

Kerry	Martinez	Sanders
Klobuchar	McCain	Smith
Kohl	Menendez	Snow
Kyl	Mikulski	Specter
Lautenberg	Murkowski	Stabenow
Leahy	Murray	Stevens
Levin	Nelson (FL)	Voinovich
Lieberman	Obama	Warner
Lincoln	Reed	Webb
Lott	Reid	Whitehouse
Lugar	Salazar	Wyden

NOT VOTING—5

Brownback	Johnson	Thomas
Hatch	Schumer	

The amendment (No. 1157) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEXT OF AMENDMENT SUBMITTED MONDAY, MAY 21, 2007

**SA 1150.** Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. EFFECTIVE DATE TRIGGERS.**

(a) With the exception of the probationary benefits conferred by section 601(h), the provisions of subtitle C of title IV, and the admission of aliens under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV,

(1) the programs established by title IV of this Act; and

(2) the programs established by title VI of this Act that grant legal status to any individual or adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress that the following border security and other measures are funded, in place, and in operation:

(1) **STAFF ENHANCEMENTS FOR BORDER PATROL.**—The U.S. Customs and Border Protection (CBP) Border Patrol has, in its continued effort to increase the number of agents and support staff, hired 18,000 agents;

(2) **STRONG BORDER BARRIERS.**—Have installed at least 200 miles of vehicle barriers, 370 miles of fencing, and 70 ground-based radar and camera towers along the southern land border of the United States, and have deployed 4 Unmanned Aerial Vehicles and supporting systems;

(3) **CATCH AND RETURN.**—The Department of Homeland Security is detaining all removable aliens apprehended crossing the southern border, except as specifically mandated by law or humanitarian circumstances, and U.S. Immigration and Customs Enforcement (ICE) has the resources to maintain this practice, including resources to detain up to 27,500 aliens per day on an annual basis;

(4) **WORKPLACE ENFORCEMENT TOOLS.**—As required through all the provisions of Title III of this Act, the Department of Homeland Security has established and is using secure and effective identification tools to prevent unauthorized workers from obtaining jobs in the United States. These tools shall include, but not be limited to, establishing—

(A) strict standards for identification documents that must be presented in the hiring process, including the use of secure documentation that contains a photograph, bio-

metrics, and/or complies with the requirements for such documentation under the REAL ID Act; and

(B) an electronic employment eligibility verification system that queries federal and state databases to restrict fraud, identity theft, and use of false social security numbers in the hiring process by electronically providing a digitized version of the photograph on the employee's original federal or state issued document or documents for verification of the employee's identity and work eligibility; and

(5) **PROCESSING APPLICATIONS OF ALIENS.**—The Department of Homeland Security has received and is processing and adjudicating in a timely manner applications for Z non-immigrant status under Title VI of this Act, including conducting all necessary background and security checks.

(b) It is the sense of Congress that the border security and other measures described in such subsection can be completed within 18 months of enactment, subject to the necessary appropriations.

(c) The President shall submit a report to Congress detailing the progress made in funding, appropriating, contractual agreements reached, and specific progress on each of the measures included in (a)(1)–(5):

(1) 90 days after the date of enactment; and

(2) every 90 days thereafter until the terms of this section have been met. If the President determines that sufficient progress is not being made, the President shall include in the report specific funding recommendations, authorization needed, or other actions that are being undertaken by the Department.

**TITLE I—BORDER ENFORCEMENT**

**SUBTITLE A—ASSETS FOR CONTROLLING UNITED STATES BORDERS.**

**SEC. 101. ENFORCEMENT PERSONNEL.**

(A) **ADDITIONAL PERSONNEL.**—

(1) **U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.**—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

(2) **INVESTIGATIVE PERSONNEL.**—

(A) **IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.**—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking “800” and inserting “1000”.

(B) **ADDITIONAL PERSONNEL.**—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) **DEPUTY UNITED STATES MARSHALS.**—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that assist in matters related to immigration.

(4) **RECRUITMENT OF FORMER MILITARY PERSONNEL.**—

(A) **IN GENERAL.**—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program

established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out paragraph (1) of subsection (a).

(2) **DEPUTY UNITED STATES MARSHALS.**—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a)(3).

(3) **BORDER PATROL AGENTS.**—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004. (118 Stat. 3734) is amended to read as follows:

**“SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.**

“(a) **ANNUAL INCREASES.**—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by not less than—

- “(1) 2,000 in fiscal year 2007;
- “(2) 2,400 in fiscal year 2008;
- “(3) 2,400 in fiscal year 2009;
- “(4) 2,400 in fiscal year 2010;
- “(5) 2,400 in fiscal year 2011; and
- “(6) 2,400 in fiscal year 2012.

“(b) **NORTHERN BORDER.**—In each of the fiscal years 2008 through 2012, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.”.

**SEC. 102. TECHNOLOGICAL ASSETS.**

(a) **ACQUISITION.**—Subject to the availability of appropriations for such purpose, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(b) **INCREASED AVAILABILITY OF EQUIPMENT.**—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

**SEC. 103. INFRASTRUCTURE.**

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking “Attorney General, in consultation with the Commissioner of Immigration and Naturalization,” and inserting “Secretary of Homeland Security”; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following: