFINITIONS.—

(1) IN GENERAL.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)), as amended by subsections (b) and (c) and by section 4804, is further amended—

(A) by striking subparagraph (D) and inserting following:

''(D) CALCULATION OF FULL-TIME EMPLOYMENT.—Job creation under this paragraph may consist of employment measured in full-time equivalents, including intermittent or seasonal employment opportunities and construction jobs. A full-time employment position is not a requirement for indirect job creation.''; and

(B) by adding at the end the following:

''(K) DEFINITIONS.—In this paragraph:

''(i) The term 'capital' means all real, personal, or mixed assets, whether tangible or intangible, owned or controlled by the investor, or held in trust for the benefit of the investor, to which the investor has unrestricted access, which shall be valued at fair market value in United States dollars, in accordance with Generally Accepted Accounting Principles, at the time it is invested under this paragraph.

''(ii) The term 'full-time employment' means employment in a position that requires at least 35 hours of service per week, regardless of how many employees fill the position.

''(iii) The term 'high unemployment area' means—

''(I) an area consisting of a census tract or contiguous census tracts that has an unemployment rate that is at least 150 percent of the national average unemployment rate; or

''(II) an area that is within the boundaries established for purposes of a Federal or State economic development incentive program, including areas defined as Enterprise Zones, Renewal Communities, Promise Zones, and Empowerment Zones, and other programs for the purposes of job creation, small business creation, and neighborhood revitalization.

''(iv) The term 'rural area' means—

''(I) any area other than an area within a metropolitan statistical area or within the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States); or

''(II) any city or town having a population of fewer than 20,000 (based on the most recent decennial census of the United States) that is located within a State having a population of fewer than 1,500,000 (based on the most recent decennial census of the United States).

''(v) The term 'targeted employment area' means a rural area, any community adversely affected by a recommendation by the Defense Base Closure and Realignment Commission, or a high unemployment area.''.

(2) RULEMAKING.—The Secretary, in consultation with the Secretary of Defense, shall issue appropriate regulations to account for the modified definition of targeted employment area in section 203(b)(5)(K)(v), as amended by paragraph (1)(B).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application for a visa under section 204(a)(7) of the Immigration and Nationality Act that is filed on or after the date that is 1 year after the date of the enactment of this Act, unless the petitioner requests in the petition that they take immediate effect.

(4) RULE OF CONSTRUCTION.—None of the amendments made by paragraph (1) may be construed to deny any petition under section 216A filed by an alien who filed a petition under section 203(b)(5) before the date of the enactment of this Act.

(f) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—Section 203(h) (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(5) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—An alien admitted under subsection (d) as a lawful permanent resident on a conditional basis as the child of an alien lawfully admitted for permanent residence under subsection (b)(5), whose lawful permanent resident status on a conditional basis is terminated under section 216A, shall continue to be considered a child of the principal alien for the purpose of a subsequent immigrant petition by such alien under subsection (b)(5) if the alien remains unmarried and the subsequent petition is filed by the principal alien not later than 1 year after the termination of conditional lawful permanent resident status. No alien shall be considered a child under this paragraph with respect to more than 1 petition filed after the alien's 21st birthday.''.

(g) ENHANCED PAY SCALE FOR CERTAIN FEDERAL EMPLOYEES ADMINISTERING THE EB–5 PROGRAM.—The Secretary may establish, fix the compensation of, and appoint individuals to, designated critical administrative, technical, and professional positions needed to administer sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b).

(h) DELEGATION OF CERTAIN EB–5 AUTHORITY.—

(1) IN GENERAL.—The Secretary of Homeland Security may delegate to the Secretary of Commerce authority and responsibility for determinations under sections 203(b)(5) and 216A (with respect to alien entrepreneurs) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186a), including determining whether an alien has met employment creation requirements.

(2) REGULATIONS.—The Secretary of Homeland Security and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the delegation authorized under paragraph (1), including regulations governing the eligibility criteria for obtaining benefits pursuant to the amendments made by this section.

(3) USE OF FEES.—Adjudication fees described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) shall remain available until expended to reimburse the Secretary of Commerce for the costs of any determinations made by the Secretary of Commerce under paragraph (1).

(i) CONCURRENT FILING OF EB–5 PETITIONS AND APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255), as amended by section 4237(b), is further amended—

(1) in subsection (k), in the matter preceding paragraph (1), by striking ''or (3)'' and inserting ''(3), (5), or (7)''; and

(2) by adding at the end the following:

''(o) At the time a petition is filed for classification under section 203(b)(5), if the approval of such petition would make a visa immediately available to the alien beneficiary, the alien beneficiary's application for adjustment of status under this section shall be considered to be properly filed whether the application is submitted concurrently with, or subsequent to, the visa petition.''.

On page 852, strike the item relating to section 4409 and insert the following:

''Sec. 4409. F–1 Visa admission fee.''.

On page 852, strike the item relating to section 4509 and insert the following:

''Sec. 4509. B Visa admission fee.''.

On page 892, lines 14 and 15, strike ''Inspector Generals'' and insert ''Inspectors General''.

On page 940, line 23, strike ''migrant'' and insert ''alien''.

On page 941, line 3, strike ''migrant'' and insert ''alien''.

On page 941, line 13, strike ''migrant'' and insert ''alien''.

On page 941, line 14, strike ''migrant'' and insert ''alien''.

On page 941, line 17, strike ''migrant'' and insert ''alien''.

On page 942, line 6, strike ''migrants'' and insert ''aliens''.

On page 942, line 14, strike ''migrant'' and insert ''alien''.

On page 942, line 16, strike ''migrant'' and insert ''alien''.

On page 990, line 24, strike ''(3)(2)'' and insert ''(3)(1)''.

On page 991, line 1, strike ''12102(2)'' and insert ''12102(1)''.

On page 1043, line 18, insert ''is not represented or'' after ''applicant''.

On page 1162, strike lines 7 through 11 and insert the following:

(B) has been lawfully present in the United States, in a status that allows for employment authorization, for a continuous period of not less than 10 years, not counting brief, casual, and innocent absences.

On page 1163, lines 1 and 2, strike ''the effective date specified in section 2307(a)(3) of this Act'' and insert ''the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act''.

On page 1181, line 12, insert ''or lawful permanent resident'' after ''citizen''.

On page 1181, line 20, insert ''or lawful permanent residence'' after ''citizenship''.

On page 1187, line 2, strike ''minute'' and insert ''day''.

On page 1191, strike lines 14 through 16 and insert the following:

(iii) by amending subsection (h) to read as follows:

''(h) SURVIVAL OF RIGHTS TO PETITION.—The legal termination of a marriage may not be the sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(C) pursuant to conditions described in subsection (a)(1)(C)(i). Remarriage of an alien whose petition was approved under subsection (a)(1)(C) or marriage of an alien described in subparagraphs (D) or (F) of subsection (a)(1) shall not be the basis for revocation of a petition approval under section 205.''.

On page 1198, line 24, strike ''(1)(A)'' and insert ''(1)(B)''.

On page 1200, line 9, strike ''2212(d)'' and insert ''2212(b)''.

On page 1214, line 25, strike ''the United States'' and insert ''a State''.

On page 1220, line 13, insert ''Federal'' after ''any''.

On page 1247, line 4, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1258, line 14, ''the Attorney General, and the Director of the National Counterterrorism Center,'' after ''Defense,''.

On page 1277, line 23, strike ''institutions'' and insert ''instruction''.

On page 1287, line 1, strike ''**DIRECTORS**'' and insert ''**TRUSTEES**''.

On page 1287, line 4, strike ''**DIRECTORS**'' and insert ''**TRUSTEES**''.

On page 1287, line 10, strike ''directors'' and insert ''trustees''.

On page 1287, lines 10 and 11, strike ''directors'' and insert ''trustees''.

On page 1358, lines 1 and 2, strike ''Secretary'' and insert ''Attorney General''.

On page 1600, line 24, '', to citizens, subjects, nationals, or residents of that country'' after ''classes of visas''.

On page 1612, strike lines 3 through 6 and insert the following:

''(2)(A) An enforcement action may not take place at, or be focused on, a sensitive location except—

''(i) under exigent circumstances; or

''(ii) if prior approval is obtained.''.

On page 1736, line 4, strike ''clause (iv) or (v)'' and insert ''clause (iii), (iv), or (v)''.

On page 1744, line 17, strike ''**F–1 VISA FEE**'' and insert ''**F–1 VISA ADMISSION FEE**''.

On page 1745, line 1, strike ''Fees'' and insert the following:

''(2) DEPOSIT.—Fees''.

On page 1745, strike lines 6 through 17.

On page 1783, line 21, strike ''**B VISA FEE**'' and insert ''**B VISA ADMISSION FEE**''.

On page 1784, line 1, strike ''B VISA FEE'' and insert ''B VISA ADMISSION FEE''.

On page 1793, line 7, strike ''FEE'' and insert ''ADMISSION FEE''.

On page 1853, line 4, strike ''application'' and insert ''applicable''.

On page 1855, line 7, strike ''or'' and insert ''of''.

On page 1855, strike line 11.

On page 1855, line 12, strike ''(dd)'' and insert ''(cc)''.

On page 1855, line 14, strike ''(ee)'' and insert ''(dd)''.

On page 1855, line 17, insert ''business'' before ''entity''.

On page 1855, line 18, strike ''(ff)'' and insert ''(ee)''.

On page 1855, line 21, strike ''(gg)'' and insert ''(ff)''.

On page 1855, line 23, strike ''(ff)'' and insert ''(ee)''.

On page 1861, strike lines 4 through 7 and insert the following:

''(III) is managed by an investment adviser (as defined in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11))) that—''.

On page 1862, lines 6 and 7, strike ''includes the position of'' and insert ''shall include such positions as''.

On page 1864, line 5, insert ''interest'' after ''ownership''.

On page 1864, line 16, strike ''devoted'' and insert ''made''.

On page 1864, line 19, strike ''to'' and insert ''in''.

On page 1865, line 2, insert '', the alien's United States business entity'' after ''date''.

On page 1866, line 9, strike ''devoted'' and insert ''made''.

On page 1866, line 12, strike ''to'' and insert ''in''.

On page 1866, line 19, insert '', the alien's United States business entity'' after ''date''.

On page 883, strike lines 19 through 22 and insert the following:

funding level provided in this Act;

(xviii) costs to the Judiciary estimated to be caused by the implementation of this Act and the amendments made by this Act, as the Secretary and the Judicial Conference of the United States shall jointly determine in consultation with the Attorney General; and

(xix) the operations and maintenance costs associated with the implementation of clauses (i) through (xvii).

On page 903, lines 5 through 12, strike ''Not less than 90 percent of the amounts made available under section 6(a)(3)(C)(ii) shall be allocated for grants and reimbursements to law enforcement agencies in the States in the Southwest border region for personnel, overtime, travel, and other costs related to combating illegal immigration'' and insert the following: ''Grants under this subsection shall be allocated based on sector-specific border risk methodology, based on factors including threat, vulnerability, miles of border, and other border-specific information.''.

On page 905, line 10, strike ''(d)'' and insert the following:

(d) DONATIONS FOR LAND PORTS OF ENTRY FACILITIES.—

(1) DONATIONS PERMITTED.—Notwithstanding any other provision of law, including chapter 33 of title 40, United States Code, the Secretary, for purposes of constructing, altering, operating, or maintaining a new or existing land port of entry facility, may accept donations of real and personal property (including monetary donations) and nonpersonal services from private parties and State and local government entities.

(2) ALLOWABLE USES OF DONATIONS.—The Secretary, with respect to any donation provided pursuant to paragraph (1), may—

(A) use such property or services for necessary activities related to the construction, alteration, operation, or maintenance of a new or existing land port of entry facility under the custody and control of the Secretary, including expenses related to—

(i) land acquisition, design, construction, repair and alteration;

(ii) furniture, fixtures, and equipment;

(iii) the deployment of technology and equipment; and

(iv) operations and maintenance; or

(B) transfer such property or services to the Administrator of General Services for necessary activities described in paragraph (1) related to a new or existing land port of entry facility under the custody and control of the Administrator.

(3) EVALUATION PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall establish procedures for evaluating a proposal submitted by any person described in paragraph (1) to make a donation of real or personal property (including monetary donations) or nonpersonal services to facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry facility under the custody and control of the Secretary.

(4) CONSIDERATIONS.—In determining whether or not to approve a proposal described in paragraph (3), the Secretary or the Administrator shall consider—

(A) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(B) the potential of the proposal to increase trade and travel efficiency through added capacity;

(C) the potential of the proposal to enhance the security of the port of entry; and

(D) other factors that the Secretary determines to be relevant.

(5) CONSULTATION.—

(A) LOCATIONS FOR NEW PORTS OF ENTRY.—The Secretary is encouraged to consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of State, the International Boundary and Water Commission, and appropriate representatives of States, local governments, Indian tribes, and property owners—

(i) to determine locations for new ports of entry; and

(ii) to minimize the adverse impacts from such ports on the environment, historic and cultural resources, commerce, and the quality of life for the communities and residents located near such ports.

(B) SAVINGS PROVISION.—Nothing in this paragraph may be construed—

(i) to create any right or liability of the parties described in subparagraph (A); and

(ii) to affect any consultation requirement under any other law.

(6) SUPPLEMENTAL FUNDING.—Property (including monetary donations) and services provided pursuant to paragraph (1) may be used in addition to any other funding (including appropriated funds), property, or services made available for the same purpose.

(7) UNCONDITIONAL DONATIONS.—A donation provided pursuant to paragraph (1) shall be made unconditionally, although the donor may specify—

(A) the land port of entry facility or facilities to be benefitted from such donation; and

(B) the timeframe during which the donated property or services shall be used.

(8) RETURN OF DONATIONS.—If the Secretary or the Administrator does not use the property or services donated pursuant to paragraph (1) for the specific land port of entry facility or facilities designated by the donor or within the timeframe specified by the

donor, such donated property or services shall be returned to the entity that made the donation. No interest shall be owed to the donor with respect to any donation of funding provided under paragraph (1) that is returned pursuant to this paragraph.

(9) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, in consultation with the Administrator, shall submit a report to the congressional committees listed in subparagraph (B) that describes—

(i) the accepted donations received under this subsection;

(ii) the ports of entry that received such donations; and

(iii) how each donation helped facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry.

(B) CONGRESSIONAL COMMITTEES.—The congressional committees listed in this subparagraph are—

(i) the Committee on Appropriations of the Senate;

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

(iii) the Committee on Finance of the Senate;

(iv) the Committee on Appropriations of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Ways and Means of the House of Representatives.

(10) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect or alter the existing authority of the Secretary or the Administrator of General Services to construct, alter, operate, and maintain land port of entry facilities.

On page 908, between lines 7 and 8, insert the following:

(e) BORDER ENFORCEMENT SECURITY TASK FORCE.—

(1) IN GENERAL.—The Secretary shall enhance law enforcement preparedness and operational readiness in the Southwest border region by expanding the Border Enforcement Security Task Force (referred to in this section as ''BEST''), established under section 432 of the Homeland Security Act of 2002 (6 U.S.C. 240).

(2) UNITS TO BE EXPANDED.—The Secretary shall expand the BEST units operating on the date of the enactment of this Act in New Mexico, Texas, Arizona, and California by increasing the funding available for operational, administrative, and technological costs associated with the participation of Federal, State, local, and tribal law enforcement agencies in BEST.

(3) FUNDING.—There are authorized to be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this subsection.

On page 942, between lines 17 and 18, insert the following:

SEC. 1122. BORDER INFECTIOUS DISEASE SURVEILLANCE PROJECT.

(a) FUNDING FOR BORDER STATES.—Of the amount in the Comprehensive Immigration Reform Trust Fund established by section 6(a), $5,000,000 shall be made available to health authorities of States along the Northern border or the Southern border to strengthen the Border Infectious Disease Surveillance project.

(b) USE OF FUNDS.—Amounts made available under subsection (a) shall be used to implement priority surveillance, epidemiology, and preparedness activities in the regions along the Northern border or the Southern border to respond to potential outbreaks and epidemics, including those caused by potential bioterrorism agents.

(c) ALLOCATION OF FUNDS.—Of the amounts made available under subsection (a)—

(1) $1,500,000 shall be made available to States along the Northern border, which may use the infrastructure of the Assistant Secretary for Preparedness and Response of the Department of Health and Human Services; and

(2) $3,500,000 shall be made available to States along the Southern border.

On page 942, between lines 17 and 18, insert the following:

SEC. 1123. BETTER ENFORCEMENT THROUGH TRANSPARENCY AND ENHANCED REPORTING ON THE BORDER ACT.

(a) SHORT TITLE.—This section may be cited as the ''Better Enforcement Through Transparency and Enhanced Reporting on the Border Act'' or the ''BETTER Border Act''.

(b) OFFICE OF HOMELAND SECURITY STATISTICS.—

(1) ESTABLISHMENT.—There is established within the Department an Office of Homeland Security Statistics (referred to in this section as the ''Office''), which shall be headed by a Director.

(2) TRANSFER OF FUNCTIONS.—

(A) ABOLISHMENT OF OFFICE OF IMMIGRATION STATISTICS.—The Office of Immigration Statistics of the Department is abolished.

(B) TRANSFER OF FUNCTIONS.—All functions and responsibilities of the Office of Immigration Statistics as of the day before the date of the enactment of this Act, including all of the personnel, assets, components, authorities, programs, and liabilities of the Office of Immigration Statistics, are transferred to the Office of Homeland Security Statistics.

(3) DUTIES.—The Director of the Office shall—

(A) collect information from agencies of the Department, including internal databases used to—

(i) undertake border inspections;

(ii) identify visa overstays;

(iii) undertake immigration enforcement actions; and

(iv) grant immigration benefits;

(B) produce the annual report required to be submitted to Congress under subsection (c); and

(C) collect the information described in section 103(d) of the Immigration and Nationality Act (8 U.S.C. 1103(d)) and disseminate such information to Congress and to the public;

(D) produce any other reports and conduct any other work that the Office of Immigration Statistics was required to produce or conduct before the date of the enactment of this Act; and

(E) produce such other reports or conduct such other work as the Secretary determines to be necessary.

(4) INTRADEPARTMENTAL DATA SHARING.—Agencies and offices of the Department shall share any data that is required to comply with this section.

(5) CONSULTATION.—In carrying out this subsection, the Director of the Office shall consult with the Ombudsman for Immigration Related Concerns to the greatest extent practicable.

(6) PLACEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify Congress where the Office has been established within the Department.

(7) CONFORMING AMENDMENT.—Section 103(d) (8 U.S.C. 1103(d)) is amended by striking ''Commissioner'' and inserting ''Director of the Office of Homeland Security Statistics''.

(c) REPORT ON PERFORMANCE METRICS.—

(1) IN GENERAL.—In addition to any reports required to be produced by the Office of Immigration Statistics before the date of enactment of this Act, the Director, on an annual basis, shall submit to Congress a report on performance metrics that will enable—

(A) the Department to develop an understanding of—

(i) the security of the border;

(ii) efforts to enforce immigration laws within the United States; and

(iii) the overall working of the immigration system; and

(B) policy makers, including Congress—

(i) to make more effective investments in order to secure the border;

(ii) to enforce the immigration laws of the United States; and

(iii) to ensure that the Federal immigration system is working efficiently at every level.

(2) CONTENTS.—The report required under paragraph (1) shall contain outcome performance measures, for the year covered by the report, including—

(A) for the areas between ports of entry—

(i) the estimated number of attempted illegal entries, the estimated number of successful entries, and the number of apprehensions, categorized by sector;

(ii) the number of individuals that attempted to cross the border and information concerning how many times individuals attempted to cross, categorized by sector;

(iii) the number of individuals returned to Mexico voluntarily, criminally prosecuted, and receiving any other form of sanctions, categorized by sector; and

(iv) the recidivism rates for all classes of individuals apprehended, including individuals returned to Mexico voluntarily, criminally prosecuted, and receiving any other form of sanctions, categorized by sector;

(B) for ports of entry—

(i) the estimated number of attempted illegal entries, the number of apprehensions, and the estimated number of successful entries, categorized by field office; and

(ii) information compiled based on random samples of secondary inspections, including estimates of the effectiveness of inspectors in identifying civil and criminal immigration and customs violations, categorized by field office; and

(iii) enforcement outcomes for individuals denied admission, including the number of—

(I) individuals allowed to withdraw their application for admission or voluntarily return to their country of origin;

(II) individuals referred for criminal prosecution; and

(III) individuals receiving any other form of administrative sanction;

(C) for visa overstays—

(i) the number of people that overstay the terms of their admission into the United States, categorized by—

(I) nationality;

(II) type of visa or entry; and

(III) length of time an individual overstayed, including—

(aa) the number of individuals who overstayed less than 180 days;

(bb) the number of individuals who overstayed less than 1 year; and

(cc) the number of individuals who overstayed for 1 year or longer; and

(ii) estimates of the total number of unauthorized aliens in the United States that entered legally and overstayed the terms of their admission;

(D) for interior enforcement—

(i) the number of arrests made by U.S. Immigration and Customs Enforcement for civil violations of immigration laws and the number of arrests made for criminal violations, categorized by Special Agent in Charge field office;

(ii) the legal basis for the arrests pursuant to criminal statutes described in clause (i);

(iii) the ultimate disposition of the arrests described in clause (i);

(iv) the overall number of removals and the number of removals, by nationality;

(v) the overall average length of detention and the length of detention, by nationality; and

(vi) the number of referrals from U.S. Citizenship and Immigration Services to Immigration and Customs Enforcement, and the ultimate outcome of these referrals, including how many resulted in removal proceedings;

(E) for immigration benefits—

(i) the number of applications processed, rejected, and accepted each year for all categories of immigration benefits, categorized by visa type;

(ii) the mean and median processing times for all categories of immigration benefits, categorized by visa type; and

(iii) data relating to fraud uncovered in applications for all categories of immigration benefits, categorized by visa type; and

(F) for the Employment Verification System established under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)—

(i) the total number of tentative nonconfirmations (further action notices);

(ii) the number of tentative nonconfirmations issued to workers who were subsequently found to be authorized for employment in the United States;

(iii) the total number of final nonconfirmations;

(iv) the number of final nonconfirmations issued to workers who were subsequently found to be authorized for employment in the United States;

(v) the total number of confirmations; and

(vi) the estimated number of confirmations issued to unauthorized workers.

(d) EARLY WARNING SYSTEM.—Using the data collected by the Office under this section, the Secretary shall establish an early warning system to estimate future illegal immigration, which shall monitor the outcome performance measures described in subsection (c)(2), along with political, economic, demographic, law enforcement, and other trends that may affect such outcomes.

(e) SYSTEMATIC MODELING OF ILLEGAL IMMIGRATION TRENDS.—The Secretary shall provide for the systematic modeling of illegal immigration trends to develop forecast models of illegal immigration flows and estimates for the undocumented population residing within the United States.

(f) EXTERNAL REVIEW OF HOMELAND SECURITY DATA.—

(1) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences, shall make raw data collected by the Department, including individual-level data subject to the requirements in paragraph (3), on border security, immigration enforcement, and immigration benefits available for research on immigration trends, to—

(A) appropriate academic institutions and centers of excellence;

(B) the Congressional Research Service; and

(C) the Government Accountability Office.

(2) PUBLIC RELEASE OF DATA.—The Secretary shall ensure that data of the Department on border security, immigration enforcement, and immigration benefits is released to the public to the maximum degree permissible under Federal law to increase the confidence of the public in the credibility and objectivity of measurements related to the management and outcomes of immigration and border control processes.

(3) REQUIREMENTS.—In carrying out this subsection, the Secretary, in consultation with the National Academy of Sciences—

(A) shall ensure that the data described in paragraphs (1) and (2) is anonymized to safeguard individual privacy;

(B) may mask location data below the sector, district field office, or special agent in charge office level to protect national security; and

(C) shall not be required to provided classified information to individuals other than to those individuals who have appropriate security clearances.

(g) AVAILABILITY OF FUNDS.—The Secretary may use such sums as may be necessary from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1)—

(1) to establish the Office; and

(2) to produce reports related to securing the border and enforcing the immigration laws of the United States.

On page 942, between lines 17 and 18, insert the following:

SEC. 1124. BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013''.

(b) REAUTHORIZATION.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2012'' and inserting ''2018''.

(c) SENSE OF CONGRESS ON 5-YEAR LIMITATION ON FUNDS.—It is the sense of Congress that amounts made available to carry out part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) should be made available through the end of the 4th fiscal year following the fiscal year for which amounts are awarded and should not be made available until expended.

(d) UNIQUELY FITTED ARMOR VESTS.—Section 2501(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(c)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3) by striking ''; or'' and inserting ''; and'';

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following:

''(4) provides armor vests to law enforcement officers that are uniquely fitted for such officers, including armor vests uniquely fitted to individual female law enforcement officers; or''.

SEC. 1125. BORDER CRIME PREVENTION PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary shall establish a Border Crime Prevention Program to assist units of local governments and tribal governments—

(1) to better prevent crime and promote public safety and criminal justice in border areas; and

(2) to enhance coordination between Federal and local law enforcement agencies.

(b) APPLICATION.—Each eligible entity may apply for a grant under this section by submitting an application containing such information as the Secretary may reasonably require.

(c) ELIGIBILITY.—For purposes of this section, an ''eligible entity'' includes—

(1) any State or unit of local government in the United States, including cities, towns, and counties, that—

(A) touches the Southern border or the Northern border; or

(B) is located within 100 miles of the Southern border or the Northern border; and

(2) tribal governments in the United States that own land that is located within 100 miles of the Southern border or the Northern border.

(d) DIRECT FUNDING.—Each grant awarded under this section shall be provided directly to the eligible entity that applied for such grant.

(e) USES OF GRANT FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds under this section may be expended—

(A) to hire and train additional career law enforcement officers for deployment to the border;

(B) to procure equipment, technology, or support systems;

(C) to pay for overtime, mileage reimbursements, fuel, and similar costs;

(D) to provide specialized training to law enforcement officers;

(E) to build or sustain law enforcement facilities or equipment;

(F) to provide for first responders and emergency response services;

(G) to provide support for local prosecutors and probation officers; and

(H) for any other purpose authorized by the Secretary.

(2) LIMITATION.—Grants awarded under this section may not be used to enforce Federal immigration laws.

(3) FEDERAL SHARE.—The Federal share of the cost of any activity described in paragraph (1) for which grant funds are expended under this section—

(A) shall be 100 percent; and

(B) may be used to cover indirect costs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Comprehensive Immigration Trust Fund established under section 6(a)(1), $50,000,000 for each of the fiscal years 2014 through 2018 to carry out this section.

At the end of title I, add the following:

SEC. 1126. TRADE FACILITATION AND SECURITY ENHANCEMENT.

The Secretary shall extend the hours of operation at the port of entry in Santa Teresa, New Mexico, to 24 hours a day—

(1) for private vehicles, not later than 180 days after the date of the enactment of this Act; and

(2) for commercial vehicles, not later than 1 year after the date of the enactment of this Act.

At the end of title I, add the following:

SEC. 1127. MARITIME BORDER SECURITY ENHANCEMENTS.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, working through the Office of Air and Marine, shall —

(1) acquire and deploy such additional vessels and aircraft as may be necessary to provide for enhanced maritime border security along—

(A) the coastal areas of the Southeastern United States, including Florida, Puerto Rico, and the Gulf Coast; and

(B) the California coast;

(2) increase unarmed, unmanned aircraft deployments to the Caribbean region;

(3) acquire, upgrade, and maintain sensor systems for the aircraft and vessel fleet;

(4) increase air and maritime patrols to gain and enhance maritime domain awareness;

(5) increase and upgrade facilities as necessary to accommodate personnel and asset needs;

(6) perform whatever additional maintenance as may be necessary to preserve the operational capability of any additional air or marine assets;

(7) modernize and appropriately staff the Air and Marine Operations Center in order to enhance maritime domain awareness; and

(8) hire and deploy such personnel as may be necessary to provide maritime border security along—

(A) the coastal areas of the Southeastern United States, including Florida, Puerto Rico, and the Gulf Coast; and

(B) the California coast.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated, to U.S. Customs and Border Protection, such sums as may be necessary to carry out subsection (a) during fiscal years 2014 through 2018.

At the end of title I, add the following:

SEC. 1128. PREVENTING UNAUTHORIZED IMMIGRATION TRANSITING THROUGH MEXICO.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary, shall develop and submit to Congress a strategy to address the unauthorized immigration of individuals who transit through Mexico to the United States.

(b) REQUIREMENTS.—The strategy developed under subsection (a) shall include specific steps—

(1) to enhance the training, resources, and professionalism of border and law enforcement officials in Mexico, Honduras, El Salvador, Guatemala, and other countries, as appropriate; and

(2) to educate nationals of the countries described in paragraph (1) about the perils of the journey to the United States, including how this Act will increase the likelihood of apprehension, increase criminal penalties associated with illegal entry, and make finding employment in the United States more difficult.

(c) IMPLEMENTATION OF STRATEGY.—In carrying out the strategy developed under subsection (a)—

(1) the Secretary, in conjunction with the Secretary of State, shall produce an educational campaign and disseminate information about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and

(2) the Secretary of State, in coordination with the Secretary, shall offer—

(A) training to border and law enforcement officials to enable these officials to operate more effectively, by using, to the greatest extent practicable, Department personnel to conduct the training; and

(B) technical assistance and equipment to border officials, including computers, document readers, and other forms of technology that may be needed, as appropriate.

(d) AVAILABILITY OF FUNDS.—The Secretary may use such sums as are necessary from the Comprehensive Immigration Trust Fund established under section 6(a)(1) to carry out this section.

On page 1021, line 17, insert ''or public library'' after ''organization''.

On page 1226, line 3, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 1226, after line 25, add the following:

(b) RECOGNITION OF STATE COURT DETERMINATIONS OF NAME AND BIRTH DATE.—Section 320 (8 U.S.C. 1431) is amended by adding at the end the following:

''(c) A Certificate of Citizenship or other Federal document issued or requested to be amended under this section shall reflect the child's name and date of birth as indicated on a birth certificate, certificate of birth facts, certificate of birth abroad, or similar State vital records document issued by the child's State of residence in the United States after the child has been adopted or readopted in that State.''.

On page 1282, beginning on line 3, strike ''and'' and all that follows through line 4, and insert the following:

(14) the National Security Advisor; and

(15) the Director of the Institute of Museum and Library Services.

On page 1282, beginning on line 24, strike ''and'' and all that follows through line 25, and insert the following:

(E) community development challenges; and

(F) civics education; and

On page 1286, beginning on line 21, strike ''and'' and all that follows through line 23, and insert the following:

(10) awarding grants to State and local governments under section 2538; and

(11) entering into agreements with other Federal agencies to promote and assist the eligible organizations and activities.

On page 1288, line 17, insert ''(as defined in section 2106(b))'' before the period at the end.

On page 1293, line 2, insert ''public libraries,'' after ''municipalities,''.

On page 1300, between lines 11 and 12, insert the following:

SEC. 2554. TREATMENT OF CERTAIN PERSONS AS HAVING SATISFIED ENGLISH AND CIVICS, GOOD MORAL CHARACTER, AND HONORABLE SERVICE AND DISCHARGE REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—Chapter 2 of title III (8 U.S.C. 1421 et seq.) is amended by inserting after section 329A the following:

''SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE PARTICIPATION IN COMBAT.

''(a) IN GENERAL.—For purposes of naturalization and continuing citizenship under the following provisions of law, a person who has received an award described in subsection (b) shall be treated—

''(1) as having satisfied the requirements in sections 312(a), 316(a)(3), and subsections (b)(3), (c), and (e) of section 328; and

''(2) under sections 328 and 329, as having served honorably in the Armed Forces for (in the case of section 328) a period or periods aggregating one year, and, if separated from such service, as having been separated under honorable conditions.

''(b) APPLICATION.—This section shall apply with respect to the following awards from the Armed Forces of the United States:

''(1) The Combat Infantryman Badge from the Army.

''(2) The Combat Medical Badge from the Army.

''(3) The Combat Action Badge from the Army.

''(4) The Combat Action Ribbon from the Navy, the Marine Corps, or the Coast Guard.

''(5) The Air Force Combat Action Medal.

''(6) Any other award that the Secretary of Defense determines to be an equivalent award for engagement in active combat or active participation in combat.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 329A the following:

''Sec. 329B. Persons who have received an award for engagement in active combat or active participation in combat.''.

On page 1341, line 2, insert ''The Commissioner, in consultation with the Secretary, shall establish alternative procedures for updating or correcting records maintained by the Commissioner for the purposes of verifying the individual's identity and employment eligibility if the individual resides more than 150 highway miles from the nearest office of the Social Security Administration or in a location that is inaccessible by road from the nearest office of the Social Security Administration.'' after ''eligibility.''.

On page 1409, line 1, insert '', in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration,'' after ''Secretary''.

On page 1410, line 23, insert '', conducted in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration,'' after ''assessment''.

On page 1411, between lines 12 and 13, insert the following:

(e) EARLY ADOPTION FOR SMALL EMPLOYERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall create a mobile application and utilize other available smart-phone technology for employers utilizing the System, to encourage small employers to utilize the System prior to the time at which utilization becomes mandatory for all employers.

(2) MARKETING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator of the Small Business Administration, make available marketing and other incentives to small business concerns to encourage small employers to utilize the System prior to the time at which utilization of the System becomes mandatory for all employers.

On page 1411, line 13, strike ''(e)'' and insert ''(f)''.

On page 1413, line 3, strike ''(f)'' and insert ''(g)''.

On page 1455, strike line 8, and insert the following:

(3) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report the implementation of the biometric exit data system referred to in paragraph (2), the impact of such system on any additional wait times for travelers, and projections for new officer personnel, including U.S. Customs and Border Protection officers.

(4) EFFECTIVENESS REPORT.—Not later than 3 years after the

On page 1469, between lines 4 and 5, insert the following:

CHAPTER 1—IMPROVEMENTS TO ASYLUM AND REFUGEE PROGRAMS

On page 1490, between lines 2 and 3, insert the following:

CHAPTER 2—DOMESTIC REFUGEE RESETTLEMENT

SEC. 3421. SHORT TITLE.

This chapter may be cited as the ''Domestic Refugee Resettlement Reform and Modernization Act of 2013''.

SEC. 3422. DEFINITIONS.

In this chapter:

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a nonprofit organization providing a variety of social, health, educational and community services to a population that includes refugees resettled into the United States.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Refugee Resettlement.

(3) NATIONAL RESETTLEMENT AGENCY.—The term ''national resettlement agency'' means a voluntary agency contracting with the Department of State to provide sponsorship and initial resettlement services to refugees entering the United States.

SEC. 3423. ASSESSMENT OF THE REFUGEE DOMESTIC RESETTLEMENT PROGRAM.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the domestic refugee resettlement programs operated by the Office of Refugee Resettlement.

(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) how the Office of Refugee Resettlement defines self-sufficiency and if this definition is adequate in addressing refugee needs in the United States;

(2) the effectiveness of Office of Refugee Resettlement programs in helping refugees to meet self-sufficiency and integration;

(3) the Office of Refugee Resettlement's budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration;

(4) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(5) how community-based organizations can be better utilized and supported in the Federal domestic resettlement process; and

(6) recommended statutory changes to improve the Office of Refugee Resettlement and the domestic refugee program in relation to the matters analyzed under paragraphs (1) through (5).

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit the results of the study required under subsection (a) to Congress.

SEC. 3424. REFUGEE ASSISTANCE.

(a) ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.—Section 412(a)(1) (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:

''(C) When providing assistance under this section, the Director shall ensure that such assistance is provided to refugees who are secondary migrants and meet all other eligibility requirements for such services.''.

(b) REPORT ON SECONDARY MIGRATION.—Section 412(a)(3) (8 U.S.C. 1522(a)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) by striking ''a periodic'' and inserting ''an annual''; and

(3) by adding at the end the following:

''(B) At the end of each fiscal year, the Director shall submit a report to Congress that includes—

''(i) States experiencing departures and arrivals due to secondary migration;

''(ii) likely reasons for such migration;

''(iii) the impact of secondary migration on States hosting secondary migrants;

''(iv) the availability of social services for secondary migrants in those States; and

''(v) the unmet needs of those secondary migrants.''.

(c) AMENDMENTS TO THE SOCIAL SERVICES FUNDING.—Section 412(c)(1)(B) (8 U.S.C. 1522(c)(1)(B)) is amended—

(1) by inserting ''a combination of—'' after ''based on''; and

(2) by striking ''the total number'' and inserting the following:

''(i) the total number''; and

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(ii) the total number of all other eligible populations served by the Office during the period described who are residing in the State as of the beginning of the fiscal year; and

''(iii) projections on the number and nature of incoming refugees and other populations served by the Office during the subsequent fiscal year.''.

(d) NOTICE AND RULEMAKING.—Not later than 90 days after the date of the enactment of this Act nor later than 30 days before the effective date set forth in subsection (e), the Director shall—

(1) issue a proposed rule for a new formula by which grants and contracts are to be allocated pursuant to the amendments made by subsection (c); and

(2) solicit public comment with respect to such proposed rule.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 3425. RESETTLEMENT DATA.

(a) IN GENERAL.—The Director shall expand the Office of Refugee Resettlement's data analysis, collection, and sharing activities in accordance with the requirements set forth in subsections (b) through (e).

(b) DATA ON MENTAL AND PHYSICAL MEDICAL CASES.—The Director shall—

(1) coordinate with the Centers for Disease Control, national resettlement agencies, community based organizations, and State refugee health programs to track national and State trends on refugees arriving with Class A medical conditions and other urgent medical needs; and

(2) in collecting information under this subsection, utilize initial refugee health screening data, including—

(A) history of severe trauma, torture, mental health symptoms, depression, anxiety and posttraumatic stress disorder recorded during domestic and international health screenings; and

(B) Refugee Medical Assistance utilization rate data.

(c) DATA ON HOUSING NEEDS.—The Director shall partner with State refugee programs, community based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

(1) the number of refugees who have become homeless; and

(2) the number of refugees who are at severe risk of becoming homeless.

(d) DATA ON REFUGEE EMPLOYMENT AND SELF-SUFFICIENCY.—The Director shall gather longitudinal information relating to refugee self-sufficiency, integration, and employment status during the 2-year period beginning on the date that is 1 year after the refugees' arrival in the United States.

(e) AVAILABILITY OF DATA.—The Director shall—

(1) annually update the data collected under this section; and

(2) submit an annual report to Congress that contains the updated data.

SEC. 3426. GUIDANCE REGARDING REFUGEE PLACEMENT DECISIONS.

(a) CONSULTATION.—The Secretary of State shall provide guidance to national resettlement agencies and State refugee coordinators on consultation with local stakeholders pertaining to refugee resettlement.

(b) BEST PRACTICES.—The Secretary of Health and Human Services, in collaboration with the Secretary of State, shall collect best practices related to the implementation of the guidance on stakeholder consultation on refugee resettlement from voluntary agencies and State refugee coordinators and disseminate such best practices to such agencies and coordinators.

SEC. 3427. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall take effect on the date that is 90 days after the date of the enactment of this Act.

On page 1583, line 19, insert '', in addition to for-profit entities,'' before ''to conduct''.

On page 1589, between lines 9 and 10, insert the following:

(f) COST EFFECTIVENESS IN DETENTION FACILITY CONTRACTING.—The Director of U.S. Immigration and Customs Enforcement shall take appropriate measures to minimize, and if possible reduce, the daily bed rate charged to the Federal Government through a competitive process in contracting for or otherwise obtaining detention beds while ensuring that the most recent detention standards, including health standards, and management practices employed by the agency are met.

On page 1618, between lines 11 and 12, insert the following:

SEC. 3722. PROHIBITION ON RESTRAINTS ON PREGNANT DETAINEES.

(a) PROHIBITION ON RESTRAINT OF PREGNANT DETAINEES.—

(1) PROHIBITION.—A detention facility shall not use restraints on a detainee known to be pregnant, including during labor, transport to a medical facility or birthing center, delivery, and postpartum recovery, unless the facility administrator makes an individualized determination that the detainee presents an extraordinary circumstance as described in paragraph (2).

(2) EXTRAORDINARY CIRCUMSTANCE.—Restraints for an extraordinary circumstance are only permitted if a medical officer has directed the use of restraints for medical reasons or if the facility administrator makes an individualized determination that—

(A) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff or others; or

(B) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

(3) REQUIREMENT FOR LEAST RESTRICTIVE RESTRAINTS.—In the rare event that one of the extraordinary circumstances in paragraph (2) applies, medical staff shall determine the safest method and duration for the use of restraints and the least restrictive restraints necessary shall be used for a pregnant detainee, except that—

(A) if a doctor, nurse, or other health professional treating the detainee requests that restraints not be used, the detention officer accompanying the detainee shall immediately remove all restraints;

(B) under no circumstance shall leg or waist restraints be used;

(C) under no circumstance shall wrist restraints be used to bind the detainee's hands behind her back; and

(D) under no circumstances shall any restraints be used on any detainee in labor or childbirth.

(4) RECORD OF EXTRAORDINARY CIRCUMSTANCES.—

(A) REQUIREMENT.—If restraints are used on a detainee pursuant to paragraph (2), the facility administrator shall make a written finding within 10 days as to the extraordinary circumstance that dictated the use of the restraints.

(B) RETENTION.—A written find made under subparagraph (A) shall be kept on file by the detention facility for at least 5 years and be made available for public inspection, except that no individually identifying information of any detainee shall be made public without the detainee's prior written consent.

(b) PROHIBITION ON PRESENCE OF DETENTION OFFICERS DURING LABOR OR CHILDBIRTH.—Upon a detainee's admission to a medical facility or birthing center for labor or childbirth, no detention officer shall be present in the room during labor or childbirth, unless specifically requested by medical personnel. If a detention officer's presence is requested

by medical personnel, the detention officer shall be female, if practicable. If restraints are used on a detainee pursuant to subsection (a)(2), a detention officer shall remain immediately outside the room at all times so that the officer may promptly remove the restraints if requested by medical personnel, as required by subsection (a)(3)(A).

(c) DEFINITIONS.—In this section:

(1) DETAINEE.—The term ''detainee'' includes any adult or juvenile person detained under the Immigration and Nationality Act (8 U.S.C. 1101) or held by any Federal, State, or local law enforcement agency under an immigration detainer.

(2) DETENTION FACILITY.—The term ''detention facility'' means a Federal, State, or local government facility, or a privately owned and operated facility, that is used, in whole or in part, to hold individuals under the authority of the Director of U.S. Immigration and Customs Enforcement or the Commissioner of U.S. Customs and Border Protection, including facilities that hold such individuals under a contract or agreement with the Director or Commissioner, or that is used, in whole or in part, to hold individuals pursuant to an immigration detainer.

(3) FACILITY ADMINISTRATOR.—The term ''facility administrator'' means the official that is responsible for oversight of a detention facility or the designee of such official.

(4) LABOR.—The term ''labor'' means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(5) POSTPARTUM RECOVERY.—The term ''postpartum recovery'' mean, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth.

(6) RESTRAINT.—The term ''restraint'' means any physical restraint or mechanical device used to control the movement of a detainee's body or limbs, including flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain, or a convex shield.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 30 days before the end of each fiscal year, the facility administrator of each detention facility in whose custody a pregnant detainee had been subject to the use of restraints during the previous fiscal year shall submit to the Secretary a written report that includes an account of every instance of such a use of restraints. No such report may contain any individually identifying information of any detainee.

(2) PUBLIC INSPECTION.—Each report submitted under paragraph (1) shall be made available for public inspection.

(e) RULEMAKING.—The Secretary shall adopt regulations or policies to carry out this section at every detention facility.

At the end of title III, add the following:

Subtitle I—Resources for Holocaust Survivors

CHAPTER 1—RESPONDING TO THE NEEDS OF HOLOCAUST SURVIVORS

SEC. 3901. DEFINITION.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (24)—

(A) in subparagraph (B), by striking ''and'';

(B) in subparagraph (C)(ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) status as a Holocaust survivor.'';

(2) by redesignating paragraphs (26) through (54) as paragraphs (27) through (55); and

(3) by inserting after paragraph (25) the following:

''(26) The term 'Holocaust survivor' means an individual who—

''(A)(i) lived in a country between 1933 and 1945 under a Nazi regime, under Nazi occupation, or under the control of Nazi collaborators; or

''(ii) fled from a country between 1933 and 1945 under a Nazi regime, under Nazi occupation, or under the control of Nazi collaborators;

''(B) was persecuted between 1933 and 1945 on the basis of race, religion, physical or mental disability, sexual orientation, political affiliation, ethnicity, or other basis; and

''(C) was a member of a group that was persecuted by the Nazis.''.

SEC. 3902. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1)(E), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears; and

(2) in paragraph (2)(E), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''.

SEC. 3903. AREA PLANS.

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(I)(bb), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''; and

(II) in clause (ii), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'' each place it appears;

(ii) in subparagraph (B)(i)—

(I) in subclause (VI), by striking ''and'' at the end; and

(II) by inserting after subclause (VII) the following:

''(VIII) older individuals who are Holocaust survivors; and''; and

(iii) in subparagraph (B)(ii), by striking ''subclauses (I) through (VI)'' and inserting ''subclauses (I) through (VIII)''; and

(C) in paragraph (7)(B)(iii), by inserting '', in particular, older individuals who are Holocaust survivors,'' after ''placement''; and

(2) in subsection (b)(2)(B), by inserting ''older individuals who are Holocaust survivors,'' after ''areas,''.

SEC. 3904. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (4), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,'';

(2) in paragraph (16)—

(A) in subparagraph (A)—

(i) in clause (v), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(vii) older individuals who are Holocaust survivors; and''; and

(B) in subparagraph (B), by striking ''clauses (i) through (vi)'' and inserting ''clauses (i) through (vii)''; and

(3) in paragraph (28)(B)(ii), by inserting ''older individuals who are Holocaust survivors,'' after ''areas,''.

SEC. 3905. CONSUMER CONTRIBUTIONS.

Section 315 of the Older Americans Act of 1965 (42 U.S.C. 3030c–2) is amended—

(1) in subsection (c)(2), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''; and

(2) in subsection (d), by inserting ''older individuals who are Holocaust survivors,'' after ''proficiency,''.

SEC. 3906. PROGRAM AUTHORIZED.

Section 373(c)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3030s–1(c)(2)(A)) is amended by striking ''individuals)'' and inserting ''individuals and older individuals who are Holocaust survivors)''.

SEC. 3907. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721(b)(12) of the Older Americans Act of 1965 (42 U.S.C. 3058i(b)(12)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) older individuals who are Holocaust survivors.''.

CHAPTER 2—FUNCTIONS WITHIN ADMINISTRATION FOR COMMUNITY LIVING TO ASSIST HOLOCAUST SURVIVORS

SEC. 3911. DESIGNATION OF INDIVIDUAL WITHIN THE ADMINISTRATION.

The Administrator for Community Living is authorized to designate within the Administration for Community Living a person who has specialized training, background, or experience with Holocaust survivor issues to have responsibility for implementing services for older individuals who are Holocaust survivors.

SEC. 3912. ANNUAL REPORT TO CONGRESS.

The Administrator for Community Living, with assistance from the individual designated under section 3911, shall prepare and submit to Congress an annual report on the status and needs, including the priority areas of concern, of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are Holocaust survivors.

CHAPTER 3—NUTRITION SERVICES FOR ALL OLDER INDIVIDUALS

SEC. 3921. NUTRITION SERVICES.

(a) IN GENERAL.—Section 339(2) of the Older Americans Act of 1065 (42 U.S.C. 3030g–21(2)) is amended—

(1) in subparagraph (A), by amending clause (iii) to read as follows:

''(iii) to the maximum extent practicable, are adjusted and appropriately funded to meet any special health-related or other dietary needs of program participants, including needs based on religious, cultural, or ethnic requirements,'';

(2) in subparagraph (J), by striking '', and'' and inserting a comma;

(3) in subparagraph (K), by striking the period and inserting '', and''; and

(4) by adding at the end the following:

''(L) encourages and educates individuals who distribute nutrition services under subpart 2 to engage in conversation with homebound older individuals and to be aware of the warning signs of medical emergencies, injury or abuse in order to reduce isolation and promote well-being.''.

(b) STUDY OF NUTRITION PROJECTS.—Section 317(a)(2) of the Older Americans Act Amendments of 2006 (Public Law 109–365) is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) an analysis of service providers' abilities to obtain viable contracts for special foods necessary to meet a religious requirement, required dietary need, or ethnic consideration.''.

CHAPTER 4—TRANSPORTATION

SEC. 3931. TRANSPORTATION SERVICES AND RESOURCES.

Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) by redesignating paragraph (13) as paragraph (14);

(2) in paragraph (12), by striking ''; and'' and inserting a semicolon; and

(3) by inserting after paragraph (12) the following:

''(13) supporting programs that enable the mobility and self-sufficiency of older individuals with the greatest economic need and older individuals with the greatest social need by providing transportation services and resources; and''.

At the end of subtitle D of title IV, add the following:

SEC. 4416. INTERNATIONAL PARTICIPATION IN THE PERFORMING ARTS.

Section 214(c)(6)(D) (8 U.S.C. 1184(c)(6)(D)) is amended—

(1) in the first sentence, by inserting ''(i)'' before ''Any person'';

(2) in the second sentence—

(A) by striking ''Once'' and inserting ''Except as provided in clause (ii), once''; and

(B) by striking ''Attorney General shall'' and inserting ''Secretary of Homeland Security shall'';

(3) in the third sentence, by striking ''The Attorney General'' and inserting ''The Secretary''; and

(4) by adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) (other than an alien described in paragraph (4)(A) (relating to athletes)) not later than 14 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 14-day period described in clause (ii) and the petitioner is an arts organization described in paragraph (3), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code for the taxable year preceding the calendar year in which the petition is submitted, or an individual or entity petitioning primarily on behalf of such an organization, the Secretary of Homeland Security shall provide the petitioner with the premium processing services referred to in section 286(u), without a fee.''.

At the end of subtitle D of title IV, add the following:

SEC. 4417. REPORT ON PROCESSING OF VISAS FOR NONIMMIGRANTS AT UNITED STATES EMBASSIES AND CONSULATES.

(a) INITIAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on visa processing for nonimmigrants at United States embassies and consulates that—

(1) assesses the efforts of the Department of State to expand its capacity for processing of visas for nonimmigrants in the People's Republic of China and Brazil;

(2) provides recommendations, if warranted, for improving the effectiveness of those efforts;

(3) identifies the challenges to meeting staffing requirements with respect to the processing of visas for nonimmigrants at United States embassies and consulates, including staffing shortages and foreign language proficiency requirements;

(4) discusses how those challenges affect the ability of the Department of State to carry out operations relating to the processing of visas for nonimmigrants;

(5) describes what actions the Department of State has taken to address those challenges; and

(6) provides recommendations, if warranted, for improving the efforts of the Department of State to meet staffing requirements at United States embassies and consulates.

(b) SUBSEQUENT REPORT.—Not later than 2 years after submitting the report required by subsection (a), the Comptroller General shall submit to Congress a report assessing the progress made by the Department of State with respect to the matters included in the report required by subsection (a) since the submission of that report.

On page 1861, beginning on line 24, strike ''each of the most recent 2 years.'' and insert ''at least 2 of the most recent 3 years.''.

Beginning on page 1869, strike line 22 and all that follows through page 1910, line 5, and insert the following:

SEC. 4804. PERMANENT AUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

(a) REPEAL.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is repealed.

(b) AUTHORIZATION.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)), as amended by sections 2307 and 2308, is further amended by adding at the end the following:

''(E) REGIONAL CENTER PROGRAM.—

''(i) IN GENERAL.—Visas under this paragraph shall be made available to qualified immigrants participating in a program implementing this paragraph that involves a regional center in the United States, which has been designated by the Secretary of Homeland Security, in consultation with the Secretary of Commerce, on the basis of a general proposal for the promotion of economic growth, including—

''(I) increased export sales;

''(II) improved regional productivity;

''(III) job creation; or

''(IV) increased domestic capital investment.

''(ii) ESTABLISHMENT OF A REGIONAL CENTER.—A regional center shall have jurisdiction over a defined geographic area, which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones. The establishment of a regional center may be based on general predictions, contained in the proposal, concerning—

''(I) the kinds of commercial enterprises that may receive investments from aliens without limiting the scope of regional center activity to any specific industry or industries referenced in the proposal;

''(II) the jobs that may be created directly or indirectly as a result of such investments; and

''(III) other positive economic effects such investments may have.

''(iii) INDIRECT JOB CREATION.—The Secretary of Homeland Security shall permit immigrants admitted under this paragraph to satisfy the requirements under subparagraph (A)(ii) with jobs that are estimated to be created indirectly through investment under this paragraph in accordance with this subparagraph.

''(iv) COMPLIANCE.—In determining compliance with subparagraph (A)(ii), the Secretary of Homeland Security shall permit aliens admitted under the program described in this subparagraph to establish reasonable methodologies for determining the number of jobs created by the program, including jobs estimated to have been created indirectly through revenues generated from increased exports, improved regional productivity, job creation, and increased domestic capital investment resulting from the program, including jobs created outside of the geographic boundary of the regional center as a result of the immigrant's investment in regional center associated commercial enterprises.

''(v) AMENDMENTS.—The Secretary of Homeland Security—

''(I) may require approved regional centers to give notice to the Secretary of significant changes to their organization;

''(II) may approve or disapprove the changes referred to in subclause (I); and

''(III) shall not suspend the Secretary's adjudication of any filings by, or related to, a regional center, including investor petitions under section 203(b)(5), regardless of whether such regional center has given notice to the Secretary pursuant to subclause (I).

''(F) PREAPPROVAL OF BUSINESS PLANS FOR REGIONAL CENTER INVESTMENTS.—

''(i) PETITION.—Before the filing of a petition under this subparagraph by an alien investor, a commercial enterprise associated with a regional center may file a petition with the Secretary of Homeland Security to preapprove a particular investment in the commercial enterprise, as provided in—

''(I) a business plan for a specific capital investment project;

''(II) investment documents, such as subscription, investment, partnership, and operating agreements; and

''(III) a credible economic analysis regarding estimated job creation that is based upon reasonable methodologies.

''(ii) PREAPPROVAL PROCEDURE.—The Secretary shall establish a process to facilitate the preapproval of business plans under this subparagraph related to investment in a regional center commercial enterprise, which shall include an opportunity for the applicant to address and cure any deficiencies identified by the Secretary in the applicant's business plan, investment documents, or statement regarding job creation prior to a final determination. The Secretary shall impose a fee for the use of the process described in this clause sufficient to recover the costs of its administration pursuant to subsections (m) and (n) of section 286.

''(iii) EFFECT OF PREAPPROVAL OF BUSINESS PLAN FOR INVESTMENT IN REGIONAL CENTER COMMERCIAL ENTERPRISE.—The preapproval of a petition under this subparagraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by immigrants investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or other evidence affecting program eligibility that was not disclosed by the petitioner during the preapproval process.

''(iv) EXPEDITED PROCESSING OPTION FOR ALIEN INVESTOR PETITIONS ASSOCIATED WITH PREAPPROVED BUSINESS PLANS.—The Secretary may establish a premium processing option for business plan preapproval and for petitions by alien investors who are investing in a commercial enterprise that has received preapproval under this subparagraph pursuant to section 286(u).

''(v) CONSIDERATION OF CRIMINAL ACTIVITY IN ESTABLISHING ELIGIBILITY CRITERIA.—The Secretary shall consider the potential for fraud, misrepresentation, criminal misuse, and threats to national security in establishing eligibility criteria for any program

the Secretary may establish under this subparagraph.

''(vi) EFFECT OF PRIOR DETERMINATIONS.—If a commercial enterprise does not file a petition for preapproval under this subparagraph, or files a petition under this subparagraph that is denied, the approval of any of the items described in clause (i) submitted in support of a petition seeking classification of an alien as an alien investor under this paragraph shall be binding for purposes of the adjudication of subsequent petitions seeking classification under this paragraph by aliens investing in the same commercial enterprise concerning the same economic activity, and of petitions filed under section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed.

''(G) REGIONAL CENTER FINANCIAL STATEMENTS.—

''(i) IN GENERAL.—Each regional center designated under subparagraph (E) shall annually submit, to the Director of U.S. Citizenship and Immigration Services (referred to in this subparagraph as the 'Director'), in a manner prescribed by the Secretary of Homeland Security, financial statements, including—

''(I) an accounting of all foreign investor money invested in association with the regional center or associated commercial enterprise; and

''(II) for each capital investment project—

''(aa) an accounting of the aggregate capital invested in association with the regional center or associated commercial enterprises by immigrants under this paragraph;

''(bb) a description of how such funds are being used to execute the approved business plan;

''(cc) evidence that 100 percent of such investor funds have been dedicated to the project;

''(dd) detailed evidence of the progress made toward the completion of the project;

''(ee) an accounting of the aggregate direct and indirect jobs created or preserved; and

''(ff) a certification by the regional center that such statements are accurate.

''(ii) AMENDMENT OF FINANCIAL STATEMENTS.—If the Director determines that a financial statement required under clause (i) is deficient, or if the Director otherwise deems appropriate, the Director may require the regional center to amend or supplement such financial statement.

''(iii) SANCTIONS.—

''(I) EFFECT OF VIOLATION.—If the Director determines that a regional center, director, or other individual involved with a regional center (other than an alien investor) has violated any requirement under clause (i) or that the regional center is conducting itself in a manner inconsistent with its designation, the Director, after giving the regional center an opportunity to rebut the alleged violations, may sanction the violating entity or individual under subclause (II).

''(II) AUTHORIZED SANCTIONS.—The Director shall establish a graduated set of sanctions for violations referred to in subclause (I), including—

''(aa) fines equal to not more than 5 percent of the total capital invested by immigrant investors in the commercial enterprise's approved business plan, the payment of which shall not in any circumstance utilize any of such immigrant investors' capital investment;

''(bb) temporary suspension from participation in the program described in subparagraph (E), which may be lifted by the Director if the individual or entity cures the alleged violation after being provided such an opportunity by the Director;

''(cc) permanent bar from program participation for 1 or more individuals affiliated with the regional center; and

''(dd) termination of regional center status.

''(H) BONA FIDES OF PERSONS INVOLVED IN REGIONAL CENTERS OR REGIONAL CENTER ASSOCIATED COMMERCIAL ENTERPRISES.—

''(i) IN GENERAL.—No person shall be permitted by any regional center or regional center associated commercial enterprise to be involved with the regional center or commercial enterprise as its principal, representative, administrator, owner, officer, board member, manager, executive, general partner, fiduciary, marketer, promoter, or other similar position of substantive authority for the operations, management or promotion of the regional center or commercial enterprise if the Secretary of Homeland Security—

''(I) determines such person has been found liable within the previous 5 years for any criminal or civil violation of any law relating to fraud or deceit, or at any time if such violation involved a criminal conviction with a term of imprisonment of at least 1 year or a criminal or civil violation of any law or agency regulation in connection with the purchase or sale of a security, unless the Secretary determines that the past violation should not prevent involvement with the regional center or regional center associated commercial enterprise; or

''(II) knows or has reasonable cause to believe that the person is engaged in, has ever been engaged in, or seeks to engage in any—

''(aa) illicit trafficking in any controlled substance;

''(bb) activity relating to espionage or sabotage;

''(cc) activity related to money laundering (as described in section 1956 or 1957 of title 18, United States Code);

''(dd) terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B));

''(ee) human trafficking or human rights offense; or

''(ff) violation of any statute, regulation, or Executive Order regarding foreign financial transactions or foreign asset control.

''(ii) INFORMATION REQUIRED.—The Secretary shall require such attestations and information, including, the submission of fingerprints to the Federal Bureau of Investigation, and shall perform such criminal record checks and other background checks with respect to a regional center or regional center associated commercial enterprise, and persons involved in a regional center or regional center associated commercial enterprise as described in clause (i), as the Secretary considers appropriate to determine whether the regional center or regional center associated commercial enterprise is in compliance with clause (i). The Secretary may require the information and attestations described in this clause from such regional center or regional center associated commercial enterprise, and any person involved in the regional center or regional center associated commercial enterprise, at any time on or after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(iii) TERMINATION.—The Secretary is authorized, in the Secretary's unreviewable discretion, to terminate any regional center or regional center associated commercial enterprise from the program under this paragraph if the Secretary determines that—

''(I) the regional center or regional center associated commercial enterprise is in violation of clause (i);

''(II) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise has provided any false attestation or information under clause (ii);

''(III) the regional center, regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise, fails to provide an attestation or information requested by the Secretary under clause (ii); or

''(IV) the regional center, a regional center associated commercial enterprise, or any person involved with the regional center or regional center associated commercial enterprise is engaged in fraud, misrepresentation, criminal misuse, or threats to national security.

''(iv) TREATMENT OF INVESTORS IF REGIONAL CENTER TERMINATED.—An alien who previously invested in a commercial enterprise associated with a regional center that is subsequently terminated under subclause (iii) shall be provided an opportunity to invest in another approved regional center. The termination of the regional center shall not affect the alien's status.

''(I) REGIONAL CENTER COMPLIANCE WITH SECURITIES LAWS.—

''(i) CERTIFICATION REQUIRED.—The Secretary of Homeland Security shall not approve an application for regional center designation or regional center amendment that does not certify that the regional center and, to the best knowledge of the applicant, all parties to the regional center are in, and will maintain, compliance with the securities laws of the United States.

''(ii) EXCEPTION FOR GOVERNMENTAL ENTITY.—If the regional center described in clause (i) is operated by a State or municipal entity, the regional center may obtain the certifications required under subclause (i) for any commercial enterprises associated with the regional center.

''(iii) OVERSIGHT REQUIRED.—In furtherance of the certification described in clause (i), any regional center not operated by a State or municipal entity shall monitor and supervise all offers and sales of securities made by associated commercial enterprises to ensure compliance with the securities laws of the United States, and to maintain records, data ,and information relating to all such offers and sales of securities.

''(iv) TERMINATION OR SUSPENSION.—The Secretary shall terminate the designation of any regional center that does not provide the certification described in subclause (i) on an annual basis. In addition to any other authority provided to the Secretary regarding the regional center program described in subparagraph (E), the Secretary may, in his or her unreviewable discretion, suspend or terminate the designation of any regional center if he or she determines that the regional center or any party to the regional center—

''(I) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction in connection with the purchase or sale of a security;

''(II) is subject to any final order of the Securities and Exchange Commission that—

''(aa) bars such person from association with an entity regulated by the Securities and Exchange Commission; or

''(bb) constitutes a final order based on violations in connection with the purchase or sale of a security; or

''(III) knowingly submitted or caused to be submitted a certification described in clause (i) that contained an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

''(v) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to impair or limit the authority of the Securities and Exchange Commission under the Federal securities laws.

''(vi) DEFINED TERM.—In this subparagraph, the term 'party to the regional center' includes the regional center, its agents, employees, and attorneys, and any persons in active concert or participation with the regional center.

''(J) DENIAL OR REVOCATION.—If the Secretary of Homeland Security determines, in his or her unreviewable discretion, that the approval of a petition, application, or benefit described in this subparagraph is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary may deny or revoke the approval of—

''(i) a petition seeking classification of an alien as an alien investor under this paragraph;

''(ii) a petition to remove conditions under section 216A before granting lawful permanent resident status or any other petition, application, or benefit based upon the previous or concurrent filing or approval of a petition for classification of an alien under this paragraph; or

''(iii) an application for designation as a regional center.''.

(c) ASSISTANCE BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, upon the request of the Secretary, shall provide consultation assistance for determining whether—

(A) a proposed regional center should be designated, terminated, or subject to other adjudicative action; or

(B) a petitioner or applicant for a benefit under section 203(b)(5) of the Immigration and Nationality Act, as amended by subsection (b), has met the requirements under such paragraph with respect to job creation.

(2) RULEMAKING.—The Secretary and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the consultation process provided for in paragraph (1).

(3) SAVINGS PROVISION.—The consultation provided under paragraph (1) shall be voluntary. Nothing in this subsection may be construed to require consultation with the Secretary of Commerce to continue the designation of a regional center approved before the date of the enactment of this Act or to impede or delay the adjudication petitions by the Secretary.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be effective upon the enactment of this Act; and

(2) shall apply to—

(A) any application to designate a regional center, and any person involved with the regional center, that is pending or approved on or after the date of the enactment of this Act; and

(B) any regional center approved before the date of the enactment of this Act, on or after a delayed effective date that is 1 year after such date of enactment with respect to any person involved in the regional center on or after such delayed effective date.

SEC. 4805. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended to read as follows:

''SEC. 216A. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

''(a) IN GENERAL.—

''(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, employment-based immigrants (as defined in subsection (g)(4)), alien spouses, and alien children (as such terms are defined in subsection (g)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

''(2) NOTICE OF REQUIREMENTS.—

''(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an employment-based immigrant, alien spouse, or alien child obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

''(B) AT TIME OF REQUIRED PETITION.—In addition, the Secretary of Homeland Security shall attempt to provide notice to an employment-based immigrant, alien spouse, or alien child, at or about the beginning of the 90-day period described in subsection (d)(3), of the requirements of subsection (c)(1).

''(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to an employment-based immigrant, alien spouse, or alien child.

''(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING EMPLOYMENT IMPROPER.—

''(1) ALIEN INVESTOR.—In the case of an alien investor with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the investment in the commercial enterprise was intended as a means of evading the immigration laws of the United States;

''(B)(i) the alien did not invest, or was not actively in the process of investing, the requisite capital; or

''(ii) the alien was not sustaining the actions described in clause (i) throughout the period of the alien's residence in the United States; or

''(C) subject to the exception in subsection (d)(5), the alien was otherwise not conforming to the requirements under section 203(b)(5),

the Secretary shall so notify the alien investor and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(2) EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency (as defined pursuant to section 203(b)(2)(C)) with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security, in consultation with the relevant employing department or agency, determines, before the first anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

''(A) the qualifying employment was intended as a means of evading the immigration laws of the United States;

''(B) the alien has not completed or is not likely to complete 12 months of qualifying continuous employment; or

''(C) the alien did not otherwise conform with the requirements of section 203(b)(2),

the Secretary shall so notify the alien involved and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

''(3) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) or (2) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that a condition described in paragraph (1) or (2), as appropriate, is met.

''(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

''(1) IN GENERAL.—

''(A) PETITION AND INTERVIEW.—In order for the conditional basis established under subsection (a) for an employment-based immigrant, alien spouse, or alien child to be removed—

''(i) the employment-based immigrant shall submit to the Secretary of Homeland Security, during the period described in subsection (d)(3), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate; and

''(ii) in accordance with subsection (d)(3), the employment-based immigrant must appear for a personal interview before an officer or employee of U.S. Citizenship and Immigration Services respecting such facts and information.

''(B) SEPARATE PETITION NOT REQUIRED.—An alien spouse or alien child shall not be required to file separate petitions under subparagraph (A)(i) if the employment-based immigrant's petition includes such alien spouse or alien child.

''(C) ADDITIONAL FEE.—Notwithstanding any other provision under this section, the Secretary may require the employment-based immigrant to pay an additional fee for a petition filed under subparagraph (A)(i) that includes the alien's spouse and child or children.

''(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

''(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

''(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A); or

''(ii) unless there is good cause shown, the employment-based immigrant fails to appear at the interview described in paragraph (1)(B) (if required under subsection (d)(4)),

the Secretary of Homeland Security shall terminate the permanent resident status of the alien (and the alien's spouse and children if it was obtained on a conditional basis under this section or section 216) as of the second anniversary of the alien's lawful admission for permanent residence.

''(B) HEARING IN REMOVAL PROCEEDING.—In any removal proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

''(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

''(A) IN GENERAL.—If—

''(i) a petition is filed in accordance with the provisions of paragraph (1)(A); and

''(ii) the employment-based immigrant appears at any interview described in paragraph (1)(B),

the Secretary of Homeland Security shall make a determination, not later than 90 days after the date of such filing or interview (whichever is later), as to whether the facts

and information described in paragraph (1) or (2) of subsection (d), as appropriate, and alleged in the petition are true.

''(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—

''(i) REMOVAL OF CONDITIONAL BASIS FOR ALIEN INVESTOR.—If the Secretary of Homeland Security determines with respect to a petition filed by an alien investor that such facts and information are true, the Secretary shall so notify the alien investor and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's lawful admission for permanent residence.

''(ii) REMOVAL OF CONDITIONAL BASIS FOR EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—If the Secretary of Homeland Security determines with respect to a petition filed by an employee of a Federal national security, science, and technology laboratory, center, or agency that such facts and information are true, the Secretary shall so notify the alien and shall remove the conditional basis of the alien's status effective as of the first anniversary of the alien's lawful admission for permanent residence.

''(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary of Homeland Security determines that such facts and information are not true, the Secretary shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an employment-based immigrant, alien spouse, or alien child as of the date of the determination.

''(D) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true.

''(d) DETAILS OF PETITION AND INTERVIEW.—

''(1) CONTENTS OF PETITION BY ALIEN INVESTOR.—Each petition filed by an alien investor under section (c)(1)(A) shall contain facts and information demonstrating that the alien—

''(A)(i) invested, or is actively in the process of investing, the requisite capital; and

''(ii) sustained the actions described in clause (i) throughout the period of the alien's residence in the United States; and

''(B) except as provided in paragraph (4), is otherwise conforming to the requirements under section 203(b)(5).

''(2) CONTENTS OF PETITION BY EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER, OR AGENCY.—Each petition under subsection (c)(1)(A) filed by an employee of a Federal national security, science, and technology laboratory, center, or agency shall contain facts and information demonstrating that the alien is conforming to the requirements of section 203(b)(2).

''(3) PERIOD FOR FILING PETITION.—

''(A) 90-DAY PERIOD BEFORE ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed as follows:

''(i) In the case of an alien investor, during the 90-day period before the second anniversary of the alien's lawful admission for permanent residence.

''(ii) In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency, during the 90-day period before the first anniversary of the alien's lawful admission for permanent residence.

''(B) LATE PETITIONS.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Secretary of Homeland Security good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

''(C) FILING OF PETITIONS DURING REMOVAL.—In the case of an alien who is the subject of removal hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Secretary of Homeland Security may stay such removal proceedings against an alien pending the filing of the petition under subparagraph (B).

''(4) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of U.S. Citizenship and Immigration Services, designated by the Secretary of Homeland Security, which is convenient to the parties involved. The Secretary, in the discretion of the Secretary, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

''(5) SPECIAL RULE FOR ALIEN INVESTORS IN A REGIONAL CENTER.—Each petition under subsection (c)(1)(A) filed by an alien investor who invests in accordance with section 203(b)(5)(E) shall contain facts and information demonstrating that the alien is complying with the requirements under section 203(b)(5), except—

''(A) the alien shall not be subject to the requirements under section 203(b)(5)(A)(ii); and

''(B) the petition shall—

''(i) refer to the most recent financial statement filed by the regional center in which the alien has invested in accordance with section 203(b)(5)(G); and

''(ii) contain a certification that the petitioner has read the financial statement to which the alien's petition refers.

''(6) EFFECT OF PRIOR DETERMINATIONS.—The approval of any of the items described in section 203(b)(5)(F)(i) submitted in support of a petition seeking classification of an alien as an alien investor under section 203(b)(5) shall be binding for purposes of the adjudication of the alien investor's petition filed under this section 216A, unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, a material change that affects the approved economic model, or evidence affecting program eligibility that was not disclosed by the petitioner.

''(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence, if the alien has had the conditional basis removed pursuant to this section.

''(f) FRAUD, MISREPRESENTATION, CRIMINAL MISUSE, OR THREATS TO THE PUBLIC SAFETY OR NATIONAL SECURITY.—If the Secretary of Homeland Security determines, in his or her sole and unreviewable discretion, that the conditional permanent resident status granted to an employment-based immigrant under subsection (a), or to an alien researcher described in section 203(b)(2)(A)(ii) is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary shall—

''(1) notify the immigrant involved of such determination; and

''(2) terminate the permanent resident status of the immigrant involved (and the alien spouse and alien children of such immigrant) as of the date of such determination.

''(g) DEFINITIONS.—In this section:

''(1) The term 'alien investor' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(5).

''(2) The term 'alien spouse' and the term 'alien child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien investor or an employee of a Federal national security, science, and technology laboratory, center, or agency.

''(3) The term 'commercial enterprise' includes a limited partnership.

''(4) The term 'employment-based immigrant' means an alien described in paragraph (1) or (5).

''(5) The term 'employee of a Federal national security, science, and technology laboratory, center, or agency' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(2)(A)(ii).''.

(b) CONFORMING AMENDMENT.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting before the period at the end the following: '', if the alien has had the conditional basis removed pursuant to this section''.

(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 216A and inserting the following:

''Sec. 216A. Conditional permanent resident status for certain employment-based immigrants, spouses, and children.''.

SEC. 4806. EB–5 VISA REFORMS.

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATION.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c)(2), 2212(d)(2), 2307(b), and 2402, is further amended by adding at the end the following:

''(P) Aliens who are the spouse or a child of an alien admitted as an employment-based immigrant under section 203(b)(5).''.

(b) TECHNICAL AMENDMENT.—Section 203(b)(5), as amended by this Act, is further amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

(c) TARGETED EMPLOYMENT AREAS.—

(1) IN GENERAL.—Section 203(b)(5)(B) (8 U.S.C. 1153(b)(5)(B)) is amended to read as follows:

''(B) SET-ASIDE FOR TARGETED EMPLOYMENT AREAS.—

''(i) IN GENERAL.—Not fewer than 5,000 of the visas made available under this paragraph in each fiscal year shall be reserved for qualified immigrants who invest in a new commercial enterprise described in subparagraph (A), which—

''(I) is investing such capital in a targeted employment area; and

''(II) will create employment in such targeted employment area.

''(ii) DURATION OF HIGH UNEMPLOYMENT AREA DESIGNATION.—A designation of a high unemployment area as a targeted employment area shall be valid for 5 years and may be renewed for additional 5-year periods if the area continues to meet the definition of a high unemployment area. An investor who has made the required amount of investment in such a targeted employment area during its period of designation shall not be required to increase the amount of investment based upon expiration of the designation.''.

(d) ADJUSTMENT OF MINIMUM EB–5 INVESTMENT AMOUNT.—Section 203(b)(5)(C)(i) (8 U.S.C. 1153(b)(5)(C)(i)) is amended—

(1) by striking ''The Attorney General'' and inserting ''The Secretary of Commerce'';

(2) by striking ''Secretary of State'' and inserting ''Secretary of Homeland Security''; and

(3) by adding at the end the following: ''Unless adjusted by the Secretary of Commerce, the amount specified in this clause shall automatically adjust, on January 1, 2016, by the percentage change in the Consumer Price Index (CPI–U) during fiscal year 2015, and on every fifth subsequent January 1 by the cumulative percentage change in the CPI–U during the previous 5 fiscal years, for any petition filed to classify an alien under this paragraph on or after the date of each automatic adjustment.''.

(e) DEFINITIONS.—

(1) IN GENERAL.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)), as amended by subsections (b) and (c) and by section 4804, is further amended—

(A) by striking subparagraph (D) and inserting following:

''(D) CALCULATION OF FULL-TIME EMPLOYMENT.—Job creation under this paragraph may consist of employment measured in full-time equivalents, including intermittent or seasonal employment opportunities and construction jobs. A full-time employment position is not a requirement for indirect job creation.''; and

(B) by adding at the end the following:

''(K) DEFINITIONS.—In this paragraph:

''(i) The term 'capital' means all real, personal, or mixed assets, whether tangible or intangible, owned or controlled by the investor, or held in trust for the benefit of the investor, to which the investor has unrestricted access, which shall be valued at fair market value in United States dollars, in accordance with Generally Accepted Accounting Principles, at the time it is invested under this paragraph.

''(ii) The term 'full-time employment' means employment in a position that requires at least 35 hours of service per week, regardless of how many employees fill the position.

''(iii) The term 'high unemployment area' means—

''(I) an area consisting of a census tract or contiguous census tracts that has an unemployment rate that is at least 150 percent of the national average unemployment rate; or

''(II) an area that is within the boundaries established for purposes of a Federal or State economic development incentive program, including areas defined as Enterprise Zones, Renewal Communities, Promise Zones, and Empowerment Zones, and other programs for the purposes of job creation, small business creation, and neighborhood revitalization.

''(iv) The term 'rural area' means—

''(I) any area other than an area within a metropolitan statistical area or within the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States); or

''(II) any city or town having a population of fewer than 20,000 (based on the most recent decennial census of the United States) that is located within a State having a population of fewer than 1,500,000 (based on the most recent decennial census of the United States).

''(v) The term 'targeted employment area' means a rural area, any community adversely affected by a recommendation by the Defense Base Closure and Realignment Commission, or a high unemployment area.''.

(2) RULEMAKING.—The Secretary, in consultation with the Secretary of Defense, shall issue appropriate regulations to account for the modified definition of targeted employment area in section 203(b)(5)(K)(v), as amended by paragraph (1)(B).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application for a visa under section 204(a)(7) of the Immigration and Nationality Act that is filed on or after the date that is 1 year after the date of the enactment of this Act, unless the petitioner requests in the petition that they take immediate effect.

(4) RULE OF CONSTRUCTION.—None of the amendments made by paragraph (1) may be construed to deny any petition under section 216A filed by an alien who filed a petition under section 203(b)(5) before the date of the enactment of this Act.

(f) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—Section 203(h) (8 U.S.C. 1153(h)), as amended by section 2305(d), is further amended by adding at the end the following:

''(5) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—An alien admitted under subsection (d) as a lawful permanent resident on a conditional basis as the child of an alien lawfully admitted for permanent residence under subsection (b)(5), whose lawful permanent resident status on a conditional basis is terminated under section 216A, shall continue to be considered a child of the principal alien for the purpose of a subsequent immigrant petition by such alien under subsection (b)(5) if the alien remains unmarried and the subsequent petition is filed by the principal alien not later than 1 year after the termination of conditional lawful permanent resident status. No alien shall be considered a child under this paragraph with respect to more than 1 petition filed after the alien's 21st birthday.''.

(g) ENHANCED PAY SCALE FOR CERTAIN FEDERAL EMPLOYEES ADMINISTERING THE EB–5 PROGRAM.—The Secretary may establish, fix the compensation of, and appoint individuals to, designated critical administrative, technical, and professional positions needed to administer sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b).

(h) DELEGATION OF CERTAIN EB–5 AUTHORITY.—

(1) IN GENERAL.—The Secretary of Homeland Security may delegate to the Secretary of Commerce authority and responsibility for determinations under sections 203(b)(5) and 216A (with respect to alien entrepreneurs) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186a), including determining whether an alien has met employment creation requirements.

(2) REGULATIONS.—The Secretary of Homeland Security and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the delegation authorized under paragraph (1), including regulations governing the eligibility criteria for obtaining benefits pursuant to the amendments made by this section.

(3) USE OF FEES.—Adjudication fees described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) shall remain available until expended to reimburse the Secretary of Commerce for the costs of any determinations made by the Secretary of Commerce under paragraph (1).

(i) CONCURRENT FILING OF EB–5 PETITIONS AND APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255), as amended by sections 2305(d), 2310(c), 3201(e), and 4237(b), is further amended—

(1) in subsection (k), in the matter preceding paragraph (1), by striking ''or (3)'' and inserting ''(3), (5), or (7)''; and

(2) by adding at the end the following:

''(o) At the time a petition is filed for classification under section 203(b)(5), if the approval of such petition would make a visa immediately available to the alien beneficiary, the alien beneficiary's application for adjustment of status under this section shall be considered to be properly filed whether the application is submitted concurrently with, or subsequent to, the visa petition.''.

At the end of section 4806, add the following:

(j) REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the EB-5 program carried out pursuant to section 203(b)(5) of the Immigration and Nationality (8 U.S.C. 1153(b)(5)), as amended by this section.

(2) CONTENT.—Each report required by paragraph (1) shall include the following:

(A) The number of applications pending for an immigrant visa described in section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), disaggregated by State.

(B) The period of time each such application has been pending.

(C) The average length of time required to conduct an economic evaluation of a project and suitability of a petitioner for such a visa and the Secretary's goals for these timeframes.

(D) A description of any additional resources necessary to efficiently administer the EB-5 program carried out pursuant to such section 203(b)(5).

(E) The number of applications that have been approved or denied for such a visa in the most recent reporting period with an accompanying explanation of reasons for such approval or denial, disaggregated by State.

(F) The number of jobs created by such EB-5 program in each 180-day period, disaggregated by State.

(G) The types of projects proposed and the number of aliens granted such a visa in each 180-day period, disaggregated by State and by North American Industry Classification System (NAICS) code.

SA 1457. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1389, line 5, strike ''$5,000 and not more than $15,000'' and insert ''$10,000 and not more than $25,000''.

On page 1389, line 12, ''$10,000 and not more than $25,000'' and insert ''$25,000 and not more than $50,000''.

On page 1390, line 18, strike ''$1,000 and not more than $4,000'' and insert ''$5,000 and not more than $15,000''.

On page 1390, lines 22 and 23, strike ''$2,000 and not more than $8,000'' and insert ''$6,000 and not more than $20,000''.

SA 1458. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 901, between lines 4 and 5, insert the following:

(f) CONSULTATIONS WITH TRIBAL GOVERNMENTS.—Before ordering a unit or personnel of the National Guard of a State to be deployed to an area on or near Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion,

and Tourism Act of 2000 (25 U.S.C. 4302)), the Governor of the State shall consult and coordinate with the tribal government with jurisdiction over those lands with respect to the deployment.

On page 904, between lines 18 and 19, insert the following:

(3) CONSULTATIONS WITH TRIBAL GOVERNMENTS.—Before constructing a Border Patrol station under paragraph (1) or establishing a forward operating base for the U.S. Border Patrol under paragraph (2) on or near Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302)), the Secretary shall consult and coordinate with the tribal government with jurisdiction over those lands with respect to the construction of the station or establishment of the base, as the case may be.

SA 1459. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1122. BORDER PATROL RATE OF PAY.

(a) PURPOSE.—The purposes of this section are—

(1) to strengthen U.S. Border Patrol and ensure border patrol agents are sufficiently ready to conduct necessary work and that agents will perform overtime hours in excess of a 40 hour work week based on the needs of the employing agency; and

(2) to ensure U.S. Border Patrol has the flexibility to cover shift changes and retains the right to assign scheduled and unscheduled work for mission requirements and planning based on operational need.

(b) RATES OF PAY.—Subchapter V of chapter 55 of title 5, United States Code, is amended by inserting after section 5549 the following:

"§ 5550. Border patrol rate of pay

''(a) DEFINITIONS.—In this section—

''(1) the term 'available to work' means a border patrol agent is generally and reasonably accessible by U.S. Customs and Border Protection to perform unscheduled duty based on the needs of U.S. Customs and Border Protection;

''(2) the term 'border patrol agent' means an individual who is performing functions included under position classification series 1896 (Border Patrol Enforcement) of the Office of Personnel Management, or any successor thereto, including performing covered border patrol activities;

''(3) the term 'covered border patrol activities' means a border patrol agent is—

''(A) detecting and preventing illegal entry and smuggling of aliens, commercial goods, narcotics, weapons, or contraband into the United States;

''(B) arresting individuals suspected of conduct described in subparagraph (A);

''(C) attending training authorized by U.S. Customs and Border Protection;

''(D) on approved annual, sick, or administrative leave;

''(E) on ordered travel status;

''(F) on official time, within the meaning of section 7131;

''(G) on excused absence with pay for relocation purposes;

''(H) on light duty due to injury or disability;

''(I) performing administrative duties or mission critical work assignments while maintaining law enforcement authority;

''(J) caring for the canine assigned to the border patrol agent, which may not exceed 1 hour per day; or

''(K) engaged in an activity similar to an activity described in subparagraphs (A) through (J) while temporarily away from the regular duty assignment of the border patrol agent;

''(4) the term 'level 1 border patrol rate of pay' means the hourly rate of pay equal to 1.25 times the otherwise applicable hourly rate of pay of the applicable border patrol agent;

''(5) the term 'level 2 border patrol rate of pay' means the hourly rate of pay equal to 1.125 times the otherwise applicable hourly rate of pay of the applicable border patrol agent; and

''(6) the term 'work period' means a 14-day biweekly pay period.

''(b) RECEIPT OF BORDER PATROL RATE OF PAY.—

''(1) VOLUNTARY ELECTION.—

''(A) IN GENERAL.—Not later than 30 days before the first day of each year beginning after the date of enactment of this section, a border patrol agent shall make an election whether the border patrol agent shall, for the following year—

''(i) be assigned to the level 1 border patrol rate of pay;

''(ii) be assigned the level 2 border patrol rate of pay; or

''(iii) decline to be assigned the level 1 border patrol rate of pay or the level 2 border patrol rate of pay.

''(B) PROCEDURES.—The Director of the Office of Personnel Management shall establish procedures for elections under subparagraph (A).

''(C) INFORMATION REGARDING ELECTION.—Not later than 60 days before the first day of each year beginning after the date of enactment of this section, U.S. Border Patrol shall provide each border patrol agent with information regarding each type of election available under subparagraph (A) and how to make such an election.

''(D) FAILURE TO ELECT.—A border patrol agent who fails to make a timely election under subparagraph (A) shall be deemed to have made an election to be assigned to the level 1 border patrol rate of pay under subparagraph (A)(i).

''(E) SENSE OF CONGRESS.—It is the sense of Congress that U.S. Border Patrol should take such action as is necessary to ensure that not more than 10 percent of the border patrol agents stationed at a location decline to be assigned to the level 1 border patrol rate of pay or the level 2 border patrol rate of pay.

''(2) LEVEL 1 BORDER PATROL RATE OF PAY.—For a border patrol agent who has in effect an election under paragraph (1)(A)(i), the border patrol agent—

''(A) shall be scheduled to work 10 hours per day and 5 days per week;

''(B) shall receive pay at the level 1 border patrol rate of pay for the hours of scheduled work described in subparagraph (A);

''(C) shall receive pay at the level 1 border patrol rate of pay for the number of hours during which the border patrol agent is available to work during a work period; and

''(D) shall receive compensatory time off or pay at the overtime hourly rate of pay for hours of work in excess of 100 hours during a work period, as determined in accordance with section 5542(a)(7).

''(3) LEVEL 2 BORDER PATROL RATE OF PAY.—For a border patrol agent who has in effect an election under paragraph (1)(A)(ii), the border patrol agent—

''(A) shall be scheduled to work 9 hours per day and 5 days per week;

''(B) shall receive pay at the level 2 border patrol rate of pay for the hours of scheduled work described in subparagraph (A);

''(C) shall receive pay at the level 2 border patrol rate of pay for the number of hours during which the border patrol agent is available to work during a work period; and

''(D) shall receive compensatory time off or pay at the overtime hourly rate of pay for hours of work in excess of 90 hours during a work period, as determined in accordance with section 5542(a)(7).

''(4) BASIC BORDER PATROL RATE OF PAY.—For a border patrol agent who has in effect an election under paragraph (1)(A)(iii), the border patrol agent—

''(A) shall be scheduled to work 8 hours per day and 5 days per week;

''(B) shall receive pay at the applicable hourly rate of basic pay of the applicable border patrol agent for the number of hours during which the border patrol agent is available to work during a work period; and

''(C) shall receive compensatory time off or pay at the overtime hourly rate of pay for hours of work in excess of 80 hours during a work period, as determined in accordance with section 5542(a)(7).

''(c) ELIGIBILITY FOR OTHER PREMIUM PAY.—A border patrol agent shall receive premium pay in accordance with sections 5545 and 5546, without regard to the election of the border patrol agent under subsection (b)(1)(A).

''(d) TREATMENT AS BASIC PAY.—Any pay received at the level 1 border patrol rate of pay or the level 2 border patrol rate of pay or pay described in subsection (b)(3)(B) shall be treated as part of basic pay for—

''(1) purposes of sections 5595(c), 8114(e), 8331(3), and 8704(c);

''(2) any other purpose that the Office of Personnel Management may by regulation prescribe; and

''(3) any other purpose expressly provided for by law.

''(e) AUTHORITY TO REQUIRE OVERTIME WORK.—Nothing in this section shall be construed to limit the authority of U.S. Border Protection to require a border patrol agent to perform hours of overtime work in the event of a local or national emergency.''.

(c) OVERTIME WORK.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

''(7)(A) In this paragraph, the term 'border patrol agent' has the meaning given that term in section 5550.

''(B) Notwithstanding the matter preceding paragraph (1) or paragraphs (1) and (2), for a border patrol agent who has in effect an election to be assigned to the level 1 border patrol rate of pay under section 5550(b)(1)(A)(i)—

''(i) except as provided in subparagraph (E), hours of work in excess of 100 hours during a 14-day biweekly pay period shall be overtime work; and

''(ii) the border patrol agent—

''(I) shall receive pay at the overtime hourly rate of pay for hours of overtime work that are officially ordered or approved; and

''(II) shall receive compensatory time off for any hours of overtime work that are not hours of overtime work described in subclause (I).

''(C) Notwithstanding the matter preceding paragraph (1) or paragraphs (1) and (2), for a border patrol agent who has in effect an election to be eligible for the level 2 border patrol rate of pay under section 5550(b)(1)(A)(ii)—

''(i) except as provided in subparagraph (E), hours of work in excess of 90 hours during a 14-day biweekly pay period shall be overtime work; and

''(ii) the border patrol agent—

''(I) shall receive pay at the overtime hourly rate of pay for hours of overtime work that are officially ordered or approved; and

''(II) shall receive compensatory time off for any hours of overtime work that are not hours of overtime work described in subclause (I).

''(D) Notwithstanding the matter preceding paragraph (1) or paragraphs (1) and (2), for a border patrol agent who has in effect an election under section 5550(b)(1)(A)(iii)—

''(i) except as provided in subparagraph (E), hours of work in excess of 80 hours during a 14-day biweekly pay period shall be overtime work; and

''(ii) the border patrol agent—

''(I) shall receive pay at the overtime hourly rate of pay for hours of overtime work that are officially ordered or approved; and

''(II) shall receive compensatory time off for any hours of overtime work that are not hours of overtime work described in subclause (I).

''(E) During a 14-day biweekly pay period, a border patrol agent shall not perform and may not receive compensatory time off for more than 8 hours of overtime work that is not officially approved.

''(F) A border patrol agent—

''(i) may not accrue more than 240 hours of compensatory time off during a year; and

''(ii) shall use any hours of compensatory time off not later than 1 year after the date on which the compensatory time off is accrued.''.

(d) STEP INCREASES.—

(1) IN GENERAL.—Effective on the first day of the first pay period beginning after December 31, 2013, each border patrol agent (as defined in section 5550 of title 5, United States Code, as added by subsection (b)) in a position at or below GS-12 of the General Schedule under section 5332 of title 5, United States Code, shall be granted a step-increase of 2 steps, except that an increase under this section may not increase the rate of pay of a border patrol agent to be more than the highest pay rate within the GS grade of the border patrol agent on the date of enactment of this Act.

(2) EFFECT ON PERIODIC STEP-INCREASES.—The date on which a border patrol agent who receives a step-increase under paragraph (1) is eligible for a periodic step-increase under section 5335 of title 5, United States Code, shall be determined based on the effective date of the step-increase under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(A) in paragraph (16), by striking ''or'' after the semicolon;

(B) in paragraph (17), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(18) any employee who is a border patrol agent, as defined in section 5550(a) of title 5, United States Code.''.

(2) The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5549 the following:

''5550. Border patrol rate of pay.''.

SA 1460. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 2103 is amended by adding at the end the following:

(g) DREAMER ACCESS GRANTS.—

(1) IN GENERAL.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended by adding at the end the following:

''SEC. 415G. DREAMER ACCESS GRANTS.

''(a) PURPOSE.—The purpose of this section is to provide grants to eligible States for the following:

''(1) To promote increased access and affordability for DREAM Act students.

''(2) To discourage legal discrimination against DREAM Act students.

''(b) DREAM ACT STUDENTS.—In this section, the term 'DREAM Act student' means an individual who is a registered provisional immigrant who meets the requirements of clauses (ii) and (iii) of section 245D(b)(1)(A) of the Immigration and Nationality Act.

''(c) GRANTS TO STATES.—

''(1) RESERVATION FOR ADMINISTRATION.—From the amounts appropriated to carry out this section for each fiscal year, the Secretary may reserve not more than 1 percent of such amounts to administer this section.

''(2) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—From the amounts appropriated to carry out this section for each fiscal year and not reserved under paragraph (1), the Secretary shall award grants to eligible States to enable the States to carry out the activities described in this section for DREAM Act students.

''(B) SUBMISSION AND CONTENTS OF APPLICATIONS.—A State that desires to obtain a grant payment under this section for any fiscal year shall submit annually an application that shall contain such information as may be required by, or pursuant to, regulation for the purpose of enabling the Secretary to make the determinations required under this section.

''(C) PAYMENT OF FEDERAL SHARE OF GRANTS MADE BY QUALIFIED PROGRAM.—From a State's allotment under this section for any fiscal year the Secretary is authorized to make payments to such State for paying up to 50 percent of the amount of student grants pursuant to a State program which—

''(i) is administered by a single State agency;

''(ii) provides that such grants will be in amounts not to exceed the lesser of $12,500 or the student's cost of attendance per academic year—

''(I) for attendance on a full-time basis at an institution of higher education; and

''(II) for campus-based community service work learning study jobs;

''(iii) provides that—

''(I) not more than 20 percent of the allotment to the State for each fiscal year may be used for the purpose described in clause (ii)(II);

''(II) grants for the campus-based community work learning study jobs may be made only to students who are otherwise eligible for assistance under this section; and

''(III) grants for such jobs be made in accordance with the provisions of section 443(b)(1);

''(iv) provides for the selection of recipients of such grants or of such State work-study jobs on the basis of substantial financial need determined annually on the basis of criteria established by the State and approved by the Secretary, except that for the purpose of collecting data to make such determination of financial need, no student or parent shall be charged a fee that is payable to an entity other than such State;

''(v) provides that all nonprofit institutions of higher education in the State are eligible to participate in the State program, except in any State in which participation of nonprofit institutions of higher education is in violation of the constitution of the State or in any State in which participation of nonprofit institutions of higher education is in violation of a statute of the State which was enacted prior to October 1, 1978;

''(vi) provides for the payment of the non-Federal portion of such grants or of such work-study jobs from funds supplied by such State which represent an additional expenditure for such year by such State for grants or work-study jobs for students attending institutions of higher education over the amount expended by such State for such grants or work-study jobs, if any, during the second fiscal year preceding the fiscal year in which such State initially received funds under this section;

''(vii) provides that if the State's allocation under this section is based in part on the financial need demonstrated by students who are independent students or attending the institution less than full time, a reasonable proportion of the State's allocation shall be made available to such students;

''(viii) provides for State expenditures under such program of an amount not less than the average annual aggregate expenditures for the preceding three fiscal years or the average annual expenditure per full-time equivalent student for such years;

''(ix) provides—

''(I) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this section; and

''(II) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform the Secretary's functions under this section;

''(x) provides the non-Federal share of the amount of student grants or work-study jobs under this section through State funds for the program under this section; and

''(xi) provides notification to eligible students that such grants are funded by the Federal Government, the State, and, where applicable, other contributing partners.

''(D) RESERVATION AND DISBURSEMENT OF ALLOTMENTS AND REALLOTMENTS.—Upon the Secretary's approval of any application for a payment under this section, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the students' incentive grants or work-study jobs covered by such application. The Secretary shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as the Secretary may determine. The Secretary may amend the reservation of any amount under this section, either upon approval of an amendment of the application or upon revision of the estimated cost of the student grants or work-study jobs with respect to which such reservation was made. If the Secretary approves an upward revision of such estimated cost, the Secretary may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

''(3) ELIGIBLE STATES.—A State is eligible to receive a grant under this section if the State—

''(A) increases access and affordability to higher education for DREAM Act students by—

''(i) offering in-state tuition for DREAM Act students; or

''(ii) expanding in-state financial aid to DREAM Act students; and

''(B) submits an application to the Secretary that contains an assurance that the State has made significant progress establishing a longitudinal data system that includes the elements described in section 6201(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)).

''(4) ALLOTMENTS.—The Secretary shall allot the amount appropriated to carry out this section for each fiscal year and not reserved under paragraph (1) among the eligible States in proportion to the number of DREAM Act students enrolled at least half-

time in postsecondary education who reside in the State for the most recent fiscal year for which satisfactory data are available, compared to the number of such students who reside in all eligible States for that fiscal year.

''(d) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded under this section shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this section.

''(e) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this section—

''(1) $55,000,000 for fiscal year 2014;
''(2) $55,000,000 for fiscal year 2015;
''(3) $60,000,000 for fiscal year 2016;
''(4) $60,000,000 for fiscal years 2017;
''(5) $75,000,000 for fiscal years 2018;
''(6) $75,000,000 for fiscal years 2019;
''(7) $85,000,000 for fiscal years 2020;
''(8) $85,000,000 for fiscal years 2021;
''(9) $100,000,000 for fiscal years 2022; and
''(10) $100,000,000 for fiscal years 2023.''.

(2) OFFSET.—Section 281(f)(1) (8 U.S.C. 1351(f)(1)), as added by section 4409, is further amended by adding at the end the following: ''In addition to the fees authorized under subsection (a) and the preceding sentence, the Secretary of Homeland Security shall collect a $150 fee from each nonimmigrant admitted under section 101(a)(15)(F)(i), which fee shall be deposited in the general fund of the Treasury.''.

SA 1461. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1543, lines 15 and 16, strike ''STATUS.—'' and all that follows through ''An alien'' and insert ''STATUS.—An alien''.

On page 1543, line 20, strike ''(A)'' and insert ''(1)''.

On page 1544, line 1, strike ''(i)'' and insert ''(A)''.

On page 1544, line 5, strike ''(ii)'' and insert ''(B)''.

On page 1544, line 9, strike ''(B)'' and insert ''(2)''.

On page 1544, strike lines 18 through 22.

On page 1618, between lines 11 and 12, insert the following:

SEC. 3722. MANDATORY DETENTION AND EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS.

(a) MANDATORY DETENTION.—Section 236(c) (8 U.S.C. 1226(c)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (1)—

(A) in subparagraph (B), by striking ''section 237(a)(2)(A)(ii), (A)(iii), (B), (C), or (D),'' and inserting ''subparagraph (A)(ii), (A)(iii), (B), (C), (D), (E), or (G) of section 237(a)(2);''; and

(B) in subparagraph (C), by striking ''sentence'' and inserting ''sentenced''.

(b) EXPEDITED REMOVAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 238. EXPEDITED REMOVAL PROCEEDINGS FOR ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES.'';

(2) by striking ''Attorney General'' each place such term appears and insert ''Secretary of Homeland Security'';

(3) in subsection (a)—

(A) by striking paragraph (3);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary of Homeland Security shall provide for special removal proceedings at certain Federal, State, and local correctional facilities for any alien convicted of—

''(A) any criminal offense set forth in subparagraph (A)(iii), (B), (C), (D), (E), or (G) of section 237(a)(2); or

''(B) 2 or more crimes involving moral turpitude, as described in clause (ii) of section 237(a)(2)(A), for which both predicate offenses are, without regard to the date of their commission, otherwise described in clause (i) of such section.

''(2) CONDUCT OF PROCEEDINGS.—

''(A) IN GENERAL.—Except as otherwise provided in this section, removal proceedings authorized under this section—

''(i) shall be conducted in accordance with section 240;

''(ii) shall eliminate the need for additional detention at any U.S. Immigration and Customs Enforcement processing center; and

''(iii) shall ensure the expeditious removal of the alien following the alien's incarceration for the underlying crime.

''(B) SAVINGS PROVISIONS.—Nothing in this paragraph may be construed—

''(i) to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States, its agencies or officers, or any other person; or

''(ii) to require the Secretary of Homeland Security to effect the removal of any alien sentenced to actual incarceration before the alien is scheduled to be released from incarceration for the underlying crime.''; and

(4) by striking subsection (c), as redesignated by section 671(b)(13) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208), and inserting the following:

''(6) An alien convicted of an offense for which an element was active participation in a criminal street gang, an aggravated felony, or a crime of domestic violence or child abuse shall be conclusively presumed to be deportable from the United States.''.

(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 238 and inserting the following:

''Sec. 238. Expedited removal proceedings for aliens convicted of serious criminal offenses.''.

SA 1462. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1618, between lines 11 and 12, insert the following:

SEC. 3722. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the last day of the application period for registered provisional immigrant status, as specified in section 245B(c)(3) of the Immigration and Nationality Act, as added by section 2101 of this Act, and periodically thereafter as updates may require, the Secretary shall provide the National Crime Information Center of the Department of Justice with all the information in the possession of the Secretary regarding—

(1) any alien against whom a final order of removal has been issued;

(2) any alien who has entered into a voluntary departure agreement;

(3) any alien who has overstayed his or her authorized period of stay; and

(4) any alien whose visa has been revoked.

(b) INCLUSION OF INFORMATION IN IMMIGRATION VIOLATORS FILE.—The Secretary and the Attorney General shall establish a system for ensuring that the information provided pursuant to subsection (a) for entry into the Immigration Violators File of the National Crime Information Center database is updated regularly to reflect whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) the legal status of the alien has otherwise changed.

(c) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations by aliens of the immigration laws of the United States, regardless of whether any such alien has received notice of the violation or whether sufficient identifying information is available with respect to any such alien or whether any such alien has already been removed from the United States; and''.

(2) EFFECTIVE DATE.—The Attorney General and the Secretary shall ensure that the amendment made by paragraph (1) is implemented not later than 6 months after the last day of the application period for registered provisional immigrant status.

(d) TECHNOLOGY ACCESS.—States shall have access to Federal programs or technology directed broadly at identifying inadmissible or deportable aliens.

SEC. 3723. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ALIENS.

(a) PROVISION OF INFORMATION.—As a condition of receiving compensation for the incarceration of undocumented criminal aliens pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), grants under the ''Cops on the Beat'' program authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), or other law enforcement grants from the Department or the Department of Justice, each State, and each political subdivision of a State, shall, in a timely manner, provide the Secretary with the information specified in subsection (b) with respect to each alien who is arrested by law enforcement officers in the course of carrying out the officers' routine law enforcement duties in the jurisdiction of the State, or in the political subdivision of the State, who is believed to be inadmissible or deportable.

(b) INFORMATION REQUIRED.—The information required under this subsection is—

(1) the alien's name;

(2) the alien's address or place of residence;

(3) a physical description of the alien;

(4) the date, time, and location of the encounter with the alien and the reason for arresting the alien;

(5) the alien's driver's license number, if applicable, and the State of issuance of such license;

(6) the type of any other identification document issued to the alien, if applicable, any designation number contained on the identification document, and the issuing entity for the identification document;

(7) the license plate number, make, and model of any automobile registered to, or driven by, the alien, if applicable;

(8) a photo of the alien, if available or readily obtainable; and

(9) the alien's fingerprints, if available or readily obtainable.

(c) ANNUAL REPORT ON REPORTING.—The Secretary shall maintain, and annually submit to the Congress, a detailed report listing the States, or the political subdivisions of States, that have provided information under subsection (a) in the preceding year.

(d) REIMBURSEMENT.—The Secretary shall reimburse States, and political subdivisions of a State, for all reasonable costs, as determined by the Secretary, incurred by the State, or the political subdivision of a State, as a result of providing information under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require law enforcement officials of a State, or of a political subdivision of a State, to provide the Secretary with information related to a victim of a crime or witness to a criminal offense.

(g) EFFECTIVE DATE.—This section shall—

(1) take effect on the date that is 120 days after the last day of the application period for registered provisional immigrant status; and

(2) apply with respect to aliens apprehended on or after such date.

SEC. 3724. STATE VIOLATIONS OF ENFORCEMENT OF IMMIGRATION LAWS.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking ''Immigration and Naturalization Service'' each place it appears and inserting ''Department of Homeland Security'';

(2) in subsection (a), by striking ''may'' and inserting ''shall'';

(3) in subsection (b)—

(A) by striking ''no person or agency may'' and inserting ''a person or agency shall not'';

(B) by striking ''doing any of the following with respect to information'' and inserting ''undertaking any of the following law enforcement activities''; and

(C) by striking paragraphs (1) through (3) and inserting the following:

''(1) Notifying the Federal Government regarding the presence of inadmissible and deportable aliens who are encountered by law enforcement personnel of a State or political subdivision of a State.

''(2) Complying with requests for immigration-related information from Federal law enforcement.

''(3) Complying with detainers issued by the Department of Homeland Security.

''(4) Issuing policies in the form of a resolutions, ordinances, administrative actions, general or special orders, or departmental policies that violate Federal immigration law or restrict a State or political subdivision of a State from complying with Federal immigration law or coordinating with Federal immigration law enforcement.''; and

(4) by adding at the end the following:

''(d) COMPLIANCE.—

''(1) IN GENERAL.—A State, or a political subdivision of a State, that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision of the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not be eligible to receive, for a minimum period of 1 year—

''(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or the 'Cops on the Beat' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.); or

''(B) any other law enforcement or Department of Homeland Security grant.

''(2) ANNUAL DETERMINATION AND REPORT.—The Secretary shall—

''(A) annually determine which States or political subdivisions of a State are ineligible for certain Federal funding pursuant to paragraph (1); and

''(B) submit a report to Congress by March 1st of each year that lists such States and political subdivisions.

''(3) OTHER REPORTS.—The Attorney General shall issue a report concerning the compliance of any particular State or political subdivision at the request of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives.

''(4) CERTIFICATION.—Any jurisdiction that is described in paragraph (1) shall be ineligible to receive Federal financial assistance described in paragraph (1) until after the Attorney General certifies that the jurisdiction no longer prohibits its law enforcement officers from assisting or cooperating with Federal immigration law enforcement.

''(5) REALLOCATION.—Any funds that are not allocated to a State or to a political subdivision of a State pursuant to paragraph (1) shall be reallocated to States, or to political subdivisions of States, that comply with such subsection.

''(e) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that subsection (d) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), as added by this section, shall take effect beginning on the date that is 1 year after the date of the enactment of this Act.

SA 1463. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1137, line 20, strike ''(8)'' and insert the following:

''(8) RELATED WORK.—An alien admitted as a nonimmigrant agricultural worker for employment as a sheepherder or goat herder may also perform other work that is typically performed in the range production of livestock, but is not typically listed on the application for employment certification, if such work—

''(A) involves farm or ranch chores related to the production and husbandry of sheep and or goats, including—

''(i) herding, feeding, and guarding flocks;

''(ii) examining animals for illness and administering treatments, as instructed;

''(iii) handling irrigation equipment; and

''(iv) assisting in lambing, docking, and shearing; and

''(B) is related to the range production of livestock for which the alien was sought.

''(9)

SA 1464. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1137, strike lines 4 through 8 and insert the following:

''(5) HOUSING.—

''(A) IN GENERAL.—The Secretary shall allow for the provision of—

''(i) housing or a housing allowance by employers in Special Procedures Industries; and

''(ii) housing suitable for workers employed in remote locations.

''(B) SHEEPHERDERS AND GOAT HERDERS.—An alien admitted as a nonimmigrant agricultural worker for employment as a sheepherder or goat herder shall be provided temporary mobile housing in accordance with part III of 'Special Procedures: Labor Certification Process for Sheepherders and Goatherders Under the H-2A Program', as adopted and enforced by the Department of Labor before June 14, 2011, for the duration of employment in sheepherding and goat herding occupations.

SA 1465. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1137, line 20, strike ''(8)'' and insert the following:

''(8) EXEMPTION FROM NUMERICAL LIMITATIONS.—An nonimmigrant agricultural worker employed in a Special Procedures Industry shall be not subject to the numerical limitations set forth in subsection (c).

''(9)

SA 1466. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1389, beginning on line 21, strike ''who'' and all that follows through page 1390, line 7, and insert the following: ''who fails to query the System to verify the identity and work authorized status of an individual.''.

SA 1467. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PREEMPTION OF STATE OR LOCAL CRIMINAL LAWS.

Nothing in this Act may be construed as preempting any State or local criminal law.

SA 1468. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 49, strike line 19 and all that follows through page 50, line 16.

SA 1469. Mr. MCCAIN (for himself, Mr. CARDIN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1603, after line 25, add the following:

(d) IDENTIFICATION OF ALIENS RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the President shall submit to the appropriate congressional committees a list identifying each alien who the President determines, based on credible information—

(A) planned, ordered, assisted, aided and abetted, committed or otherwise knowingly participated in, including through command responsibility, extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking—

(i) to expose illegal activity carried out by government officials;

(ii) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, including—

(I) the freedoms of religion, expression, association, and assembly; and

(II) the rights to a fair trial and to democratic elections; or

(iii) acted as an agent of or on behalf of a person in a matter relating to an activity described in this subparagraph;

(B) planned, ordered, assisted, aided and abetted, committed or otherwise knowingly participated in, including through command responsibility, widespread or systematic violence against any civilian population based in whole or in part on race, color, descent, sex, disability, membership in an indigenous group, language, religion, political opinion, national origin, ethnicity, membership in a particular social group, birth, sexual orientation, or gender identity, or who attempted or conspired to commit an act described in this subparagraph; or

(C) planned, ordered, assisted, aided and abetted, committed or otherwise participated in, including through command responsibility, war crimes, crimes against humanity, or other serious violations of human rights, or who attempted or conspired to commit an act described in this subparagraph.

(2) FORM OF LIST.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the list required by paragraph (1) shall be submitted in unclassified form.

(B) CLASSIFIED ANNEX.—The list required by paragraph (1) may include a classified annex if the President—

(i) determines that it is necessary for the national security interests of the United States to do so; and

(ii) before submitting the list including a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including each person in the classified annex.

(3) DURESS.—The President shall not include an alien on the list required under paragraph (1) if the President determines that the alien's actions were committed under duress. In determining whether an alien was subject to duress, the President may consider relevant factors, including the age of the alien at the time such actions were committed.

(4) UPDATES.—The President shall submit to the appropriate congressional committees an update of the list required under paragraph (1) as additional relevant information becomes available.

(5) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required under paragraph (1), the President shall consider—

(A) information provided by the chairperson or ranking member of each of the appropriate congressional committees; and

(B) credible information obtained by other countries and nongovernmental organizations that monitor human rights abuses.

(6) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—Any unclassified portion of the list required under paragraph (1) shall be made available to the public and published in the Federal Register.

(B) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish any portion of the list described in subparagraph (A) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(7) REMOVAL FROM LIST.—An alien may be removed from the list required under paragraph (1) if the President determines, and reports to the appropriate congressional committees not later than 15 days before the removal of the alien from the list, that—

(A) credible information exists that the alien did not engage in the activity for which the alien was added to the list; or

(B) the alien has been prosecuted appropriately for the activity in which the alien engaged.

(e) INADMISSIBILITY.—

(1) INELIGIBILITY FOR VISAS.—An alien is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States if the alien is on the list required by subsection (d)(1).

(2) CURRENT VISAS REVOKED.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of any alien who would be ineligible to receive such a visa or documentation under paragraph (1).

(3) WAIVER FOR NATIONAL SECURITY INTERESTS.—The Secretary of State may waive the application of paragraph (1) or (2) in the case of an alien if—

(A) the Secretary determines that such a waiver is in the national security interests of the United States; and

(B) before granting such a waiver, the Secretary provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(f) REGULATORY AUTHORITY.—The President shall prescribe such regulations as may be necessary to carry out subsections (d) and (e), including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(g) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Homeland Security shall jointly submit to the appropriate congressional committees a report, in unclassified or classified form, that describes the actions taken to carry out this section, including—

(1) the number of persons added to or removed from the list required under section (d)(1) during the year preceding the report;

(2) the dates on which such persons were added or removed;

(3) the reasons for adding or removing such persons; and

(4) if few or no such persons have been added to the list during that year, the reasons for not adding more such persons to the list.

(h) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

SA 1470. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 945, strike line 21 and all that follows through page 946, line 13 and insert the following:

''(III) an offense, unless the applicant demonstrates, by clear and convincing evidence, that the applicant is innocent of the offense, that applicant is the victim of such offense, or that no offense occurred, which is classified as a misdemeanor in the convicting jurisdiction which involved—

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

''(bb) child abuse and neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

''(cc) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

''(dd) the violation of a protection order (as defined in section 2266 of title 18, United States Code); or

''(ee) driving while intoxicated (as defined in section 164 of title 23, United States Code);

''(IV) 3 or more misdemeanor offenses (other than minor traffic offenses or State or local offenses for which an essential element was the alien's immigration status, or a violation of this Act);

''(V) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) (excluding the paragraphs set forth in clause (ii)) or removable under section 237(a), except as provided in paragraph (3) of section 237(a); or

''(VI) unlawful voting (as defined

On page 948, beginning on line 13, strike ''subparagraph (A)(i)(III) or''.

On page 955, strike lines 1 through 5 and insert the following:

''(C) INTERVIEW.—In order to determine whether an applicant meets the eligibility requirements set forth in subsection (b), the Secretary—

''(i) shall interview each applicant who—

''(I) has been convicted of any criminal offense;

''(II) has previously been deported; or

''(III) without just cause, has failed to respond to a notice to appear as required under section 239; and

''(ii) may, in the sole discretion of the Secretary, interview any other applicant for registered provisional immigrant status under this section.

SA 1471. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 859, strike line 24 and all that follows through page 860, line 6, and insert the following:

(a) ESTABLISHMENT.—

(1) IN GENERAL.—No later than the date that is 1 year after the date of the enactment of this Act, there is established a commission to be known as the ''Southern Border

Security Commission'' (referred to in this section as the ''Commission'').

(2) EXPENDITURES AND REPORT.—Only if the Secretary cannot certify that the Department has achieved effective control in all border sectors for at least 1 fiscal year before the date that is 5 years after the date of the enactment of this Act—

(A) the report described in subsection (d) shall be submitted; and

(B) 60 days after such report is submitted, the funds made available in section 6(a)(3)(A)(ii) may be expended (except as provided in subsection (i)).

On page 861, strike lines 15 through 19, and insert the following:

(2) QUALIFICATIONS FOR APPOINTMENT.—The members of the Commission shall be distinguished individuals noted for their knowledge and experience in the field of border security at the Federal, State, or local level and may also include reputable individuals who are landowners in the Southern border area with first-hand experience with border issues.

On page 861, lines 22 and 23, strike ''60 days after the Secretary makes a certification described in subsection (a).'' and insert ''no later than 1 year after the date of the enactment of this Act.''.

On page 862, strike lines 11 through 20, and insert the following:

(c) DUTIES.—

(1) IN GENERAL.—The Commission's primary responsibility shall be to make recommendations to the President, the Secretary, and Congress on policies to achieve and maintain the border security goal specified in section 3(b) by achieving and maintaining—

(A) the capability to engage in, and engaging in, persistent surveillance in border sectors along the Southern border; and

(B) an effectiveness rate of 90 percent or higher in all border sectors along the Southern border.

(2) PUBLIC HEARINGS.—

(A) IN GENERAL.—The Commission shall convene at least 1 public hearing each year on border security.

(B) REPORT.—The Commission shall provide a summary of each hearing convened pursuant to subparagraph (A) to the entities set out in subparagraphs (A) through (G) of section 5(a)(1).

On page 862, beginning on line 21, strike ''Not later than 180 days after the end of the 5-year period described in subsection (a),'' and insert ''If required pursuant to subsection (a)(2)(B) and in no case earlier than the date that is 5 years after the date of the enactment of this Act,''.

On page 864, strike lines 5 through 7, and insert the following:

(h) TERMINATION.—The Commission shall terminate 10 years after the date of the enactment of this Act.

(i) FUNDING.—The amounts made available under section 6(a)(3)(A)(ii) to carry out programs, projects, and activities recommended by the Commission may not be expended prior to the date that is 60 days after a report required by subsection (d) is submitted and, in no case, prior to 60 days after the date that is 5 years after the date of the enactment of this Act, except that funds made available under section 6(a)(3)(A)(ii) may be used for minimal administrative expenses directly associated with convening the public hearings required by subsection (c)(2)(A) and preparing and providing summaries of such hearings required by subsection (c)(2)(B).

On page 876, line 21, strike ''3(b)'' and insert ''3(b), and for the administrative expenses directly associated with convening the public hearings required by section 3(c)(2)(A) and preparing and providing summaries of such hearings required by section 3(c)(2)(B).''.

SA 1472. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 898, after line 22, add the following:

(e) STUDY AND REPORT ON THE USE OF NONFEDERAL ROADS BY U.S. CUSTOMS AND BORDER PROTECTION.—The Comptroller General of the United States shall conduct a study of, and prepare a report on—

(1) the extent to which U.S. Customs and Border Protection (referred to in this subsection as ''CBP'') uses nonfederal roads along the Southern border, including State, county, or locally-maintained primitive roads;

(2) the places where CBP use represents a significant percentage of the use of the roads described in paragraph (1);

(3) the extent to which the CBP use of such roads causes increased degradation and increased maintenance costs for State, county, or local entities; and

(4) possible ways for CBP to assist State, county, and local entities with the maintenance of the nonfederal roads adversely affected by CBP use.

SA 1473. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 946, between lines 12 and 13, insert the following:

''(V) an offense for driving under the influence or driving while intoxicated; or

SA 1474. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INELIGIBILITY FOR UNITED STATES CITIZENSHIP OF PERSONS WHO HAVE PREVIOUSLY BEEN WILLFULLY IN UNITED STATES IN UNLAWFUL STATUS.

Notwithstanding any other provision of law, no person who is or has previously been willfully present in the United States while not in lawful status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be eligible for United States citizenship.

SA 1475. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1829, strike line 7, and all that follows through page 1833, line 2, and insert the following:

''(i) For the first year aliens are admitted as W nonimmigrants, 200,000.

''(ii) For the second such year, 250,000.

''(iii) For the third such year, 300,000.

''(iv) For the fourth such year, 350,000.

''(v) For each year after the fourth such year, the level calculated for that year under paragraph (2).

''(B) DATES.—The first year referred to in subparagraph (A)(i) shall begin on April 1, 2015, and end on March 31, 2016, unless the Secretary determines that such first year shall begin on October 1, 2015, and end on September 30, 2016.

''(2) YEARS AFTER YEAR 4.—

''(A) CURRENT YEAR AND PRECEDING YEAR.—In this paragraph—

''(i) the term current year shall refer to the 12-month period for which the calculation of the numerical limits under this paragraph is being performed; and

''(ii) the term preceding year shall refer to the 12-month period immediately preceding the current year.

''(B) NUMERICAL LIMITATION.—Subject to subparagraph (D), the number of registered positions that may be approved by the Secretary for a year after the fourth year referred to in paragraph (1)(A)(iv) shall be equal to the sum of—

''(i) the number of such registered positions available under this paragraph for the preceding year; and

''(ii) the product of—

''(I) the number of such registered positions available under this paragraph for the preceding year; multiplied by

''(II) the index for the current year calculated under subparagraph (C).

''(C) INDEX.—The index calculated under this subparagraph for a current year equals the sum of—

''(i) one-fifth of a fraction—

''(I) the numerator of which is the number of registered positions that registered employers applied to have approved under subsection (e)(1) for the preceding year minus the number of registered positions approved under subsection (e) for the preceding year; and

''(II) the denominator of which is the number of registered positions approved under subsection (e) for the preceding year;

''(ii) one-fifth of a fraction—

''(I) the numerator of which is the number of registered positions the Commissioner recommends be available under this subparagraph for the current year minus the number of registered positions available under this subsection for the preceding year; and

''(II) the denominator of which is the number of registered positions available under this subsection for the preceding year;

''(iii) three-tenths of a fraction—

''(I) the numerator of which is the number of unemployed United States workers for the preceding year minus the number of unemployed United States workers for the current year; and

''(II) the denominator of which is the number of unemployed United States workers for the preceding year; and

''(iv) three-tenths of a fraction—

''(I) the numerator of which is the number of job openings as set out in the Job Openings and Labor Turnover Survey of the Bureau of Labor Statistics for the current year minus such number of job openings for the preceding year; and

''(II) the denominator of which is the number of such job openings for the preceding year;

''(D) MINIMUM AND MAXIMUM LEVELS.—The number of registered positions calculated under subparagraph (B) for a 12-month period may not be less than 200,000 nor more than 400,000.

SA 1476. Ms. HEITKAMP (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1122. SECURITY AND TRADE FACILITATION ON THE NORTHERN BORDER.

(a) AUTHORITY TO ENTER INTO LAW ENFORCEMENT PARTNERSHIPS WITH FOREIGN GOVERNMENTS.—Section 629(g) of the Tariff Act of 1930 (19 U.S.C. 1629(g)) is amended to read as follows:

''(g) PRIVILEGES AND IMMUNITIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person designated to perform the duties of an officer of the customs pursuant to section 401(i) shall be entitled to the same privileges and immunities as an officer of the customs with respect to any actions taken by the person in the performance of those duties.

''(2) FOREIGN LAW ENFORCEMENT OFFICERS.—A law enforcement officer of a foreign government designated to perform the duties of an officer of the customs pursuant to section 401(i) shall be entitled to such privileges and immunities as are afforded to the law enforcement officer pursuant to the law of the United States or an agreement between the United States and the foreign government authorized under paragraph (3).

''(3) AUTHORIZATION OF AGREEMENTS WITH FOREIGN GOVERNMENTS.—The Secretary of State, in coordination with the Secretary of Homeland Security, may enter into an agreement with the government of a foreign country to extend to law enforcement officers of that government that are designated to perform the duties of an officer of the customs under section 401(i) such privileges and immunities as are necessary for those law enforcement officers to carry out those duties.''.

(b) STATIONING OF FOREIGN LAW ENFORCEMENT OFFICERS IN THE UNITED STATES.—

(1) IN GENERAL.—Subtitle H of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 890A. STATIONING OF FOREIGN LAW ENFORCEMENT OFFICERS AND ASSOCIATED PERSONNEL.

''(a) IN GENERAL.—The Secretary or the Attorney General may authorize the stationing of law enforcement officers and associated personnel of a foreign government in the United States for the purpose of enhancing law enforcement cooperation and operations with the foreign government.

''(b) EXTENSION OF PRIVILEGES AND IMMUNITIES.—The Secretary of State, in coordination with the Secretary or the Attorney General, or both, as appropriate, may extend privileges and immunities, as negotiated pursuant to an international agreement or treaty with a particular foreign government, to law enforcement officers and associated personnel of the foreign government stationed in the United States in accordance with subsection (a) as may be necessary for those law enforcement officers and associated personnel to carry out the functions authorized under subsection (a).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 890 the following:

''Sec. 890A. Stationing of foreign law enforcement officers and associated personnel.''.

(c) FEDERAL JURISDICTION OVER PERSONNEL WORKING AS PART OF BORDER SECURITY INITIATIVES.—

(1) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''§ 1925. Offenses committed by personnel working in furtherance of border security initiatives outside the United States

''(a) OFFENSE.—It shall be unlawful for any individual who is employed by the Department of Homeland Security or the Department of Justice and stationed or deployed in a foreign country in furtherance of a border security initiative pursuant to a treaty, agreement, or other arrangement to engage in conduct that would constitute an offense under Federal law if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States.

''(b) PENALTY.—Any individual who violates subsection (a) shall be punished as provided for that offense.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''1925. Offenses committed by personnel working in furtherance of border security initiatives outside the United States.''.

SA 1477. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 2323. RELIEF FOR VICTIMS OF NOTARIO FRAUD.

(a) WITHDRAWAL OF SUBMISSION.—

(1) IN GENERAL.—An alien may withdraw, without prejudice, an application or other submission for immigration status or other immigration benefit if the alien demonstrates the application or submission was prepared or submitted by an individual engaged in the unauthorized practice of law or immigration practitioner fraud.

(2) CORRECTED FILINGS.—The Secretary, the Secretary of State, and the Attorney General shall develop a mechanism for submitting corrected applications or other submissions withdrawn under paragraph (1).

(b) WAIVER OF BAR TO REENTRY.—Section 212(a)(9)(B)(iii) (8 U.S.C. 1182(a)(9)(B)(ii)), as amended by section 2315(a), is further amended by adding at the end the following:

''(VII) IMMIGRATION PRACTITIONER FRAUD.—Clause (i) shall not apply to an alien who departed the United States based on the erroneous advice of an individual engaged in the unauthorized practice of law or immigration practitioner fraud.''.

(c) REVIEW OF DENIAL OF RPI STATUS.—Section 245B of the Immigration and Nationality Act, as added by section 2101(a), is amended by adding at the end of subsection (c)(11) the following:

''(C) REVIEW FOR IMMIGRATION PRACTITIONER FRAUD.—The Secretary shall establish a procedure for the review or reconsideration of an application for registered provisional immigrant status that was denied if the applicant demonstrates that the application was prepared or submitted by an individual engaged in the unauthorized practice of law or immigration practitioner fraud.''.

SA 1478. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1565, strike line 14 and insert the following:

(c) OUTREACH TO IMMIGRANT COMMUNITIES.—

(1) AUTHORITY TO CONDUCT.—The Attorney General, acting through the Director of the Executive Office for Immigration Review, shall carry out a program to educate aliens regarding who may provide legal services and representation to aliens in immigration proceedings through cost-effective outreach to immigrant communities.

(2) PURPOSE.—The purpose of the program authorized under paragraph (1) is to prevent aliens from being subjected to fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens.

(3) AVAILABILITY.—The Attorney General shall, to the extent practicable, make information regarding fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens available—

(A) at appropriate offices that provide services or information to aliens; and

(B) through websites that are—

(i) maintained by the Attorney General; and

(ii) intended to provide information regarding immigration matters to aliens.

(4) FOREIGN LANGUAGE MATERIALS.—Any educational materials used to carry out the program authorized under paragraph (1) shall, to the extent practicable, be made available to immigrant communities in appropriate languages, including English and Spanish.

(5) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2014 through 2018, there is authorized to be appropriated $1,000,000 from the Comprehensive Immigration Reform Trust Fund established under section 6 to carry out this subsection.

(d) DEFINITIONS.—In this section:

SA 1479. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1154, between lines 20 and 21, insert the following:

''(J) HUMANITARIAN CRITERIA.—An alien shall be allocated 10 points if the alien can demonstrate that there is a pattern in the alien's country of nationality, or, if the alien is stateless, in the country of the alien's last habitual residence, of discrimination or discriminatory practices against a group of individuals similarly situated to the alien on account of race, religion, nationality, membership in a particular social group, or political opinion.

SA 1480. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1154, between lines 20 and 21, insert the following:

''(J) WOMEN WHO ARE NATIONALS OF COUNTRIES THAT DISCRIMINATE AGAINST WOMEN.—A female alien who is a national of a country that restricts the access of women to educational or employment opportunities or discourages women from pursuing such opportunities, or that otherwise discriminates against women based on sex or gender, shall be allocated 10 points.

SA 1481. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for

comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 896, between lines 10 and 11, insert the following:

SEC. 10. IMMIGRATION REFORM IMPLEMENTATION COUNCIL.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a coordinating body, to be known as the Immigration Reform Implementation Council (in this section referred to as the ''Implementation Council''), to oversee implementation of those portions of this Act and the amendments made by this Act that lie within the responsibilities of the Department.

(b) CHAIRPERSON.—The Deputy Secretary of Homeland Security shall serve as Chairperson of the Implementation Council, reporting to and under the authority of the Secretary and in keeping with the authorities specified by the Homeland Security Act of 2002 (Public Law 107–296).

(c) MEMBERSHIP.—The members of the Implementation Council shall include the following:

(1) The Commissioner for Customs and Border Protection.

(2) The Assistant Secretary for Immigration and Customs Enforcement.

(3) The Director of U.S. Citizenship and Immigration Services.

(4) The Under Secretary for Management.

(5) The General Counsel of the Department.

(6) The Assistant Secretary for Policy.

(7) The Director of the Office of International Affairs.

(8) The Officer for Civil Rights and Civil Liberties.

(9) The Privacy Officer.

(10) The Director of the Office of Biometric Identity Management.

(11) Other appropriate officers or employees of the Department, as determined by the Secretary or the Chairperson of the Implementation Council.

(d) DUTIES.—The Implementation Council shall—

(1) meet regularly to coordinate implementation of this Act and the amendments made by this Act, with particular regard to—

(A) broad policy coordination of immigration reform under this Act and the amendments made by this Act;

(B) policy and operational concerns regarding the Comprehensive Immigration Reform Trust Fund established under section 6;

(C) timely development of regulations required by this Act or an amendment made by this Act and related guidance; and

(D) participating in interagency decisionmaking with the Executive Office of the President, the Office of Management and Budget, the Department of State, the Department of Justice, the Department of Labor, and other agencies regarding implementation of this Act and the amendments made by this Act;

(2) establish liaisons to other agencies responsible for implementing significant portions of this Act or the amendments made by this Act, including the Department of State, the Department of Justice, the Department of Labor;

(3) establish liaisons to key stakeholders, including employer associations and labor unions;

(4) provide regular briefings to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and other appropriate committees of Congress;

(5) provide timely information regarding Department-wide implementation of this Act and the amendments made by this Act through a single, centralized location on the website of the Department; and

(6) conduct such other activities as the Secretary or Chairperson of the Implementation Council determine appropriate.

(e) MAINTENANCE OF COUNCIL.—The Implementation Council shall terminate at the end of the period necessary for the Department to implement substantially the responsibilities of the Department under this Act and the amendments made by this Act, as determined by the Secretary, but in no event earlier than 10 years after the date of enactment of this Act.

(f) STAFF.—The Deputy Secretary of Homeland Security shall appoint a full-time executive director and such other employees as are necessary for the Implementation Council.

(g) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary under section 6(b) may be used to support the activities of the Implementation Council in implementing this Act and the amendments made by this Act.

SA 1482. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON FINDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds shall be made available to carry out the Patient Protection and Affordable Care Act (Public Law 111-148) or title I and subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), or the amendments made by either such Act, until such time as there are no aliens remaining in registered provisional immigrant status.

(b) LIMITATION.—No entitlement to benefits under any provision referred to in subsection (a) shall remain in effect on and after the date of the enactment of this Act until such time as there are no aliens remaining in registered provisional immigrant status.

SA 1483. Mr. JOHNSON of Wisconsin (for himself, Mr. KING, Mr. BLUNT, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1741, strike line 22 and all that follows through line 22 on page 1742, and insert the following:

''(e) J-1 VISA EXCHANGE VISITOR PROGRAM FEE.—In addition to the fees authorized under subsection (a), the Secretary of State shall collect from designated program sponsors, a $100 fee for each nonimmigrant entering under the Summer Work Travel program conducted by the Secretary of State pursuant to the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–761). Fees collected under this subsection shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act. The Secretary of Homeland Security, in conjunction with the Secretary of State, shall promulgate regulations ensuring that a fee required by this subsection is paid on behalf of all summer work travel nonimmigrants under section 101(a)(15)(J) seeking entry into the United States.''.

SA 1484. Mr. JOHNSON of Wisconsin (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4407.

SA 1485. Ms. HEITKAMP (for herself, Mr. TESTER, Mr. BAUCUS, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 897, strike lines 14 through 18 and insert the following:

(b) STUDY AND REPORT ON NORTHERN BORDER.—

(1) LIMITATION ON RESOURCE SHIFTING.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Secretary may not reduce the levels of Department personnel, resources, technological assets or funding for operations on the Northern border below such levels as of the date of the enactment of this Act, including by reassigning or stationing U.S. Customs and Border Protection Officers and U.S. Border Patrol Agents from the Northern border to the Southern border.

(B) LIMITED PERSONNEL TRANSFER AUTHORITY.—Notwithstanding subparagraph (A), the Secretary may reassign or station personnel from a location along the Northern border to the Southern border if—

(i) the most recent report submitted under paragraph (3) indicates excess personnel exist at such Northern border location beyond what is needed to meet and maintain appropriate staffing levels; and

(ii) the Secretary notifies the appropriate congressional committees and the Governor of each State from which such personnel will be transferred.

(C) TEMPORARY EMERGENCY AUTHORITY.—

(i) IN GENERAL.—The Secretary may transfer personnel from along the Northern border if the Secretary notifies and provides justification to the appropriate congressional committees that an emergency need due to a critical personnel shortage exists in the location or locations where the Secretary proposes to transfer the personnel to, and that the location or locations from which the personnel are to be transferred, has at the time of the proposed transfer a level of personnel that is greater than the level needed to meet and maintain the mission of Department along the Northern Border.

(ii) DURATION OF AUTHORITY.—Any authority exercised under clause (i) shall extend until the next report required under paragraph (3) is submitted, but may be extended for the duration of one or more reporting periods provided that the most recent report so submitted states that the transfer was appropriate and that the border region from which the personnel were transferred currently has a sufficient level of personnel.

(2) STUDY REQUIRED.—

(A) IN GENERAL.—The Secretary shall conduct a study on the Northern border focusing on the following priorities:

(i) Ensuring the efficient flow of cross-border economic and personal traffic between States along the Northern border and Canada.

(ii) Preventing individuals from illegally crossing over the Northern border.

(iii) Preventing the flow of illegal goods and illicit drugs across the Northern Border.

(iv) Ensuring an appropriate level of national security measures is in place to thwart acts of terrorism.

(B) SCOPE.—The study required under this paragraph shall include the following:

(i) An examination of the strategies that the Department is using to secure the border, including an assessment of their current effectiveness and recommendations on how their effectiveness could be enhanced.

(ii) A determination of the appropriate personnel, resource, technological asset, and funding requirements for all Department elements deployed on the Northern border, including interior enforcement. This should include a description of measures the Department needs to take to either meet those needs or shift excess personnel, resources, technological assets, or funding to a different region as well as a description of the challenges the Department faces in meeting the identified needs or shifting excess personnel, resources, technological assets, or funding.

(iii) A State-by-State assessment of the Northern border States and a description of the personnel, resource, technological asset, and funding needs for each location as determined by the Department.

(iv) With respect to the four priorities described in subparagraph (A), a description of the following issues:

(I) The use of technology, including low-altitude radar, ground-based fiber optic sensors, and unmanned aircraft, for each of the Department elements involved in Northern border operations, including whether the elements need additional technological assets.

(II) The impact of operation and maintenance funds on Northern border protection, including whether elements have sufficient operation and maintenance funds to accomplish their missions, and if additional local flexibility regarding funds is needed to accomplish core Department missions.

(III) Strategies for dealing with smuggling operations of illegal goods and illicit drugs, both at ports and in non-port areas.

(IV) Options for the Department to develop and enhance local, State, and tribal partnerships along the Northern border.

(V) The geographic challenges of the Northern border.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to the appropriate congressional committees a report on the study conducted under paragraph (2).

(B) CONTENT.—The report required under subparagraph (A) shall include the following elements:

(i) The findings of the study conducted under paragraph (2).

(ii) Input from other Federal agencies operating in the Northern border States, such as the Bureau of Indian Affairs, the Federal Bureau of Investigations, the Drug Enforcement Agency, the Food and Drug Administration, and the Bureau of Alcohol, Tobacco, Firearms and Explosives, that could be impacted by any reallocation, increase, or decrease of Department personnel, resources, technological assets, or funding along the Northern border.

(iii) A description of any changes along the Southern border that are impacting the Northern border.

(iv) Recommendations for enhancing security along the Northern border.

(v) An explanation of why the Department is not implementing any recommendations contained in the study.

(vi) Recommendations for additional legislation necessary to implement recommendations contained in the study.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(A) the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(B) the Committee on the Judiciary, the Committee on Homeland Security, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives.

SA 1486. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1492, strike line 13 and all that follows through page 1493, line 24, and insert the following:

''(B) the alien, at a reasonable time after service of the charging document on the alien, shall automatically receive from the Department of Homeland Security a complete copy of all relevant documents in the possession of the Department of Homeland Security, including all documents (other than documents protected from disclosure by privilege, including national security information referenced in subparagraph (C), law enforcement sensitive information, and information prohibited from disclosure pursuant to any other provision of law) contained in the file maintained by the Department of Homeland Security that includes information with respect to all transactions involving the alien during the immigration process (commonly referred to as an 'A file'), and all documents pertaining to the alien that the Department of Homeland Security has obtained or received from other government agencies, unless the alien waives the right to receive such documents by submitting to the Department of Homeland Security an executed knowing and voluntary waiver in a language that he or she understands fluently;''; and

(D) by adding at the end the following:

''The Government is not required to provide counsel to aliens under this paragraph. However, the Attorney General may, in the Attorney General's sole and unreviewable discretion, appoint or provide counsel at Government expense to aliens in immigration proceedings.''; and

(2) by adding at the end the following:

''(8) FAILURE TO PROVIDE ALIEN WITH REQUIRED DOCUMENTS.—The immigration judge may set reasonable time limits for the Department of Homeland Security to provide the documents specified in paragraph (4)(B). In the absence of a waiver by the alien, a removal proceeding may not proceed until the alien has received such documents. The immigration judge shall consider terminating the proceeding without prejudice if the Department of Homeland Security does not provide the documents to the alien within such time limits.''.

SA 1487. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 866, between lines 11 and 12, insert the following:

(D) the resources and other measures that are necessary to achieve a 50 percent reduction in the average wait times for commercial and passenger vehicles at land ports of entry along Southern border and the Northern border.

On page 897, line 9, strike ''3,500'' and insert ''5,000 (not less than 50 percent of which shall be designated to serve on all inspection lanes (primary, secondary, incoming, and outgoing) and enforcement teams at land ports of entry on the Northern border and the Southern border)''.

At the end of title I, add the following:

SEC. 1122. EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING.

(a) STAFF ENHANCEMENTS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection on such date, the Secretary shall, by not later than September 30, 2018, and subject to the availability of appropriations for such purpose, hire, train, and assign to duty 350 additional full-time support staff, compared to the number of such employees on the date of the enactment of this Act, to be distributed among all United States ports of entry.

(b) WAIVER OF PERSONNEL LIMITATION.—The Secretary may waive any limitation on the number of full-time equivalent personnel assigned to the Department in order to fulfill the requirements under subsection (a).

(c) REPORTS TO CONGRESS.—

(1) OUTBOUND INSPECTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the Department's plans for ensuring the placement of sufficient officers of U.S. Customs and Border Protection on outbound inspections, and adequate outbound infrastructure, at all Southern and Northern border land ports of entry.

(2) AGRICULTURAL SPECIALISTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall submit to the appropriate committees of Congress a report that contains the Department's plans for ensuring the placement of sufficient agriculture specialists at all Southern border and Northern border land ports of entry.

(3) ANNUAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the Department's implementation plan for staff enhancements required under subsection (a);

(B) includes the number of additional personnel assigned to duty at land ports of entry by location; and

(C) describes the methodology used to determine the distribution of additional personnel to address northbound and southbound cross-border inspections.

(4) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

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

(B) the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

(d) SECURE COMMUNICATION.—The Secretary shall ensure that each officer of U.S. Customs and Border Protection is equipped with a secure 2-way communication and satellite-enabled device, supported by system interoperability, that allows such officers to communicate between ports of entry and inspection stations, and with other Federal, State, local, and tribal law enforcement entities.

(e) BORDER AREA SECURITY INITIATIVE GRANT PROGRAM.—The Secretary shall establish a grant program for the purchase of detection equipment at land ports of entry and mobile, hand-held, 2-way communication and biometric devices for State and local law enforcement officers serving on the Southern border and Northern border.

(f) PORT OF ENTRY INFRASTRUCTURE IMPROVEMENTS.—In order to aid in the enforcement of Federal customs, immigration, and agriculture laws, the Commissioner responsible for U.S. Customs and Border Protection may—

(1) design, construct, and modify United States ports of entry, living quarters for officers, agents, and personnel, and other structures and facilities, including those owned by municipalities, local governments, or private entities located at land ports of entry;

(2) acquire, by purchase, donation, exchange, or otherwise, land or any interest in land determined to be necessary to carry out the Commissioner's duties under this section; and

(3) construct additional ports of entry along the Southern border and the Northern border.

(g) CONSULTATION.—

(1) LOCATIONS FOR NEW PORTS OF ENTRY.—The Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of State, the International Boundary and Water Commission, the International Joint Commission, and appropriate representatives of States, local governments, Indian tribes, and property owners—

(A) to determine locations for new ports of entry; and

(B) to minimize adverse impacts from such ports on the environment, historic and cultural resources, commerce, and quality of life for the communities and residents located near such ports.

(2) SAVINGS PROVISION.—Nothing in this subsection may be construed—

(A) to create any right or liability of the parties described in paragraph (1);

(B) to affect the legality and validity of any determination under this Act by the Secretary; or

(C) to affect any consultation requirement under any other law.

(h) AUTHORITY TO ACQUIRE LEASEHOLDS.—Notwithstanding any other provision of law, the Secretary may acquire a leasehold interest in real property, and may construct or modify any facility on the leased property, if the Secretary determines that the acquisition of such interest, and such construction or modification, are necessary to facilitate the implementation of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of the fiscal years 2014 through 2018, $1,000,000,000, of which $5,000,000 shall be used for grants authorized under subsection (e).

(j) OFFSET; RESCISSION OF UNOBLIGATED FEDERAL FUNDS.—

(1) IN GENERAL.—There is hereby rescinded, from appropriated discretionary funds that remain available for obligation as of the date of the enactment of this Act (other than the unobligated funds described in paragraph (4)), amounts determined by the Director of the Office of Management and Budget such that the aggregate amount of the rescission equals the amount authorized to be appropriated under subsection (i).

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(A) the appropriation accounts from which the rescission under paragraph (1) shall apply; and

(B) the amount of the rescission that shall be applied to each such account.

(3) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress and to the Secretary of the Treasury that describes the accounts and amounts determined and identified under paragraph (2) for rescission under paragraph (1).

(4) EXCEPTIONS.—This subsection shall not apply to unobligated funds of—

(A) the Department of Defense;

(B) the Department of Veterans Affairs; or

(C) the Department of Homeland Security.

SEC. 1123. CROSS-BORDER TRADE ENHANCEMENT.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the General Services Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.

(3) PERSON.—The term ''person'' means an individual or any corporation, partnership, trust, association, or any other public or private entity, including a State or local government.

(b) AGREEMENTS AUTHORIZED.—Notwithstanding any other provision of law, upon the request of any persons, the Administrator may, for purposes of facilitating construction, alteration, operation or maintenance of a new or existing facility or other infrastructure at a port of entry, enter into cost-sharing or reimbursement agreements or accept a donation of real and personal property (including monetary donations) and nonpersonal services.

(c) EVALUATION PROCEDURES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall establish procedures for evaluating a proposal submitted by any person under subsection (b)—

(A) to enter into a cost-sharing or reimbursement agreement with the Administration to facilitate the construction, alteration, operation, or maintenance of a new or existing facility or other infrastructure at a land border port of entry; or

(B) to provide the Administration with a donation of real and personal property (including monetary donations) and nonpersonal services to be used in the construction, alteration, operation, or maintenance of a facility or other infrastructure at a land border port of entry under the control of the Administration.

(2) SPECIFICATION.—Donations made under paragraph (1)(B) may specify—

(A) the land port of entry facility or facilities in support of which the donation is being made; and

(B) the time frame in which the donated property or services shall be used.

(3) RETURN OF DONATION.—If the Administrator does not use the property or services donated pursuant to paragraph (1)(B) for the specific facility or facilities designated pursuant to paragraph (2)(A) or within the time frame specified pursuant to paragraph (2)(B), such donated property or services shall be returned to the person that made the donation.

(4) DETERMINATION AND NOTIFICATION.—

(A) IN GENERAL.—Not later than 90 days after receiving a proposal pursuant to subsection (b) with respect to the construction or maintenance of a facility or other infrastructure at a land border port of entry, the Administrator shall—

(i) make a determination with respect to whether or not to approve the proposal; and

(ii) notify the person that submitted the proposal of—

(I) the determination; and

(II) if the Administrator did not approve the proposal, the reasons for such disapproval.

(B) CONSIDERATIONS.—In determining whether or not to approve a proposal under this subsection, the Administrator shall consider—

(i) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(ii) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(iii) the potential of the proposal to enhance the security of the port of entry.

(d) DELEGATION.—For facilities where the Administrator has delegated or transferred to the Secretary, operations, ownership, or other authorities over land border ports of entry, the authorities and requirements of the Administrator under this section shall be deemed to apply to the Secretary.

SA 1488. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1579, line 11, insert ''less than 5 years and not'' after ''not''.

On page 1579, line 15, insert ''not less than 10'' after ''term of''.

On page 1579, between lines 15 and 16, insert the following:

''(8) in the case of a violation that is the third or more subsequent offense committed by such person under this section or section 274, be fined under title 18, imprisoned not less than 5 years and not more than 40 years, or both; or

''(9) in the case of a violation that negligently, recklessly, knowingly, or intentionally results in a victim being involuntarily forced into labor or prostitution, be fined under title 18, imprisoned not less than 5 years and not more than 40 years, or both.

On page 1582, between lines 14 and 15, insert the following:

(d) TARGETING TRANSNATIONAL CRIMINAL ORGANIZATIONS THAT ENGAGE IN MONEY LAUNDERING.—Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking ''or'' after the semicolon;

(2) in subparagraph (F), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(G) any act that is indictable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including section 274 of such Act (relating to bringing in and harboring certain aliens), section 277 of such Act (relating to aiding or assisting certain aliens to enter the United States), or section 278 of such Act (relating to importation of an alien for an immoral purpose);''.

SEC. 3713. DANGEROUS HUMAN SMUGGLING, HUMAN TRAFFICKING, AND HUMAN RIGHTS VIOLATIONS.

(a) BRINGING IN AND HARBORING CERTAIN ALIENS.—Section 274 (8 U.S.C. 1324) is amended—

(1) in subsection (a)(1)(B)—

(A) by redesignating clauses (iii) and (iv) as clauses (vi) and (vii), respectively;

(B) by inserting after clause (ii) the following:

''(iii) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) that is the third or subsequent offense committed by such person under this section, be fined under title 18, United States Code, imprisoned not less than 5 years and not more than 25 years, or both;

''(iv) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) that negligently, recklessly, knowingly, or intentionally results in a victim being involuntarily forced into labor or prostitution, be fined under title 18, United States Code, imprisoned not less than 5 years and not more than 25 years, or both;

''(v) in the case of a violation of subparagraph (A)(i),(ii),(iii),(iv),or (v) during and in relation to which any person is subjected to an involuntary sexual act (as defined in section 2246(2) of title 18, United States Code), be fined under title 18, United States Code, imprisoned for not less than 5 years and not more than 25 years, or both;'' and

(C) in clause (vi), as redesignated, by striking inserting ''and not less than 10'' before ''years''; and

(2) by amending subsection (b)(1) to read as follows:

''(1) IN GENERAL.—Any property, real or personal, involved in or used to facilitate the commission of a violation or attempted violation of subsection (a), the gross proceeds of such violation or attempted violation, and any property traceable to such property or proceeds, shall be seized and subject to forfeiture.''.

SEC. 3714. RESPECT FOR VICTIMS OF HUMAN SMUGGLING.

(a) VICTIM REMAINS.—The Attorney General shall appoint an official to ensure that information regarding missing aliens and unidentified remains found in the covered area are included in a database of the National Missing and Unidentified Persons System.

(b) REIMBURSEMENT.—The Secretary shall reimburse county, municipal, and tribal governments in the United States that are located in the covered area for costs associated with the transportation and processing of unidentified remains, found in the desert or on ranch lands, on the condition that the remains are transferred either to an official medical examiner's office, or a local university with the capacity to analyze human remains using forensic best practices.

(c) BORDER CROSSING DATA.—The National Institute of Justice shall encourage genetic laboratories receiving Federal grant monies to process samples from unidentified remains discovered within the covered area and compare the resulting genetic profiles against samples from the relatives of any missing individual, including those provided by foreign consulates or authorized entities.

(d) COVERED AREA DEFINED.—In this section, the term ''covered area'' means the area of United States within 200 miles of the international border between the United States and Mexico.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2014 through 2018 to carry out this section.

SEC. 3715. PUTTING THE BRAKES ON HUMAN SMUGGLING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Putting the Brakes on Human Smuggling Act''.

(b) FIRST VIOLATION.—Paragraph (1) of section 31310(b) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking the ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon and ''or''; and

(3) by adding at the end the following:

''(F) using a commercial motor vehicle in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing, or attempting to assist the alien with the alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section.''.

(c) SECOND OR MULTIPLE VIOLATIONS.—Paragraph (1) of section 31310(c) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the ''or'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G);

(3) in subparagraph (G), as so redesignated, by striking ''(E)'' and inserting ''(F)''; and

(4) by inserting after subparagraph (E) the following:

''(F) using a commercial motor vehicle on more than one occasion in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing and attempting to assist the alien with alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section; or''.

(d) LIFETIME DISQUALIFICATION.—Subsection (d) of section 31310 of title 49, United States Code, is amended to read as follows:

''(d) LIFETIME DISQUALIFICATION.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle—

''(1) in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possessing with the intent to manufacture, distribute, or dispense a controlled substance; or

''(2) in committing an act for which the individual is convicted under—

''(A) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

''(B) section 277 of such Act (8 U.S.C. 1327).''.

(e) REPORTING REQUIREMENTS.—

(1) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Paragraph (1) of section 31309(b) of title 49, United States Code, is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon and ''and''; and

(C) by adding at the end the following new subparagraph:

''(G) whether the operator was disqualified, either temporarily or for life, from operating a commercial motor vehicle under section 31310, including under subsection (b)(1)(F), (c)(1)(F), or (d) of such section.''.

(2) NOTIFICATION BY THE STATE.—Paragraph (8) of section 31311(a) of title 49, United States Code, is amended by inserting ''including such a disqualification, revocation, suspension, or cancellation made pursuant to a disqualification under subsection (b)(1)(F), (c)(1)(F), or (d) of section 31310,'' after ''60 days,''.

SEC. 3716. FREEZING BANK ACCOUNTS OF INTERNATIONAL CRIMINAL ORGANIZATIONS AND MONEY LAUNDERERS.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

''(5)(A) If a person is arrested or charged in connection with an offense described in subparagraph (C) involving the movement of funds into or out of the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made or where the charges are filed for an ex parte order restraining any account held by the person arrested or charged for not more than 30 days, except that such 30-day time period may be extended for good cause shown at a hearing conducted in the manner provided in Rule 43(e) of the Federal Rules of Civil Procedure. The court may receive and consider evidence and information submitted by the Government that would be inadmissible under the Federal Rules of Evidence.

''(B) The application for the restraining order referred to in subparagraph (A) shall—

''(i) identify the offense for which the person has been arrested or charged;

''(ii) identify the location and description of the accounts to be restrained; and

''(iii) state that the restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

''(C) A restraining order may be issued pursuant to subparagraph (A) if a person is arrested or charged with any offense for which forfeiture is authorized under this title, title 31, or the Controlled Substances Act (21 U.S.C. 801 et seq.).

''(D) For purposes of this section—

''(i) the term 'account' includes any safe deposit box and any account (as defined in paragraphs (1) and (2) of section 5318A(e) of title 31, United States Code) at any financial institution; and

''(ii) the term 'account held by the person arrested or charged' includes an account held in the name of such person, and any account over which such person has effective control as a signatory or otherwise.

''(E) Restraint pursuant to this paragraph shall not be deemed a 'seizure' for purposes of subsection 983(a) of this title.

''(F) A restraining order issued pursuant to this paragraph may be executed in any district in which the subject account is found, or transmitted to the central authority of any foreign State for service in accordance with any treaty or other international agreement.''.

SEC. 3717. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES, DIGITAL CURRENCIES, OR OTHER SIMILAR INSTRUMENTS.

(a) IN GENERAL.—Section 5312(a) of title 31, United States Code, is amended—

(1) by striking paragraph (2)(K) and inserting the following:

''(K) an issuer, redeemer, or cashier or travelers' checks, checks, money orders, prepaid access devices, digital currencies, or other similar instruments;'';

(2) in paragraph (3)(B), by inserting ''prepaid access devices,'' after ''delivery,'';

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following:

''(6) 'prepaid access device' means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, mobile identification number, personal identification number, or other instrument that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.''.

(b) GAO REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the impact the amendments made by subsection (a) has had on law enforcement, the prepaid access industry, and consumers; and

(2) the implementation and enforcement by the Department of Treasury of the final rule on Definitions and Other Regulations Relating to Prepaid Access (76 Fed. Reg. 45403), issued July 26, 2011.

(c) CUSTOMS AND BORDER PROTECTION STRATEGY FOR PREPAID ACCESS DEVICES.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Commissioner responsible for U.S. Customs and Border Protection, shall submit to Congress a report detailing a strategy to interdict and detect prepaid access devices, digital currencies, or other similar instruments, at border crossings and other ports of entry for the United States. The report shall include an assessment of infrastructure needs to carry out the strategy detailed in the report.

SEC. 3718. FIGHTING MONEY SMUGGLING THROUGH BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

''(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value in excess of $10,000 if the instrument was drawn on an account that contained or was intended to contain more than $10,000 at the time the instrument was transported or the time period it was negotiated or was intended to be negotiated.''.

SEC. 3719. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

(a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting '', and regardless of whether or not the person knew that the activity constituted a felony'' before the semicolon at the end.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' and inserting the following:

''(B) knowing that the transaction—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''; and

(2) in paragraph (2)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' and inserting the following:

''(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''.

SEC. 3720. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION; EMERGENCY AUTHORITY.

(a) IN GENERAL.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements as the Commission considers appropriate to respond to this Act.

(b) EMERGENCY AUTHORITY.—In carrying out subsection (a), the Commission may promulgate amendments to the Federal sentencing guidelines and policy statements in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired.

SA 1489. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1794, strike lines 3 through 7.

On page 1797, strike lines 17 through 21.

On page 1801, strike lines 20 through 24.

Beginning on page 1825, strike line 9 and all that follows through page 1826, line 5, and insert the following:

''(B) RETURNING WORKER AND RENEWING EMPLOYER EXEMPTION.—Renewals of approved job slots and W visas by employers or workers in good standing shall not be counted toward the limits established under subsection (g)(1)(A) or factored into the formulaic determinations made under subparagraphs (A) through (D) of subsection (g)(2).

''(C) INTENDING IMMIGRANTS.—

''(i) EXTENSION OF PERIOD.—A registered visa holder shall continue to be a registered visa holder at the end of the 3-year period referred to in subparagraph (A) if the W nonimmigrant is the beneficiary of a petition for immigrant status filed pursuant to this Act.

''(ii) TERMINATION OF PERIOD.—The term of a registration position extended under clause (i) shall terminate on the date that is the earlier of—

''(I) the date an application or petition by or for a W nonimmigrant to obtain immigrant status is approved or denied by the Secretary; or

''(II) the date of the termination of such W nonimmigrant's employment with the registered employer.

Beginning on page 1839, strike line 3 and all that follows through page 1840, line 10.

SA 1490. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1008, strike line 18 and all that follows through page 1009, line 22, and insert the following:

''(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished in an application filed under section 245B, 245C, 245D, or 245F of this Act or section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act, and any other information derived from such furnished information to—

''(A) a law enforcement agency, intelligence agency, national security agency, a component of the Department of Homeland Security, court, or grand jury, in each instance about an individual suspect or group of suspects, consistent with law, in connection with—

''(i) a criminal investigation or prosecution;

''(ii) a national security investigation or prosecution; or

''(iii) a duly authorized investigation of a civil violation; and

''(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

''(3) INAPPLICABILITY AFTER DENIAL.—The limitations set forth in paragraph (1)—

''(A) shall apply only until—

''(i) an application filed under section 245B, 245C, 245D, or 245F of this Act or section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act is denied; and

''(ii) all opportunities for administrative appeal of the denial have been exhausted; and

''(B) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

''(4) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has, at any time, been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

''(5) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may—

''(A) audit and evaluate information furnished as part of any application filed under section 245B, 245C, 245D, or 245F for purposes of identifying immigration fraud or fraud schemes; and

''(B) use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting, referring for prosecution, or denying or terminating immigration benefits.

''(6) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 245C, 245D, or 245F, the Secretary, at any time thereafter, may use the information furnished by the alien in the application for adjustment of status or in an application for status under section 245B, 245C, 245D, or 245F to make a determination on any petition or application.

''(7) CONSTRUCTION.—Nothing in this section may be construed to limit the use or release, for immigration enforcement purposes, of information contained in files or records of the Secretary or the Attorney General pertaining to applications filed under section 245B, 245C, 245D, or 245F other than information furnished by an applicant in the application, or any other information derived from the application, that is not available from any other source.''.

On page 1038, between lines 9 and 10, insert the following:

SEC. 2110. VISA INFORMATION SHARING.

Section 222(f) (8 U.S.C. 1202(f)) is amended—

(1) in the matter preceding paragraph (1), by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''discretion and on the basis of reciprocity,'' and inserting ''discretion,'';

(B) by striking subparagraph (A) and inserting the following:

''(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of—

''(i) preventing, investigating, or punishing acts that would constitute a crime in the United States, including terrorism or trafficking in controlled substances, persons, or illicit weapons; or

''(ii) determining a person's removability or eligibility for a visa, admission, or other immigration benefit;'';

(C) in subparagraph (B)—

(i) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(ii) by striking ''or to deny visas to persons who would be inadmissible to the United States.'' and inserting ''; or''; and

(D) by adding at the end the following:

''(C) with regard to any or all aliens in the database-specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.''.

SA 1491. Mr. TESTER submitted an amendment intended to be proposed by

him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1318, line 8, strike ''Services database'' and insert ''Services or other appropriate database. U.S. Citizenship and Immigration Services shall not maintain photos provided by a participating State in a Services database except for photos of individuals about whom a verification query is made using a State-issued covered identity document, which may be maintained only during the verification process, including any appeals. The photos shall not be disclosed except for verification purposes as authorized by this section.''.

On page 1324, line 11, insert ''or system'' after ''card''.

On page 1366, line 9 strike ''and''.

On page 1366, line 15, strike the period and insert ''; and''.

On page 1366, between lines 15 and 16, insert the following:

''(x) provide appropriate administrative safeguards to ensure compliance with the limitation contained in paragraph (9).''.

On page 1378, lines 15 through 18 strike ''nothing in this subsection may be construed to permit or allow any department, bureau, or other agency of the United States Government or any other entity to'' and insert ''no department, bureau, or other agency of the United States Government or any other entity shall''.

On page 1378, line 19, insert ''share, or transmit'' after ''lize''.

SA 1492. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORTS AND OTHER DOCUMENTS REQUIRED TO BE SUBMITTED TO THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS OF THE SENATE AND THE COMMITTEE ON HOMELAND SECURITY OF THE HOUSE OF REPRESENTATIVES.

Each report, plan, strategy, study, or document required to be submitted to Congress or any committee of Congress under this Act, or under any amendment made by this Act, shall be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives at the same time the report is required to be submitted to Congress or the committee of Congress.

SA 1493. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1794, strike lines 13 through 19, and insert the following:

(5) SHORTAGE OCCUPATION.—The term ''shortage occupation'' means—

(A) an occupation that the Commissioner determines is experiencing a shortage of labor—

(i) throughout the United States; or

(ii) in a specific metropolitan statistical area; and

(B) a zone 1, zone 2, or zone 3 occupation involving seafood processing in Alaska.

SA 1494. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1115, strike line 14 and all that follows through page 1118, line 9, and insert the following:

''(2) JOB CATEGORIES.—

''(A) IN GENERAL.—For purposes of paragraph (1), each nonimmigrant agricultural worker employed by such employer shall be assigned to 1 of the following occupational classifications:

''(i) High-skilled agricultural workers, including the following, as defined by the Bureau of Labor Statistics:

''(I) Agricultural equipment operators (45–2091).

''(II) Farmworkers, Farm, Ranch, and Aquacultural Animals (45–2093).

''(ii) Low-skilled agricultural workers, including the following, as defined by the Bureau of Labor Statistics:

''(I) Graders and Sorters, Agricultural Products (45–2041).

''(II) Farmworkers and Laborers, Crops, Nursery, and Greenhouse (45–2092).

''(B) DETERMINATION OF CLASSIFICATION.—A nonimmigrant agricultural worker is employed in an occupational classification described in clause (i) or (ii) of subparagraph (A) if the worker performs activities associated with that occupational classification, as specified on the employee's petition, for at least 75 percent of the time in a semiannual employment period.

''(3) DETERMINATION OF WAGE RATE.—

''(A) CALENDAR YEARS 2014 THROUGH 2016.—The wage rate under this paragraph for calendar years 2014 through 2016 shall be the following:

''(i) For the category described in paragraph (2)(A)(i)—

''(I) $11.06 for calendar year 2014;

''(II) $11.34 for calendar year 2015; and

''(III) $11.62 for calendar year 2016.

''(ii) For the category described in paragraph (2)(A)(ii)—

''(I) $9.27 for calendar year 2014;

''(II) $9.50 for calendar year 2015; and

''(III) $9.74 for calendar year 2016.

''(B) SUBSEQUENT YEARS.—The Secretary shall increase the hourly wage rates set forth in clause (i) and (ii) of subparagraph (A), for

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SA 1495. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1123, between lines 22 and 23, insert the following:

''(ii) LIMITATION.—Notwithstanding clause (i), an alien who is or was a nonimmigrant agricultural worker is not eligible for legal services under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) if such alien is located outside the United States.

Beginning on page 1124, strike line 21, and all that follows through page 1125, line 4 and insert the following:

''(iv) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives a request for assistance under clause (ii) unless the parties agree to an extension of such period.

''(v) BINDING MEDIATION.—Mediation or other dispute resolution activities carried out under this subparagraph shall be binding on the parties.

SA 1496. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1082, strike line 19 and all that follows through page 1083, line 2, and insert the following:

''(B) ALLOCATION OF VISAS.—

''(i) IN GENERAL.—The allocation of visas described in subparagraph (A) for a year shall be allocated as follows:

''(I) 70 percent shall be available January 1.

''(II) 30 percent shall be available July 1.

''(ii) UNUSED VISAS.—Any visas available on January 1 of a year under clause (i)(I) that are unused as of July 1 of that year shall be added to the allocation available to allocation available on July 1 of that year under clause (i)(II).

SA 1497. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1042, line 12, strike ''575 hours or 100 work days'' and insert ''1000 hours or 180 work days''.

On page 1071, strike line 24 and all that follows through page 1072, line 5, and insert the following:

''(C) SUFFICIENT EVIDENCE.—An alien who cannot meet the burden of proof otherwise required by subparagraph (A) may, in an interview with the Secretary, establish that the alien has performed the days or hours of work referred to in subparagraph (A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

SA 1498. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1064, line 15, strike ''5 years'' and insert ''7 years''.

SA 1499. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1043, line 14, add after the period the following: ''The Secretary shall ensure that those aliens residing outside of the United States who are eligible to submit an application are able to do so through the United States Consulate in the alien's country of residence.''.

SA 1500. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1064, strike line 22, and all that follows through page 1065, line 8, and insert the following:

''(1) QUALIFYING EMPLOYMENT.—Except as provided in paragraph (3), during the 8-year period beginning on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act the alien performed not less than 180 work days of agricultural employment during each of 5 years.

SA 1501. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1054, line 17, strike ''$100'' and insert ''$500''.

On page 1067, line 6, strike ''$400'' and insert ''$500''.

SA 1502. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1140, line 7, strike ''1 year'' and insert ''5 years''.

On page 1140, strike lines 10 through 13.

On page 1141, line 6, strike ''1 year'' and insert ''5 years''.

SA 1503. Mr. KIRK (for himself, Mrs. FISCHER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF CERTAIN PERSONS AS HAVING SATISFIED ENGLISH AND CIVICS, GOOD MORAL CHARACTER, AND HONORABLE SERVICE AND DISCHARGE REQUIREMENTS FOR NATURALIZATION.

(a) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act is amended by inserting after section 329A (8 U.S.C. 1440–1) the following new section:

''SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE PARTICIPATION IN COMBAT.

''(a) IN GENERAL.—

''(1) IN GENERAL.—For purposes of naturalization and continuing citizenship under the following provisions of law, a person who has received an award described in subsection (b) shall be treated—

''(A) as having satisfied the requirements in sections 312(a), 316(a)(3), and subsections (b)(3), (c), and (e) of section 328; and

''(B) except as provided in paragraph (2), under sections 328 and 329, as having served honorably in the Armed Forces for (in the case of section 328) a period or periods aggregating one year, and, if separated from such service, as having been separated under honorable conditions.

''(2) REVOCATION.—Notwithstanding paragraph (1)(B), any person who separated from the Armed Forces under other than honorable conditions may be subject to revocation of citizenship under section 328(f) or 329(c) if the other requirements of such section are met.

''(b) APPLICATION.—This section shall apply with respect to the following awards from the Armed Forces of the United States:

''(1) The Combat Infantryman Badge from the Army.

''(2) The Combat Medical Badge from the Army.

''(3) The Combat Action Badge from the Army.

''(4) The Combat Action Ribbon from the Navy, the Marine Corps, or the Coast Guard.

''(5) The Air Force Combat Action Medal.

''(6) Any other award that the Secretary of Defense determines to be an equivalent award for engagement in active combat or active participation in combat.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 329A the following:

''Sec. 329B. Persons who have received an award for engagement in active combat or active participation in combat.''.

SA 1504. Ms. HIRONO (for herself, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mrs. GILLIBRAND, Ms. CANTWELL, Ms. STABENOW, Ms. KLOBUCHAR, Ms. WARREN, Ms. BALDWIN, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. SHAHEEN, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1145, strike line 10 and all that follows through ''(9)'' on page 1155, line 15, and insert the following:

SEC. 2301. MERIT-BASED POINTS TRACK ONE.

(a) IN GENERAL.—

(1) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—Section 201(e) (8 U.S.C. 1151(e)) is amended to read as follows:

''(e) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—

''(1) IN GENERAL.—

''(A) NUMERICAL LIMITATION.—Subject to paragraphs (2), (3), and (4), the worldwide level of merit-based immigrants is equal to 150,000 for each fiscal year.

''(B) STATUS.—An alien admitted on the basis of a merit-based immigrant visa under this section shall have the status of an alien lawfully admitted for permanent residence.

''(2) ANNUAL INCREASE.—

''(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), if in any fiscal year the worldwide level of visas available for merit-based immigrants under this section—

''(i) is less than 75 percent of the number of applicants for such fiscal year, the worldwide level shall increase by 5 percent for the next fiscal year; and

''(ii) is equal to or more than 75 percent of such number, the worldwide level for the next fiscal year shall be the same as the worldwide level for such fiscal year, minus any amount added to the worldwide level for such fiscal year under paragraph (4).

''(B) LIMITATION ON INCREASE.—The worldwide level of visas available for merit-based immigrants shall not exceed 250,000.

''(3) EMPLOYMENT CONSIDERATION.—The worldwide level of visas available for merit-based immigrants may not be increased for a fiscal year under paragraph (2) if the annual average unemployment rate for the civilian labor force 18 years or over in the United States, as determined by the Bureau of Labor Statistics, for such previous fiscal year is more than 81/2 percent.

''(4) RECAPTURE OF UNUSED VISAS.—The worldwide level of merit-based immigrants described in paragraph (1) for a fiscal year shall be increased by the difference (if any) between the worldwide level established under paragraph (1) for the previous fiscal year and the number of visas actually issued under this subsection during that fiscal year. Such visas shall be allocated for the following year pursuant to section 203(c)(3).''.

(2) MERIT-BASED IMMIGRANTS.—Section 203 (8 U.S.C. 1153) is amended by inserting after subsection (b) the following:

''(c) MERIT-BASED IMMIGRANTS.—

''(1) FISCAL YEARS 1 THROUGH 4.—For the first 4 fiscal years beginning after the date of enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the worldwide level of merit-based immigrant visas made available under section 201(e)(1) shall be available for aliens described in section 203(b)(3) and in addition to any visas available for such aliens under such section.

''(2) SUBSEQUENT FISCAL YEARS.—Beginning with the fifth fiscal year beginning after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, aliens subject to the worldwide level specified in section 201(e) for merit-based immigrants shall be allocated as follows:

''(A) 50 percent of the visas remaining after the allocation under subparagraph (C) shall be available to applicants with the highest number of points allocated under tier 1 in paragraph (4).

''(B) 50 percent of the visas remaining after the allocation under subparagraph (C) shall be available to applicants with the highest number of points allocated under tier 2 in paragraph (5).

''(C) 30,000 shall be available to applicants with the highest number of points allocated under tier 3 in paragraph (6).

''(3) UNUSED VISAS.—If the total number of visas allocated under tier 1, tier 2, or tier 3 for a fiscal year are not granted during that fiscal year, such number may be added to the number of visas available under section 201(e)(1) for the following fiscal year and allocated as follows:

''(A) If the unused visas were allocated for tier 1 in a fiscal year, 2/3 of such visas shall be available for aliens allocated visas under tier 1 in the following fiscal year and 1/3 of such visas shall be available for aliens allocated visas under either tier 1 or tier 2 in the following fiscal year.

''(B) If the unused visas were allocated for tier 2 in a fiscal year, 2/3 of such visas shall be available for aliens allocated visas under tier 2 in the following fiscal year and 1/3 of such visas shall be available for aliens allocated visas under either tier 1 or tier 2 in the following fiscal year.

''(4) TIER 1.—The Secretary shall allocate points to each alien seeking to be a tier 1 merit-based immigrant as follows:

''(A) EDUCATION.—

''(i) IN GENERAL.—An alien may receive points under only 1 of the following categories:

''(I) An alien who has received a doctorate degree from an institution of higher education in the United States or the foreign equivalent shall be allocated 15 points.

''(II) An alien who has received a master's degree from an institution of higher education in the United States or the foreign equivalent shall be allocated 10 points.

''(ii) An alien who has received a bachelor's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) shall be allocated 5 points.

''(B) EMPLOYMENT EXPERIENCE.—An alien shall be allocated not more than 20 points as follows:

''(i) 3 points for each year the alien has been lawfully employed in a zone 5 occupation in the United States.

''(ii) 2 points for each year the alien has been lawfully employed in a zone 4 occupation in the United States.

''(C) EMPLOYMENT RELATED TO EDUCATION.—An alien who is in the United States and is employed full-time or has an offer of full-time employment in a field related to the alien's education—

''(i) in a zone 5 occupation shall be allocated 10 points; or

''(ii) in a zone 4 occupation shall be allocated 8 points.

''(D) ENTREPRENEURSHIP.—An alien who is an entrepreneur in business that employs at least 2 employees in a zone 4 occupation or a zone 5 occupation shall be allocated 10 points.

''(E) HIGH DEMAND OCCUPATION.—An alien who is employed full-time in the United States or has an offer of full-time employment in a high demand tier 1 occupation shall be allocated 10 points.

''(F) CIVIC INVOLVEMENT.—An alien who has attested that he or she has engaged in a significant amount of community service, as determined by the Secretary, shall be allocated 2 points.

''(G) ENGLISH LANGUAGE.—An alien who received a score of 80 or more on the Test of English as a Foreign Language, or an equivalent score on a similar test, as determined by the Secretary, shall be allocated 10 points.

''(H) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a citizen of the United States or who is over 31 years of age and is the married son or married daughter of a citizen of the United States shall be allocated 10 points.

''(I) AGE.—An alien who is—

''(i) between 18 and 24 years of age shall be allocated 8 points;

''(ii) between 25 and 32 years of age shall be allocated 6 points; or

''(iii) between 33 and 37 years of age shall be allocated 4 points.

''(J) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted to permanent residence in the United States in the previous 5 years shall be allocated 5 points.

''(5) TIER 2.—The Secretary shall allocate points to each alien seeking to be a tier 2 merit-based immigrant as follows:

''(A) EMPLOYMENT EXPERIENCE.—An alien shall be allocated 2 points for each year the alien has been lawfully employed in the United States, for a total of not more than 20 points.

''(B) SPECIAL EMPLOYMENT CRITERIA.—An alien who is employed full-time in the United States, or has an offer of full-time employment—

''(i) in a high demand tier 2 occupation shall be allocated 10 points; or

''(ii) in a zone 1, zone 2, or zone 3 occupation shall be allocated 10 points.

''(C) CAREGIVER.—An alien who is or has been a primary caregiver shall be allocated 10 points.

''(D) EXCEPTIONAL EMPLOYMENT RECORD.—An alien who has a record of exceptional employment, as determined by the Secretary, shall be allocated 10 points. In determining a record of exceptional employment, the Secretary shall consider factors including promotions, longevity, changes in occupations from a lower job zone to a higher job zone, participated in safety training, and increases in pay.

''(E) CIVIC INVOLVEMENT.—An alien who has demonstrated significant civic involvement shall be allocated 2 points.

''(F) ENGLISH LANGUAGE.—

''(i) ENGLISH PROFICIENCY.—An alien who has demonstrated English proficiency, as determined by a standardized test designated by the Secretary of Education, shall be allocated 10 points.

''(ii) ENGLISH KNOWLEDGE.—An alien who has demonstrated English knowledge, as determined by a standardized test designated by the Secretary of Education, shall be allocated 5 points.

''(G) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a citizen of the United States or is over the age of 31 and is the married son or married daughter of a citizen of the United States shall be allocated 10 points.

''(H) AGE.—An alien who is—

''(i) between 18 and 24 years of age shall be allocated 8 points;

''(ii) between 25 and 32 years of age shall be allocated 6 points; or

''(iii) between 33 and 37 years of age shall be allocated 4 points.

''(I) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted to permanent residence in the United States in the previous 5 years shall be allocated 5 points.

''(6) TIER 3.—The Secretary shall allocate points to each alien seeking to be a tier 3 merit-based immigrant as follows:

''(A) EMPLOYMENT EXPERIENCE.—An alien shall be allocated 2 points for each year the alien has been lawfully employed in the United States, for a total of not more than 10 points.

''(B) SPECIAL EMPLOYMENT CRITERIA.—An alien who is employed full-time in the United States (or has an offer of full-time employment) in a health services occupation, including direct caregiver, informal caregiver, home health provider, or nurse; a clerical or professional services occupation; a teaching occupation, including early or informal learning provider, teacher assistant, and elementary or secondary teacher; a culinary occupation; an environmental service and maintenance occupation; a retail customer services occupation; or a small business operated by a sibling or parent who is a United States citizen, shall be allocated 10 points.

''(C) CAREGIVER.—An alien who is, has been, or will be a primary caregiver shall be allocated 10 points.

''(D) CIVIC INVOLVEMENT.—An alien who has demonstrated significant civic involvement, including humanitarian and volunteer activities, shall be allocated 2 points.

''(E) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a United States citizen or is older than 31 years of age and is the married son or married daughter of a United States citizen shall be allocated 10 points.

''(F) HUMANITARIAN CONCERNS.—An alien who is, has been, or will be the primary caregiver of a United States citizen suffering an extreme hardship or the last surviving sibling or last surviving son or daughter of a United States citizens shall be allocated 10 points.

''(G) AGE.—An alien who is—

''(i) between 18 and 25 years of age shall be allocated 8 points;

''(ii) between 25 and 33 years of age shall be allocated 6 points; or

''(iii) between 33 and 37 years of age shall be allocated 4 points.

''(H) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted for permanent residence in the United States in the previous 5 years shall be allocated 5 points.

''(7) FEE.—An alien who is allocated a visa under this subsection shall pay a fee of $1,500 in addition to any fee assessed to cover the costs to process an application under this subsection. Fees collected under this paragraph shall be deposited by the Secretary into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(8) ELIGIBILITY OF ALIENS IN REGISTERED PROVISIONAL IMMIGRANT STATUS.—An alien who was granted registered provisional immigrant status under section 245B is not eligible to receive a merit-based immigrant visa under section 201(e).

''(9) INELIGIBILITY OF ALIENS WITH PENDING OR APPROVED PETITIONS.—An alien who has a petition pending or approved in another immigrant category under this section or section 201 may not apply for a merit-based immigrant visa.

''(10)

SA 1505. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1355, line 10, insert before the period the following '', except that an individual who did not timely contest a further action notice for good cause may be granted review under this paragraph''.

SA 1506. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 4105, insert the following:

SEC. 4106. AMENDMENTS TO THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a)(as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) USE OF FUNDS.—

''(A) TRAINING PROVIDED.—Funds under this subsection may be used to provide job training services and related activities that are designed to assist workers (including unemployed and employed workers) in gaining the skills, competencies, and industry-recognized credentials needed to obtain or upgrade career ladder employment positions in the industries and economic sectors identified pursuant to paragraph (4). Such job training services may include on-the-job training, customized training, and apprenticeships, as well as training in the fields of science, technology (including computer and information technology), engineering, and mathematics.

''(B) ENHANCED TRAINING PROGRAMS AND INFORMATION.—In order to facilitate the provision of job training services described in subparagraph (A), funds under this subsection may be used to—

''(i) assist in the development and implementation of model activities such as developing appropriate curricula to build core competencies;

''(ii) assist in obtaining industry-recognized credentials and training workers;

''(iii) identify and disseminate career and skill information, labor market information and guidance, and information about training providers; and

''(iv) increase the integration of community and technical higher education activities with activities of businesses and the public workforce investment system to meet the training needs for the industries and economic sectors identified pursuant to paragraph (4), which may include the development of partnerships by grantees with employers and employer associations to provide work-based training opportunities.

''(C) TECHNICAL ASSISTANCE AND EVALUATION.—The Secretary of Labor may reserve not more than 5 percent of the funds available to carry out this subsection to provide technical assistance and to evaluate projects.'';

(2) in paragraph (6)(A)(i), by inserting '', including resources of employers and philanthropic organizations,'' after ''provided under this subsection''; and

(3) by striking paragraph (7) and inserting the following:

''(7) PERFORMANCE ACCOUNTABILITY.—

''(A) REPORTS.—The Secretary of Labor shall require grantees to report on the employment-related outcomes obtained by

workers receiving training under this subsection using indicators of performance that are consistent with other indicators used for employment and training programs administered by the Secretary, such as entry into employment, retention in employment, attainment of industry-recognized credentials, and increases in earnings.

''(B) EVALUATIONS.—The Secretary of Labor may require grantees to participate in evaluations of projects carried out under this subsection.

''(C) REPORTS AND EVALUATIONS PUBLICLY AVAILABLE.—The reports and evaluations described under this paragraph shall be made available to the public through the appropriate one-stop service delivery systems and other means the Secretary determines are appropriate.''.

SA 1507. Mr. VITTER proposed an amendment to amendment SA 1183 submitted by Mr. LEAHY (for himself and Mr. HATCH) to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; as follows:

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

''(III) an offense, unless the applicant demonstrates to the Secretary, by clear and convincing evidence, that he or she is innocent of the offense, that he or she is the victim of such offense, or that no offense occurred, that—

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

''(bb) involved—

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

''(BB) child abuse and neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

SA 1508. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 897, line 11, insert after ''this Act.'' the following: ''In allocating any new officers to international land ports of entry and high volume international airports, the primary goals shall be reducing average wait times of commercial and passenger vehicles at international land ports of entry and primary processing wait times at high volume international airports by 50 percent by fiscal year 2104 and screening all air passengers within 45 minutes under normal operating conditions or 80 percent of passengers within 30 minutes by fiscal year 2016.''.

On page 898, line 15, insert '', for the purpose of implementing subsection (a)'' before the period.

On page 898, after line 22, add the following:

(e) REPORT.—Prior to the hiring and training of additional U.S. Customs and Border Protection officers under subsection (a), the Secretary shall submit to Congress a report on current wait times at land, air, and sea ports of entry, officer staffing at land, air, and sea ports of entry and projections for new officer allocation at land, air, and sea ports of entry designed to implement subsection (a), including the need to hire non-law enforcement personnel for administrative duties.

SA 1509. Mr. COBURN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1032, strike line 3 and all that follows through ''Notwithstanding'' on page 1033, lines 6 and 7, and insert the following:

(a) EXEMPTION FROM HIRING RULES.—Notwithstanding

SA 1510. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1102, line 24, add ''and'' after the semicolon.

On page 1103, strike lines 3 through 6, and insert the following: ''recent 4-year period.''.

SA 1511. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1214, line 25, strike ''the United States,'' and insert ''a State,''.

SA 1512. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1122. PILOT PROGRAM TO DESIGNATE ADDITIONAL 24-HOUR COMMERCIAL PORTS OF ENTRY.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The President shall establish a pilot program under which the President shall—

(1) pursuant to the Act of August 1, 1914 (38 Stat. 623, chapter 223; 19 U.S.C. 2), designate certain land border crossings as 24-hour commercial ports of entry in accordance with subsections (b) and (c); and

(2) ensure that each land border crossing designated as a commercial port of entry under the pilot program has sufficient resources—

(A) to carry out the functions of a commercial port of entry, including accepting entries of merchandise, collecting duties, and enforcing the customs and trade laws of the United States; and

(B) to perform those functions 24 hours a day.

(b) DESIGNATION.—Not later than 180 days after the date of the enactment of this Act, the President shall, after considering the criteria set forth in subsection (c) and any input provided by the public, designate not fewer than 2 and not more than 6 land border crossings, equally divided between land border crossings on the northern and southern borders of the United States, as 24-hour commercial ports of entry under the pilot program established under subsection (a).

(c) CRITERIA.—In designating a land border crossing as a 24-hour commercial port of entry under the pilot program established under subsection (a), the President shall consider the following:

(1) The number of 24-hour commercial ports of entry already located in the State in which the land border crossing is located.

(2) The costs associated with operating the land border crossing as a 24-hour commercial port of entry, including whether the Federal Government would be required to acquire or lease additional land.

(3) The positive economic impact of designating the land border crossing as a 24-hour commercial port of entry on the community in which the land border crossing is located.

(4) Any commitment of resources by the government of Canada or Mexico, as applicable, to a similar designation of a corresponding foreign port of entry.

(5) The support demonstrated by the government of the State or locality in which the land border crossing is located, including through infrastructure improvements, to facilitate the operation of the land border crossing as a 24-hour commercial port of entry.

(d) TERMINATION.—

(1) DETERMINATION OF ECONOMIC BENEFIT.—Not later than the date that is 2 years after the date on which a land border crossing designated as a 24-hour commercial port of entry under the pilot program established under subsection (a) becomes fully operational as a 24-hour commercial port of entry, the President shall—

(A) determine whether the operation of the land border crossing as a port of entry 24 hours a day provides a net economic benefit to the United States; and

(B) submit to the Committee on Finance of the Senate and Committee on Ways and Means of the House of Representatives a report on that determination and the reasons for that determination.

(2) TERMINATION.—If the President determines under paragraph (1) that operating a land border crossing as a port of entry 24 hours a day does not provide a net economic benefit to the United States, the land border crossing shall cease to operate as a port of entry 24 hours a day on the date on which the President submits the report under paragraph (1)(B).

(e) REPORT.—Not later than 90 days before the President makes a determination under subsection (d)(1) with respect to a land border crossing designated as a 24-hour commercial port of entry under the pilot program established under subsection (a), the President shall submit to the Committee on Finance of the Senate and Committee on Ways and Means of the House of Representatives a report that provides—

(1) a comparison of the vehicle traffic, the estimated total volume of commercial merchandise entered, and the wait times at the land border crossing—

(A) during the 2-year period preceding the designation of the land border crossing as a 24-hour commercial port of entry; and

(B) after the land border crossing becomes fully operational as a 24-hour commercial port of entry;

(2) a comparison of the total value of commercial merchandise transported through the land border crossing—

(A) during the 2-year period preceding the designation of the land border crossing as a 24-hour commercial port of entry; and

(B) after the land border crossing becomes fully operational as a 24-hour commercial port of entry; and

(3) a comparison of wait times at other ports of entry in the State in which the land border crossing is located—

(A) during the 2-year period preceding the designation of the land border crossing as a 24-hour commercial port of entry; and

(B) after the land border crossing becomes fully operational as a 24-hour commercial port of entry.

SA 1513. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1646, strike lines 6 through 16 and insert the following:

(5) JOB TRAINING AND RELATED ACTIVITIES.—

(A) ALLOCATION.—The Secretary of Education shall allocate 5 percent of the amounts deposited into the STEM Education and Training Account to the Secretary of Labor for grants awarded under section 414(c) of division C of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) to provide job training and related activities for workers, which may include providing such training and activities for veterans and their spouses.

(B) APPLICATION.—To be eligible to receive a grant under that section 414(c) with amounts made available under this section, an eligible entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require, including (for a grant involving a program leading to a recognized postsecondary credential) information demonstrating the quality of the program leading to the credential.

(C) PRIORITY.—In awarding grants under that section 414(c) with amounts made available under this section, the Secretary of Labor shall give priority to funding programs that lead to recognized postsecondary credentials that are aligned with in-demand occupations or industries in the local area (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) involved.

(D) DEFINITIONS.—

(i) INDUSTRY-RECOGNIZED.—The term ''industry-recognized'', used with respect to a credential, means a credential that—

(I) is sought or accepted by employers within the industry sector involved as recognized, preferred, or required for recruitment, screening, hiring, or advancement;

(II) may be endorsed by a trade or professional association or organization, representing a significant part of the industry sector; and

(III) is a portable credential, meaning a credential that is sought or accepted, by employers in multiple States, as described in subclause (I).

(ii) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' means a credential consisting of an industry-recognized credential for postsecondary training, a certificate that meets the requirements of subclauses (I) and (III) of clause (i) for postsecondary training, a certificate of completion of a postsecondary apprenticeship through a program described in section 122(a)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2842(a)(2)(B)), or an associate degree or baccalaureate degree awarded by an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

SA 1514. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 972, line 10, strike ''section 245B(c)(13)'' and insert ''paragraph (13) and individuals who have experienced or would experience severe hardship, which shall be determined based on criteria established by the Secretary''.

On page 973, line 12, strike ''(iii)'' and insert the following:

(iii) AUTHORITY TO LIMIT PENALTIES.—The Secretary, by regulation, may—

(I) limit the maximum penalties payable under clause (i) by a family, including spouses and unmarried children younger than 21 years of age; and

(II) exempt defined classes of individuals, including individuals described in paragraph (13) and individuals who have experienced or would experience severe hardship, which shall be determined based on criteria established by the Secretary, from the payment of the penalty authorized under clause (i).

(iv)

On page 997, line 23, strike the end quote and final period and insert the following:

''(iv) AUTHORITY TO LIMIT PENALTIES.—The Secretary, by regulation, may—

''(I) limit the maximum penalties payable under clause (i) by a family, including spouses and unmarried children younger than 21 years of age; and

''(II) exempt individuals who have experienced or would experience severe hardship, which shall be determined based on criteria established by the Secretary, from the payment of the penalty authorized under clause (i).''.

SA 1515. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, add the following:

SEC. 4416. COMPETITIVE CHESS PLAYERS.

Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended—

(1) in clause (i)—

(A) in subclause (III), by striking ''or'' at the end;

(B) in subclause (IV), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following new subclause:

''(V) is a professional or amateur chess player competing in a chess competition; and''; and

(2) in clause (ii)—

(A) in subclause (I), by striking ''or'' at the end;

(B) in subclause (II), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subclause:

''(III) in the case of an individual described in clause (i)(V), in a specific competition.''.

SA 1516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1338, between lines 5 and 6, insert the following:

''(vi) BEFORE HIRING.—An employer may use the System to confirm the identity and employment authorized status of any individual before the individual is hired, recruited, or referred if the individual consents to such verification. If an employer receives a tentative nonconfirmation for such individual, the employer shall comply with procedures prescribed by the Secretary, including—

''(I) providing the individual employees with private, written notification of the finding and written referral instructions;

''(II) allowing the individual to contest the finding; and

''(III) not taking adverse action against the individual if the individual chooses to contest the finding.

SA 1517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1328, strike line 9 and all that follows through ''(I)'' on page 1330, line 15, and insert the following:

''(D) GENERAL PARTICIPATION REQUIREMENT FOR NEW EMPLOYEES.—All employers in the United States shall participate in the System, with respect to all employees hired by such employers on or after the date that is 18 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

''(E)

SA 1518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1413, between lines 7 and 8, insert the following:

(g) INFORMATION SHARING.—The Commissioner of Social Security, the Secretary, and the Secretary of the Treasury shall jointly establish a program to share information among such agencies that may lead to the identification of unauthorized aliens (as described in section 274A of the Immigration and Nationality Act, as amended by subsection (a)), including—

(1) no-match letters; and

(2) any information in the earnings suspense file.

SA 1519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1338, between lines 5 and 6, insert the following:

''(vi) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees—

''(I) shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of such election;

''(II) may only verify all employees for whom a Form I-9 is required; and

''(III) may not verify individuals who have already been verified through the System.

SA 1520. Mr. GRASSLEY (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 976, between lines 2 and 3, insert the following:

''(14) DISCLOSURE OF SOCIAL SECURITY INFORMATION.—

''(A) IN GENERAL.—The Secretary may not grant registered provisional immigrant status to an alien under this section unless the alien fully discloses to the Secretary all the names and Social Security account numbers that the alien has ever used to obtain employment in the United States.

''(B) REVOCATION OF GRANTED STATUS.—If the Secretary determines that an alien previously granted registered provisional immigrant status under this section has not complied with the requirement in subparagraph (A), the Secretary shall revoke the status of the alien as a registered provisional immigrant.

''(C) NOTIFICATION OF RIGHTFUL ASSIGNEES.—The Secretary may disclose information received from an alien pursuant to a disclosure under subparagraph (A) to any Federal or State agency authorized to collect such information in order to enable such agency to notify each named individual or rightful assignee of the Social Security account number concerned of the alien's misuse of such name or number to obtain employment.

SA 1521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1331, strike lines 9 through 13 and insert ''the Secretary or other appropriate authority has reasonable cause to believe that the employer is, or has been, engaged in a material violation of this section.''.

SA 1522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1404, line 1, strike ''The'' and insert ''Beginning on the date on which all employers are required to use the System pursuant to subsection (d)(2), the''.

SA 1523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1307, strike lines 2 and 3 and insert ''States.''.

SA 1524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1330, line 18, strike ''may, in the Secretary's discretion,'' and insert ''shall''.

On page 1331, line 4, strike ''may'' and insert ''shall''.

SA 1525. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 994, beginning on line 14, strike ''until after the Secretary'' and all that follows through line 20 and insert the following: ''until after—

''(A) the Secretary of State certifies that immigrant visas have become available for all approved petitions for immigrant visas that were filed under sections 201 and 203 before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

''(B) the Inspector General of the Department of State has prepared an audit of such certification.

SA 1526. Ms. KLOBUCHAR (for herself, Mr. COATS, Ms. LANDRIEU, and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1226, line 3, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 1226, after line 25, add the following:

(b) EFFECT OF ADOPTION DOCUMENTATION.—

(1) IN GENERAL.—For purposes of all immigration laws of the United States, the 2-year legal custody and joint residence requirements set forth in section 101(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)) shall not apply if the documentation submitted on behalf of a child includes—

(A)(i) an adoption decree issued by a competent authority (as such term is used in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at the Hague on May 29, 1993) of the child's sending country; and

(ii) evidence that the adoption was granted in compliance with the Convention; or

(B)(i) a custody or guardianship decree issued by a competent authority of the child's sending country to the adoptive parents;

(ii) a final adoption decree, verifying that the adoption of the child was later finalized outside the United States by the adoptive parents; and

(iii) evidence that the custody or guardianship was granted in compliance with the Convention.

(2) APPLICABILITY.—

(A) SUBSTANTIAL COMPLIANCE WITH HAGUE CONVENTION.—Paragraph (1) shall not apply unless—

(i) on the date on which the underlying adoption, custody, or guardianship decree was issued by the child's sending country, that country's adoption procedures complied with the requirements of the Convention, as determined by the U.S. Central Authority; and

(ii) the competent authority of the child's country of origin certified the adoption in accordance with Article 23 of the Convention.

(B) CONVENTION ADOPTIONS.—Paragraph (1) shall only apply to Convention adoptions completed between 2 Convention countries other than the United States.

SA 1527. Mr. KING (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1505, strike lines 11 through 13, and insert the following:

(1) WORKER.—The term ''worker'' means an individual who is the subject of foreign labor contracting activity and does not include an exchange visitor (as defined in section 62.2 of title 22, Code of Federal Regulations, or any similar successor regulation).

At the end of title III, add the following:

Subtitle I—Providing Tools to Exchange Visitors and Exchange Visitor Sponsors to Protect Exchange Visitor Program Participants and Prevent Trafficking

SEC. 3901. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise provided by this subtitle, the terms used in this subtitle shall have the same meanings, respectively, as are given those terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203), except that the term ''employer'' shall also include a prospective employer seeking to hire exchange visitors with which the sponsor has a contractual relationship.

(b) OTHER DEFINITIONS.—

(1) EXCHANGE VISITOR.—The term ''exchange visitor'' means a foreign national who is inquiring about or applying to participate in the exchange visitor program or who has successfully applied and has completed or is completing an exchange visitor programs not funded by the United States Government as governed by sections 2.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations.

(2) EXCHANGE VISITOR PROGRAM.—The term ''exchange visitor program'' means the international exchange program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), by means of educational and cultural programs.

(3) EXCHANGE VISITOR PROGRAM RECRUITMENT ACTIVITIES.—The term ''exchange visitor program recruitment activities'' means activities related to recruiting, soliciting, transferring, providing, obtaining, or facilitating participation of individuals who reside outside the United States in an exchange visitor program including when such activity occurs wholly outside the United States.

(4) EXCHANGE VISITOR PROGRAM SPONSOR; SPONSOR.—The term ''exchange visitor program sponsor'' or ''sponsor'' means a legal entity designated by the Secretary of State, in the Secretary's discretion, to conduct an exchange visitor program governed by sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations).

(5) FOREIGN ENTITY.—The term ''foreign entity'' means a person contracted by a sponsor to engage in exchange visitor program recruitment activities on the sponsor's behalf and any subcontractors thereof.

(6) HOST ENTITY.—The term ''host entity'' means ''host organization'', ''primary or secondary accredited educational institution'', ''camp facility'', ''host family'', or ''employer/host employer'' as used in sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations, respectively.

(7) REGULATIONS.—Any reference to any provision of regulations shall include any successor provision addressing the same subject matter.

SEC. 3902. DISCLOSURE.

(a) REQUIREMENT FOR DISCLOSURE AT TIME OF EXCHANGE VISITOR PROGRAM RECRUITMENT ACTIVITY.—Any person who engages in exchange visitor program recruitment activity shall develop certain information, previously approved by and on file with the exchange visitor program sponsor, to be disclosed in writing in English to the exchange visitor before the exchange visitor pays fees described in section 3904, other than refundable fees and a reasonable non-refundable deposit, or otherwise detrimentally relies on information provided by an exchange program sponsor or foreign entity. This information shall be made available to the Secretary of State, or an exchange visitor requesting his or her own file, within 5 business days of request, consistent with program regulations in part 62 of title 22, Code of Federal Regulations. Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Labor, amend such regulations to reflect the information to be disclosed, including the following:

(1) The identity and address of the exchange visitor program sponsor, host entity, and any foreign entity with authority to charge fees and costs under section 3904.

(2) All assurances and terms and conditions of employment, from the prospective host entity of the exchange visitor, including place and period of employment, job duties, number of work hours, wages and compensation, and any deductions from wages and

benefits, including deductions for housing and transportation. Nothing in this paragraph shall be construed to permit any charge, deduction, or expense prohibited by this or any other law.

(3) A copy of the prospective agreement between the exchange visitor program sponsor, exchange visitor, and the host entity.

(4) Information regarding the terms and conditions of the nonimmigrant status under which the exchange visitor is to be admitted, and the period of stay in the United States allowed for such nonimmigrant status.

(5) A copy of the fee disclosure form as described in section 3904(d) listing the mandatory and optional costs or expenses to be charged to the exchange visitor.

(6) The existence of any labor organizing effort, collective bargaining agreement, labor contract, strike, lockout, or other labor dispute at the host entity.

(7) Whether and the extent to which exchange visitors will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work-related injuries and death, during the period of employment.

(8) A description of the sanctions the exchange visitor program sponsor is currently subject to, if any, as imposed by the Department of State.

(9) A statement in a form specified by the Secretary of State—

(A) stating that in accordance with guidelines and regulations promulgated by the Secretary —

(i) the costs and fees charged by the exchange program sponsor, foreign entity, and host entity do not exceed those permitted by section 3904 and are legal under the laws of the United States and the home country of the exchange visitor; and

(ii) the exchange visitor program sponsor, foreign entity, or host entity may bear costs or fees not provided for in section 3904, but that fees under that section cannot be passed along to the exchange visitor.

(10) Any education or training to be provided or required, other than education or training provided in accordance with section 62.10 (b) and (c) of title 22, Code of Federal Regulations, as ''pre-arrival information'' or ''orientation'' and additional orientation and training requirements as described in each relevant category under sections 62.22, 62.24, 62.30, 62.31, and 62.32 of that title.

(11) A clear statement explaining that—

(A) except as provided in subparagraph (B), no additional significant requirements or significant changes may be made to the original contract signed with a handwritten, electronic, or digital pin code signature by the exchange visitor without at least 24 hours to consider such changes and the specific consent of the exchange visitor, obtained voluntarily and without threat of penalty; and

(B) changes may be made to the conditions of employment contained in the original contract even if the exchange visitor has not had 24 hours to consider such changes, provided the exchange visitor has specifically consented to the changes, voluntarily and without threat of penalty, and such changes must be implemented without giving the exchange visitor 24 hours to consider them in order to protect the health or welfare of the exchange visitor.

(b) REQUIREMENT FOR RULES.—The Secretary of State shall define by rule or guidance what constitutes ''refundable fees'' and a ''reasonable non-refundable deposit'' for the purpose subsection (a).

(c) RELATIONSHIP TO LABOR AND EMPLOYMENT LAWS.—Nothing in the disclosure required by subsection (a) shall constitute a legal conclusion as to the exchange visitor's status or rights under the labor and employment laws.

(d) PROHIBITION ON FALSE AND MISLEADING INFORMATION AND CERTAIN FEES.—No exchange visitor program sponsor, foreign entity, or host entity who engages in any exchange visitor program activity shall knowingly provide materially false or misleading information to any exchange visitor concerning any matter required to be disclosed under subsection (a). Charging fees for services not provided or assessing fees that exceed the amounts established by the Secretary of State pursuant to section 3904 is a violation of this section. The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code, and other provisions of such title.

(e) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to require sponsors to make publicly available, including on their websites and in recruiting materials, information regarding fees, costs, and services associated with their exchange visitor programs, including foreign entity names and contact points, and other factors relevant to exchange visitors' choice of sponsor or foreign entity.

SEC. 3903. PROHIBITION ON DISCRIMINATION.

(a) IN GENERAL.—It shall be unlawful for an exchange visitor program sponsor, foreign entity, or host entity to fail or refuse to select, hire, discharge, intimidate, threaten, restrain, coerce, or blacklist any individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, creed, sex, national origin, religion, age, or disability.

(b) DETERMINATIONS OF DISCRIMINATION.—For the purposes of determining the existence of unlawful discrimination under subsection (a)—

(1) in the case of a claim of discrimination based on race, color, sex, national origin, or religion, the same legal standards shall apply as are applicable under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(2) in the case of a claim of discrimination based on age, the same legal standards shall apply as are applicable under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); and

(3) in the case of a claim of discrimination based on disability, the same legal standards shall apply as are applicable under title I of the Americans With Disabilities Act of 1990 as amended (42 U.S.C. 12111 et seq.).

SEC. 3904. FEES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Labor, shall promulgate regulations to set limits on the mandatory fees charged by exchange visitor program sponsors, host entities, and their foreign entities to the exchange visitor. In promulgating such regulations, the Secretary of State shall conduct public meetings with exchange visitor program sponsors, organizations representing exchange visitors, and members of the public with expertise in public diplomacy, educational and cultural exchange, labor markets, labor relations, migration, civil rights, human rights, and prohibiting human trafficking. The Secretary of State may, in the Secretary's discretion, consider factors including what costs are within the control of sponsors, differences among programs and countries, level and amount of educational and cultural activities included, and services rendered.

(b) MAXIMUM FEES.—It shall be unlawful for any person to charge a fee higher than the maximum allowable fee as established by regulations promulgated under subsection (a), and any person who charges a higher fee shall be liable under this subtitle. If a fee higher than the maximum is charged by a sponsor or foreign entity, the sponsor shall be liable. If a fee higher than the maximum allowable is charged by the host entity or a host entity's agent, the host entity shall be liable.

(c) UPDATE OF MAXIMUM FEES.—The Secretary of State shall update the maximum allowable fees described in subsection (a) in response to changing economic conditions and other factors as needed.

(d) FEE TRANSPARENCY.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to require exchange visitor program sponsors to—

(1) provide the Department of State annually with an itemized list of fees charged to exchange visitor program participants including by their foreign entities, subcontractors, or foreign entity's agents; and

(2) require a 3-party document signed by the exchange visitor, foreign entity, and sponsor that outlines a basic level fee structure and itemizes mandatory and optional fees.

SEC. 3905. ANNUAL NOTIFICATION.

(a) ANNUAL EXCHANGE VISITOR PROGRAM SPONSOR NOTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), prior to engaging in any exchange visitor program activity, any person who seeks to be an exchange visitor program sponsor shall be designated by the Secretary of State pursuant to regulations that the Secretary of State has prescribed or shall prescribe after the date of the enactment of this Act.

(2) NOTIFICATION.—Each exchange visitor program sponsor shall notify the Secretary of State, not less frequently than once every year, of the identity of any third party, agent, or exchange visitor program sponsor employee involved in any exchange visitor program recruitment activity for, or on behalf of, the exchange visitor program sponsor.

(3) PERSONAL JURISDICTION OVER FOREIGN ENTITIES.—As a condition of initial and continued registration, each program sponsor shall obtain a written and signed agreement from any foreign entity. In that agreement, the foreign entity shall stipulate and agree, as a condition for receiving any payment or compensation for performing any work or service for the program sponsor, that the laws of the United States shall govern any and all disputes among and between the parties or the United States, including any enforcement actions, and that any dispute or enforcement action shall be brought in the United States District Court for the District of Columbia. The agreement shall be in such form and contain such other information as the Secretary of State shall prescribe.

(4) NONCOMPLIANCE NOTIFICATION.—An host entity shall notify the Secretary of State upon gaining knowledge of noncompliance with this subtitle by an exchange visitor program sponsor. An exchange visitor program sponsor shall notify the Secretary of State upon gaining knowledge of noncompliance with this subtitle by a host entity or foreign entity.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, regarding the annual exchange visitor program sponsor notification.

(c) REFUSAL TO ISSUE AND REVOCATION OF DESIGNATION.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to include the following bases for refusing to issue or renew, or for revoking a sponsor's designation for a period of not greater than 5 years:

(1) The applicant for, or holder of, the designation has knowingly made a material misrepresentation in the application for such designation.

(2) The applicant for, or holder of, the designation has committed any felony under State or Federal law or any crime involving fraud, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, trafficking in persons, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally.

(3) The applicant for, or holder of, the designation has committed any crime relating to gambling, or to the sale, distribution, or possession of alcoholic beverages, in connection with or incident to any exchange visitor recruitment activities.

(4) Such other criteria as the Secretary of State may, in the Secretary's discretion, establish.

SEC. 3906. BONDING REQUIREMENT.

(a) IN GENERAL.—The Secretary of State may assess a bond amount sufficient to ensure the ability of a sponsor to discharge its responsibilities and to ensure protection of exchange visitors, including wages or stipends. In requiring a sponsor to post the bond, the Secretary of State shall take into account the degree to which the sponsor's assets can be reached by United States courts.

(b) REGULATIONS.—The Secretary of State, by regulation, shall establish the conditions under which the bond amount is determined, paid, and forfeited, which shall include the sponsor's history of compliance.

(c) RELATIONSHIP TO OTHER REMEDIES.—The bond requirements and forfeiture of the bond under this section shall be in addition to or, pursuant to court order, in conjunction with, other remedies under 3910 or any other provision of law.

SEC. 3907. MAINTENANCE OF LISTS.

(a) IN GENERAL.—The Secretary of State shall work with the Secretary of Homeland Security to ensure that the information described in paragraphs (1) through (4) of subsection (b) is included on the foreign entity list kept and updated pursuant to section 3607 and shall share that list with the Department of Labor.

(b) INFORMATION.—Not later than 1 year after the date of the enactment of this Act, each sponsor shall compile and share with the Secretary of State on a regular basis a list that includes the following information:

(1) The countries from which the sponsor recruits.

(2) The host entities for whom the sponsor recruits.

(3) The occupations for which the sponsor recruits.

(4) The States where recruited exchange visitors are employed.

(c) LIMITATION ON PUBLIC AVAILABILITY.—Neither the Secretary of State nor the Secretary of Homeland Security shall make the information described in paragraphs (1) through (4) of subsection (b) public as part of the list described in section 3607.

SEC. 3908. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 214 (8 U.S.C. 1184), as amended by title IV, is further amended by adding at the end the following:

''(bb) A visa shall not be issued under section 101(a)(15) until the consular officer—

''(1) has confirmed that the applicant has received, read, and understood the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b); and

''(2) has reviewed and made a part of the visa file the exchange visitor program sponsor disclosures required by section 3902 of the Border Security, Economic Opportunity, and Immigration Modernization Act, including whether the exchange visitor program sponsor is designated pursuant to that section.''.

SEC. 3909. RESPONSIBILITIES OF SECRETARY OF STATE.

(a) IN GENERAL.—The Secretary of State shall ensure that each United States diplomatic mission has a person who is responsible for receiving information from any exchange visitor who has been subject to violations of this subtitle.

(b) PROVISION OF INFORMATION.—The responsible person referred to in subsection (a) shall ensure that the information received is provided to the Department of State. The Department of State may share that information as necessary with the Department of Justice, the Department of Labor, and any other relevant Federal agency.

(c) MECHANISMS.—The Attorney General and the Secretary of State shall ensure that there is a mechanism for any actions that need to be taken in response to information received under subsection (a).

(d) ASSISTANCE FROM FOREIGN GOVERNMENT.—The person designated for receiving information pursuant to subsection (a) is strongly encouraged to coordinate with governments and civil society organizations in the countries of origin to ensure the exchange visitor receives additional support.

(e) MAINTENANCE AND AVAILABILITY OF INFORMATION.—The Secretary of State shall ensure that consulates coordinate with the Department of State to have access to information regarding the identities of sponsors and the foreign entities with whom sponsors contract for exchange visitor program recruitment activities. The Secretary of State shall ensure information on the identity of sponsors is publicly available in written form on the Department of State website, and information on the identity of foreign entities in each individual country is publicly available on the websites of United States embassies in each of those countries.

SEC. 3910. ENFORCEMENT PROVISIONS.

(a) INVESTIGATIONS.—The Secretary of State shall undertake compliance actions and sanctions against exchange visitor program sponsors in accordance with part 62 of title 22, Code of Federal Regulations.

(b) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Attorney General may appear for and represent the Secretary in any civil litigation brought under this paragraph. All such litigation shall be subject to the direction and control of the Attorney General. Exchange visitor sponsors shall be allowed a reasonable period of inquiry and response before civil litigation is initiated.

(c) ENFORCEMENT.—The Secretary of State or an exchange visitor who is subject to any violation of this subtitle may bring a civil action against an exchange visitor program sponsor, foreign entity, or host entity in a court of competent jurisdiction and recover appropriate relief, including injunctive relief, damages, reasonable attorneys' fees and costs, and any other remedy that would effectuate the purposes of this subtitle. Any action must be filed within 3 years after the date on which the exchange visitor became aware of the violation, but under no circumstances more than 5 years after the date on which the violation occurred.

(d) ACTIONS BY THE SECRETARY OF STATE OR AN EXCHANGE VISITOR.—If the court finds in a civil action filed under this section that the defendant has violated any provision of this subtitle (or any regulation issued pursuant to this subtitle), the court may award damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to $1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(1) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only 1 violation for purposes of section 3902(a) to determine the amount of statutory damages due a plaintiff; and

(2) if such complaint is certified as a class action the court may award—

(A) damages up to an amount equal to the amount of actual damages; and

(B) statutory damages of not more than the lesser of up to $1,000 per class member per violation, or up to $500,000;

(C) other equitable relief;

(D) reasonable attorneys' fees and costs; and

(E) such other and further relief, including declaratory and injunctive relief, as necessary to effectuate the purposes of this subtitle.

(e) BOND.—To satisfy the damages, fees, and costs found owing under this section, as much of the bond held pursuant to section 3906 shall be released as necessary.

(f) APPEAL.—Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(g) SAFE HARBOR.—A host entity shall not have any liability under this section for the actions or omissions of an exchange visitor program sponsor that has a valid designation with the State Department pursuant to section 3905, unless and to the extent that the host entity has engaged in conduct that violates this subtitle.

(h) LIABILITY FOR FOREIGN ENTITIES.—Exchange visitor program sponsors shall be liable for violations of this subtitle by any foreign employees, agents, foreign entities, or subcontractees of any level in relation to the exchange visitor program recruitment activities of the foreign employees, agents, foreign entities, or subcontractees to the same extent as if the exchange visitor program sponsor had committed the violation, unless the exchange visitor program sponsor—

(1) uses reasonable procedures to protect against violations of this subtitle by foreign employees, agents, foreign entities, or subcontractees (including contractually forbidding in writing any foreign employees, agents, foreign entities, or subcontractees from seeking or receiving prohibited fees from workers);

(2) does not act with reckless disregard of the fact that foreign employees, agents, foreign entities, or subcontractees have violated any provision of this subtitle; and

(3) timely reports any potential violations to the Secretary of State.

(i) WAIVER OF RIGHTS.—Agreements between exchange visitors with sponsors, foreign entities, or host entities purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(j) RETALIATION.—No person shall intimidate, threaten, restrain, coerce, discharge, or in any other manner discriminate or retaliate against any exchange visitor or his or her family members (including a former exchange visitor or an applicant for employment) because such exchange visitor disclosed information to any person that the exchange visitor reasonably believes evidences a violation of this section (or any rule

or regulation pertaining to this section), including speaking with a worker organization, seeking legal assistance of counsel, or cooperating with an investigation or other proceeding concerning compliance with this section (or any regulation pertaining to this section).

(k) PROHIBITION ON RETALIATION.—It shall be unlawful for an exchange visitor program sponsor or foreign entity to terminate or remove from the exchange visitor program, ban from the program, adversely annotate an exchange visitor's SEVIS (as defined in section 4902) record, fire, demote, take other adverse employment action, or evict, or to threaten to take any of such actions against an exchange visitor in retaliation for the act of complaining about program conditions, including housing and job placements, wages, hours, and general treatment, or for disclosing retaliation by an exchange visitor sponsor, exchange visitor foreign entity, or host entity against any exchange visitor.

(l) PRESENCE DURING PENDENCY OF ACTIONS.—If other immigration relief is not available to the exchange visitor, the Secretary of Homeland Security may permit, only on the basis of proof, the exchange visitor to remain lawfully in the United States for the time sufficient to allow the exchange visitor to fully and effectively participate in all legal proceedings related to any action taken pursuant to this section.

(m) ACCESS TO LEGAL SERVICES CORPORATION.—Notwithstanding any other provision of law, the Legal Services Corporation and recipients of its funding may provide legal assistance on behalf of any alien with respect to any provision of this subtitle.

(n) HOST ENTITY VIOLATIONS.—The Secretary, in consultation with the Secretary of Labor, shall maintain a list of host entities against whom there has been a complaint substantiated by the Department of State for significant program violations. Information from that list shall be made available to sponsors upon request.

SEC. 3911. AUDITS AND TRANSPARENCY.

(a) COMPLIANCE AUDITS.—

(1) IN GENERAL.—The Secretary of State shall by regulation require audit reports to be filed by exchange visitor program sponsors operating under the following specific program categories, as described under subpart B of part 62 of title 22, Code of Federal Regulations, and any successor regulations:

(A) Summer work travel.

(B) Trainees and interns.

(C) Camp counselors.

(D) Au pairs.

(E) Teachers.

(2) AUDIT REPORTS.—Audit reports shall be filed with the Department of State and be conducted by a certified public accountant, pursuant to a format designated by the Secretary of State, attesting to the sponsor's compliance with the regulatory and reporting requirements set forth in part 62 of title 22, Code of Federal Regulations. The report shall be conducted at the expense of the sponsor and no more frequently than on a biannual basis.

(b) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the exchange visitor program, which shall detail for each specific program category—

(1) summary data on the number of exchange visitors and countries participating in that category;

(2) public diplomacy outcomes; and

(3) recent sanctions imposed by the Department of State.

SA 1528. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 4106. PRECERTIFICATION PROCEDURES FOR EMPLOYERS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 4103(a), is further amended by adding at the end the following new paragraph:

''(16)(A) PRECERTIFICATION PROCEDURES FOR EMPLOYERS.—Not later than 180 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of Homeland Security shall establish and implement a precertification procedure for employers who file multiple petitions described in this subsection or section 203(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting documentation that is common to multiple petitions and establish criteria relating to the employer and the offered employment opportunity through a single filing.

''(B) FEES.—(i) The Secretary shall impose a fee on each employer that uses the precertification procedure under subparagraph (A).

''(ii) In determining the amount of the fee to be imposed under clause (i), the Secretary shall establish a lower rate for small business concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

''(iii) Fees collected under this subparagraph shall be available to reimburse the Secretary for the costs of the precertification procedure.''.

SA 1529. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1566, between lines 4 and 5, insert the following:

(3) NOTARIO FRAUD.—The term ''notario fraud'' means immigration service providers engaging in fraudulent conduct or willful misrepresentation of the provider's legal authority to provide representation to immigrant clientele and in Federal immigration proceedings.

(d) COMBATING NOTARIO FRAUD GRANT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall establish a program, to be known as the ''Combating Notario Fraud Grant Program'', under which the Attorney General shall award incentive grants to eligible entities to support the adoption of dual scheme of State criminal laws and Board of Law Examiners authorization to combat notario fraud.

(2) ELIGIBLE ENTITIES.—In this subsection, an ''eligible entity'' is—

(A) a State; or

(B) a regional partnership.

(3) MAXIMUM AMOUNT.—An incentive grant awarded by the Attorney General may not exceed $25,000,000.

(4) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking an incentive grant under this subsection shall submit an application to the Attorney General at such time, in such form, and in such manner as the Attorney General may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) the current enforcement scheme to combat notario fraud under the laws of the State or States represented by the eligible entity;

(ii) the additional changes to the criminal laws of the State, the State Board of Law Examiners authority, and staffing levels to better address notario fraud in the State or States represented by the eligible entity; and

(iii) such other information as the Attorney General considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SA 1530. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—ANALYSIS OF MIGRATION TRENDS AND FOREIGN ASSISTANCE PRIORITIZATION

SEC. 5001. DEVELOPMENT OF ASSESSMENT AND STRATEGY ADDRESSING FACTORS DRIVING MIGRATION.

(a) DEVELOPMENT OF ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on migration to the United States from the countries specified in paragraph (2) that includes—

(A) a baseline assessment of the primary factors driving migration from those countries;

(B) an assessment of the impact of United States foreign assistance, trade, and foreign policy on migration trends in those countries; and

(C) an assessment of ongoing migrant protection issues and measures to address humanitarian and safety concerns in current migration flows, particularly such measures taken by the United States, the Government of Mexico, and the governments of countries in Central America to address such issues in Mexico and on the Southern border of the United States.

(2) COUNTRIES SPECIFIED.—The countries specified in this paragraph are the 10 countries determined by the Comptroller Genera to have the highest rates of irregular migration to the United States.

(3) CONSULTATIONS.—In preparing the report required by paragraph (1), the Comptroller General may consult with civil society organizations in the United States and the countries specified in paragraph (2).

(b) STRATEGY TO ADDRESS FACTORS DRIVING IMMIGRATION.—

(1) IN GENERAL.—The Secretary of State, working with the Administrator of the United States Agency for International Development, and in consultation with the entities specified in paragraph (2), shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a strategy for addressing the economic, social, and security factors driving high rates of irregular migration from the countries specified in subsection (a)(2).

(2) ENTITIES SPECIFIED.—The entities specified in this paragraph are the following:

(A) The Millennium Challenge Corporation.

(B) The Bureau of Population, Refugees, and Migration of the Department of State.

(C) The Department of Homeland Security.

(D) The Department of Labor.

(E) The Department of Agriculture.

(F) The Office of the United States Trade Representative.

(G) Civil society organizations in the United States.

(H) Civil society organizations in the countries specified in subsection (a)(2).

(3) ELEMENTS OF STRATEGY.—The strategy required paragraph (1) shall include—

(A) a summary and evaluation of current assistance provided by the United States to the countries specified in subsection (a)(2);

(B) an identification of the regions and municipalities in those countries experiencing the highest emigration rates and the current level of United States assistance or investment in those regions and municipalities; and

(C) recommendations for future United States Government assistance and technical support to address key economic, social, and development factors identified in those countries that are designed to ensure appropriate engagement of national and local governments and civil society organizations.

SEC. 5002. PRIORITIZATION OF MIGRATION SOURCE COUNTRIES BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Administrator of the United States Agency for International Development (in this section referred to as the ''Administrator'') shall coordinate with relevant agencies of the United States and agencies of the countries specified in section 5001(a)(2) to promote public policies that prioritize inclusive growth, poverty reduction, and sustainable alternatives to emigration.

(b) MIGRATION AND DEVELOPMENT PROGRAMMING.—The Administrator shall provide migration and development programming to assist communities and economic sectors in the countries specified in section 5001(a)(2), including communities—

(1) that currently experience, or are projected to soon experience, high rates of population loss due to international migration to the United States;

(2) experiencing or at high risk of trafficking in persons;

(3) that are receiving high rates of returned or deported migrants from the United States;

(4) affected by destabilizing levels of generalized violence, or violence associated with gangs, drug trafficking, or other criminal activity; and

(5) that currently have developed partnerships with migrant associations and federations based in the United States.

(c) TARGETED ASSISTANCE.—The Secretary of State and the Administrator shall work with the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives to increase, beginning in fiscal year 2014, financial assistance to the communities described in subsection (b) with the goal of—

(1) alleviating rural poverty and revitalizing agricultural production by supporting public and private investment in comprehensive rural development strategies, which should include—

(A) strengthening the quality and sustainability of rural extension services;

(B) expansion of agro-enterprise and agricultural value chain initiatives;

(C) investment in farm-to-market roads and storage facilities for small farmers and cooperatives; and

(D) assistance to protect the environment, promote safe and sustainable natural resource development, strengthen climate change adaptation, and expand access to credit and micro-finance opportunities for small farmers;

(2) fully funding micro-finance and micro-enterprise initiatives, ensuring mechanisms for access to rural credit and micro-insurance, and targeting available funding to traditionally marginalized groups and at risk populations, particularly youth and indigenous populations;

(3) promoting public-private partnerships for income generation, employment, and violence reduction, and prioritizing urban youth;

(4) incorporating mechanisms to adapt and expand financial (savings and credit) and non-financial (property and livelihood insurance) opportunities for vulnerable families in disaster risk reduction and recovery strategies; and

(5) increasing public-private diaspora partnerships for development in the Western Hemisphere, through the United States Agency for International Development's Global Development Alliance model and multilateral initiatives.

SEC. 5003. SENSE OF CONGRESS ON INCREASED UNITED STATES FOREIGN POLICY COHERENCE IN THE WESTERN HEMISPHERE.

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

(1) More than 80 percent of the current unauthorized immigration to the United States originates in Latin America, primarily in Mexico and Central America.

(2) Mexico and Central America have made strides in economic growth in recent years, but the majority of their populations, particularly in the rural sector, live in poverty, a factor that continues to drive emigration.

(3) The Mexico and Central America migration corridor maintains strong historic and current ties to the United States through trade and economic integration, labor flows, and geographic proximity, and will require particular bilateral and multilateral efforts to address shared concerns and promote shared opportunities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should review United States foreign policy toward Latin America in order to strengthen hemispheric security through the reduction of poverty and inequality, expansion of equitable trade, and support for democratic institutions, citizen security, and the rule of law, as essential elements of a consolidated and well-managed regional migration policy.

SA 1531. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT BY THE CHIEF ACTUARY OF THE CENTERS FOR MEDICARE & MEDICAID SERVICES ON ANY INCREASED COSTS TO THE MEDICARE PROGRAM THAT WILL RESULT FROM THE PROVISIONS OF, AND THE AMENDMENTS MADE BY, THIS ACT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Chief Actuary of the Centers for Medicare & Medicaid Services shall submit to Congress a report on any increased costs to the Medicare program under title XVIII of the Social Security Act that will result from the provisions of, and the amendments made by, this Act (including regulations to carry out such provisions and amendments).

(b) CONTENTS.—

(1) IN GENERAL.—The report under subsection (a) shall include—

(A) an estimate by the Chief Actuary of any increased costs to the Medicare program that will result from such provisions and amendments during—

(i) the 10-year period that begins on the date that is 10 years after the date of the enactment of this Act; and

(ii) the 75-year period that begins on such date of enactment; and

(B) any other items determined appropriate by the Secretary.

(2) REQUIREMENT.—The estimates under paragraph (1)(A) shall include the total impact on the Medicare program (dedicated revenues less expenditures), including the impact of individuals made newly-eligible for benefits under the Medicare program by reason of such provisions and amendments.

SA 1532. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, strike lines 8 through 10, and insert the following:

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

On page 1204, strike lines 4 through 11, and insert the following:

''(II)(aa) has an offer of employment from a United States employer in a field related to such degree; or

''(bb) in the case of an immigrant who is qualified under subclause (III)(bb), is employed by a United States employer in a field related to such degree; and

''(III) earned the qualifying graduate degree—

''(aa) during the 5-year period immediately before the initial filing date of the petition under which the immigrant is a beneficiary; or

''(bb) in the case of an immigrant who has been lawfully employed by a United States employer in each year since earning the qualifying degree, during the 10-year period immediately before the initial filing date of the petition under which the immigrant is a beneficiary; and

Beginning on page 1707, strike line 12 and all that follows through page 1708, line 6, and insert the following:

(b) IMMIGRATION DOCUMENTS.—Section 204 (8 U.S.C. 1154) is amended by adding at the end the following:

''(m) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—

''(1) IN GENERAL.—An employer shall provide an employee or beneficiary of an application filed under section 212(n)(1) who is seeking immigrant status under section 203(b) or nonimmigrant status under subparagraph (H)(i)(b) or (L) of section 101(a)(15) with a copy of the original of all applications and petitions filed by the employer with the Department of Labor or the Department of Homeland Security for the employee or beneficiary and with a copy of the original of all approval and denial notices received by employer in response to such applications or petitions—

''(A) not later than 30 days after filing or receiving the communications; or

''(B) in the case of applications pending on, or approved before, the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, not later than 90 days after receiving a written request from the employee or beneficiary.

''(2) WITHHOLDING OF FINANCIAL OR PROPRIETARY INFORMATION.—If a document required to be provided to an employee or beneficiary under paragraph (1) includes any financial or propriety information of the employer or confidential information of any other employee, including salary information, the employer may redact such information from the copies provided to such employee or beneficiary.''.

On page 1712, strike lines 14 through 17, and insert the following:

(2) by striking ''A petition'' and all that follows through the end and inserting the following:

''(1) LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—A petition under subsection (a)(1)(F) for an individual whose immigrant petition is approved and whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in a related area or field for which the petition was filed.''; and

On page 1713, beginning on line 3, strike ''the same or a similar occupational classification'' and insert ''a related area or field''.

On page 1713, beginning on line 13, strike ''the same or similar occupation'' and insert ''a related area or field''.

On page 1713, between lines 20 and 21, insert the following:

(b) INADMISSIBILITY CRITERIA.—Section 212(a)(5)(A) (8 U.S.C. 1182(a)(5)(A)) is amended by striking clause (iv) and inserting the following:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in an area or field that is related to the job for which the certification was issued.''.

SA 1533. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DETERMINATIONS UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

''(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

''(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and marital status of the individual on October 21, 1998.

''(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.''.

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; or

(B) 1 year after the date on which final regulations are promulgated to implement this section and the amendment made by subsection (a).

(2) MOTIONS TO REOPEN.—The Secretary shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendment made by subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act prior to April 1, 2000.

(c) INADMISSIBILITY DETERMINATION.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a)(1)(B), by inserting ''(6)(C)(i),'' after ''(6)(A),''; and

(2) in subsection (d)(1)(D), by inserting ''(6)(C)(i),'' after ''(6)(A),''.

SA 1534. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. WICKER, Mr. KAINE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1787, between lines 10 and 11, and insert the following:

''(3) FLEXIBILITY WITH RESPECT TO CROSSING OF H–2B NONIMMIGRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), if an employer files a petition for H–2B nonimmigrants and that petition is granted, the employer may bring the H–2B nonimmigrants for which the petition was granted into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

''(B) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer may not bring H–2B nonimmigrants into the United States under subparagraph (A) after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

''(i) completes a new assessment of the local labor market by—

''(I) listing job orders on local newspapers on 2 separate Sundays; and

''(II) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

''(ii) offers the job to an equally or better qualified United States worker who will be available at the time and place of need and who applies for the job.

''(C) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer who brings H–2B nonimmigrants into the United States during the 120-day period specified in subparagraph (A) to be staggering the date of need in violation of any applicable provision of law.

SA 1535. Mr. BROWN (for himself, Mr. ENZI, Mr. CASEY, Mr. BEGICH, Mr. PRYOR, Mr. TESTER, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1630, line 22, insert ''or accounting,'' after ''physical sciences,''.

SA 1536. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 952, strike lines 4 through 21 and insert the following:

''(2) PAYMENT OF TAXES.—

''(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has established the payment of all applicable Federal tax liability owed by the applicant for the 5-taxable year period ending with the taxable year preceding the taxable year in which such alien submits an application under subsection (a).

''(B) DEMONSTRATION OF COMPLIANCE.—An applicant shall demonstrate compliance with this paragraph by establishing that—

''(i) no applicable Federal tax liability exists for the period described in subparagraph (A);

''(ii) all outstanding applicable Federal tax liabilities have been paid for such period; or

''(iii) the applicant has entered into an agreement for payment of all outstanding applicable Federal tax liabilities for such period with the Secretary of the Treasury.

''(C) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(D) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish payment of all taxes required under this paragraph.

On page 970, beginning on line 23, strike ''has satisfied any applicable tax liability in accordance with paragraph (2)'' and insert ''has established the payment, in accordance with paragraph (2)(B), of all applicable Federal tax liability (as defined in paragraph (2)(C)) of the applicant for the period beginning with the taxable year in which such applicant submitted an application for registered provisional immigrant status and ending with the taxable year preceding the taxable year in which such applicant submitted an application for an extension under this paragraph''.

On page 985, strike lines 1 through 19 and insert the following:

''(2) PAYMENT OF TAXES.—An applicant may not file an application for adjustment of status under this section unless the applicant has established the payment, in accordance with section 245B(c)(2)(B), of all applicable Federal tax liability (as defined in section 245B(c)(2)(C)) owed by the applicant for the period—

''(A) beginning with the later of—

''(i) the taxable year in which such applicant submitted an application for registered provisional immigrant status; or

''(ii) the taxable year in which such applicant submitted an application for an extension of such registered provisional immigrant status; and

''(B) ending with the taxable year preceding the taxable year in which such applicant submitted an application for an adjustment of status under this section.

Beginning on page 1068, strike line 11 and all that follows through page 1069, line 3, and insert the following:

''(4) PAYMENT OF TAXES.—An applicant may not file an application for adjustment of status under this section unless the applicant

has established the payment, in accordance with section 245B(c)(2)(B), of all applicable Federal tax liability (as defined in section 245B(c)(2)(C)) owed by the applicant for the period beginning with the taxable year in which such applicant submitted an application for blue card status and ending with the taxable year preceding the taxable year in which such applicant submitted an application for an adjustment of status under this section.

On page 1448, between lines 5 and 6, insert the following:

SEC. 3204. LIMITATION ON CERTAIN ALIENS CLAIMING EARNED INCOME TAX CREDIT IN PRIOR YEARS.

(a) IN GENERAL.—Paragraph (1) of section 32(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) PROHIBITION ON RETROACTIVE CREDIT FOR CERTAIN IMMIGRANTS.—

''(i) IN GENERAL.—In the case of an individual who is granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act, no credit shall be allowed under this section for any taxable year prior to the year such individual was granted such status unless such individual —

''(I) was an eligible individual for such prior taxable year, and

''(II) was authorized to engage in employment in the United States for such prior taxable year.

''(ii) MARRIED INDIVIDUALS.—In the case of an eligible individual who is married (within the meaning of section 7703) to an individual who is granted registered provisional immigrant status or registered provisional immigrant dependent status under section 245B of the Immigration and Nationality Act, no credit shall be allowed under this section for any taxable year—

''(I) in which such individual was married (within the meaning of section 7703) to the eligible individual, and

''(II) which is prior to the year the spouse of such individual was granted such status,

unless such spouse was authorized to engage in employment in the United States for such prior taxable year.''.

(b) QUALIFYING CHILDREN.—Subparagraph (D) of section 32(c)(3) of such Code is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

''(ii) PRIOR YEARS.—In the case of an individual who is granted registered provisional immigrant status or registered provisional immigrant dependent status under section 245B of the Immigration and Nationality Act, such individual shall not be taken into account as a qualifying child under subsection (b) for any taxable year prior the year such individual was granted such status unless such individual was authorized to engage in employment in the United States for such prior taxable year.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SA 1537. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1404, line 1, strike ''The'' and insert ''Beginning on the date on which all employers are required to use the System pursuant to subsection (d)(2), the''.

SA 1538. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1680, line 5, insert ''; however, if the outplacement is a formal part of the H–1B nonimmigrant's graduate medical education or training, the employer is not required to pay the $500 fee'' after ''worker''.

SA 1539. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 870, strike line 22 and all that follows through page 871, line 6, and insert the following:

(A) IN GENERAL.—In implementing the Southern Border Fencing Strategy required by this subsection, the Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize and reasonably mitigate the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed, except in such cases where the Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States, determines that the Strategy would have a net beneficial impact to an area's environmental and cultural resources through the reduction of illegal cross-border traffic.

SA 1540. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 885, between lines 2 and 3, insert the following:

(H) TRANSFERS TO OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the Secretary may transfer amounts in the Trust Fund to the other Federal agencies to carry out the activities described in subparagraph (A), including the purchase of real property from willing sellers.

SA 1541. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 877, line 6, insert before the semicolon at the end ''and carry out associated mitigation measures identified in the Southern Border Fencing Strategy and through consultation conducted pursuant to section 5(b)(4)(A) of this Act''.

SA 1542. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 870, line 10, before the period at the end insert ''and any measures necessary to mitigate impacts to landowners, communities, and the environment associated with implementation of the Southern Border Fencing Strategy''.

SA 1543. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 870, line 10, before the period at the end insert ''and any measures necessary to mitigate impacts to landowners, communities, and the environment associated with implementation of the Southern Border Fencing Strategy''.

On page 870, strike line 22 and all that follows through page 871, line 6, and insert the following:

(A) IN GENERAL.—In implementing the Southern Border Fencing Strategy required by this subsection, the Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize and reasonably mitigate the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed, except in such cases where the Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States, determines that the Strategy would have a net beneficial impact to an area's environmental and cultural resources through the reduction of illegal cross-border traffic.

On page 877, line 6, insert before the semicolon at the end ''and carry out associated mitigation measures identified in the Southern Border Fencing Strategy and through consultation conducted pursuant to section 5(b)(4)(A) of this Act''.

On page 885, between lines 2 and 3, insert the following:

(H) TRANSFERS TO OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the Secretary may transfer amounts in the Trust Fund to the other Federal agencies to carry out the activities described in subparagraph (A), including the purchase of real property from willing sellers.

SA 1544. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 911, between lines 3 and 4, insert the following:

(e) EFFECTIVE PERIOD.—This section shall be in effect during the period beginning on the date of the enactment of this Act and ending on the date that the certification described in section 3(c)(2)(A) is submitted to the President and Congress.

SA 1545. Mr. WYDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 859, line 4, after the period at the end, insert the following: ''In this subsection, the term 'physical tactical infrastructure' means roads, vehicle and pedestrian fences, port of entry barriers, lights,

bridges, and towers for technology and surveillance.''.

SA 1546. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1582, between lines 14 and 15, insert the following:

(d) ADMINISTRATIVE FORFEITURE AUTHORITY.—Section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(5) such seized merchandise comprises funds accessible through a prepaid access device or other portable storage device,''.

(e) REAL PROPERTY USED IN ALIEN SMUGGLING AND HARBORING.—Section 274(b)(1) (8 U.S.C. 1324(b)(1)) is amended—

(1) by striking ''Any conveyance, including any vessel, vehicle, or aircraft, which has been or is being used in the commission of a violation'' and inserting ''Any property, real or personal, used or intended to be used to commit or to facilitate the commission of a violation''; and

(2) striking ''such conveyance'' and inserting ''such property''.

(f) PROCEEDS OF ALIEN SMUGGLING AND HARBORING.—

(1) IN GENERAL.—Section 274(b) (8 U.S.C. 1324(b)), as amended by subsection (e), is further amended by adding at the end the following:

''(4) PROCEEDS DEFINED.—In this subsection, the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, as a consequence of an act or omission in violation of this section, including the gross receipts of such activity.''.

(2) CONFORMING AMENDMENT.—Section 982(a)(6) of title 18, United States Code, is amended by insert ''(as defined in section 274(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1324(b)(4)))'' after ''proceeds''.

SA 1547. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1692, beginning on line 16, strike ''and'' and all that follows through ''(bb)'' on line 17, and insert the following:

''(bb) conduct annual audits of not less than .05 percent of employers (other than employers covered by item (aa)) that employ H–1B nonimmigrants during the applicable calendar year; and

''(cc)

On page 1726, beginning on line 3, strike ''and'' and all that follows through ''(bb)'' on line 4, and insert the following:

''(bb) conduct annual audits of not less than .05 percent of employers (other than employers covered by item (aa)) who employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year; and

''(cc)

SA 1548. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1704, after line 20, insert the following:

SEC. 4226. SUSPENSION OF EMPLOYER PARTICIPATION IN H–1B VISA PROGRAM.

Section 212(n)(2) (8 U.S.C. 1182(n)(2), as amended by this chapter, is further amended—

(1) by redesignating subparagraph (I) as subparagraph (L); and

(2) by inserting after subparagraph (H) the following:

''(I) The Secretary of Homeland Security shall suspend an employer's ability to petition for H–1B nonimmigrants for not less than 2 years if such employer violates this subsection or if the Secretary determines the existence of 1 or more of the following conditions with respect to the employer:

''(i) The employer has not taken good faith efforts to recruit United States workers.

''(ii) An H–1B nonimmigrant is working at locations not covered by a valid labor condition application.

''(iii) An H–1B nonimmigrant is not receiving the wage that the petitioning employer attested to in the labor condition application.

''(iv) An H–1B nonimmigrant has been benched without pay or with reduced pay.

''(v) An H–1B nonimmigrant is performing job duties that were not consistent with the position description provided by the employer.

''(vi) The employer deducts the fees associated with filing the H–1B petition from the H–1B nonimmigrant's salary.

''(vii) The employer forged signatures or documents relating to the Form I-129 petition, including documents relating to degree and work experience letters.''.

SA 1549. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1680, line 24, strike ''(A)''.

On page 1681, line 1, strike ''(i)'' and insert ''(A)''.

On page 1681, line 5, strike ''(ii)'' and insert ''(B)''.

On page 1681, line 9, strike ''(iii)'' and insert ''(C)''.

Beginning on page 1681, strike line 14 and all that follows through page 1684, line 2, and insert an end quote and final period.

Beginning on page 1688, strike lines 23 and all that follows through page 1689, line 13.

On page 1710, strike line 9 and all that follows through ''(4)'' on line 13, and insert ''(3)''.

On page 1710, strike line 19 and all that follows through ''(d)'' on line 24, and insert ''(c)''.

On page 1720, strike lines 20 through 23.

On page 1722, strike line 16 and all that follows through ''(d)'' on line 22, and insert ''(c)''.

SA 1550. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1632, line 24, strike ''Upon the request of the Secretary of State, the Secretary of Homeland Security may suspend employment authorizations under clause (ii)'' and insert ''The Secretary of Homeland Security shall suspend employment authorizations under clauses (i) and (ii)''.

On page 1633, line 10, strike ''section 101(a)(15)(H)(i)(b)'' and insert ''subparagraph (H)(i)(b) or (L) of section 101(a)(15)''.

On page 1669, strike line 11 and all that follows through ''(ii)'' on line 15, and insert ''(i)''.

On page 1669, line 17, strike ''(iii)'' and insert ''(ii)''.

On page 1669, line 20, strike ''(iv)'' and insert ''(iii)''.

On page 1670, lines 1 and 2, strike ''if the employer is an H–1B-dependent employer,''.

Beginning on page 1676, strike line 16 and all that follows through page 1678, line 21, and insert the following:

''(E) The employer did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before the date on which a visa petition supported by the application is filed and ending 180 days after such filing.''.

On page 1687, lines 6 through 8, strike ''participating in optional practical training pursuant to section 101(a)(15)(F)(i)'' and insert ''described in subparagraph (F) or (M) of section 101(a)(15)''.

On page 1687, lines 10 and 11, strike ''participant in such optional practical training'' and insert ''an alien described in subparagraph (F) or (M) of section 101(a)(15)''.

On page 1687, lines 16 and 17, strike ''participants in optional practical training pursuant to section 101(a)(15)(F)(i)'' and insert ''aliens described in subparagraph (F) or (M) of section 101(a)(15)''.

On page 1690, line 6, strike ''may conduct'' and insert ''shall conduct''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 20, 2013, at 2:45 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 20, 2013, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 20, 2013, at 2:15 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 20, 2013, at 3:30 p.m., to hold a hearing entitled ''Briefing on Syria.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,