FAIR’s Congressional Voting Report is designed to help you understand the positions that each Member of Congress has taken on immigration measures during the 113th Congress in furtherance of a rational immigration system. Where a Member voted with FAIR’s position on an amendment or bill, you will see a green plus sign (+). Where a Member voted against FAIR’s position, you will see a red minus sign (–). Where a Member voted “present,” you will see (P). Where a Member did not vote, you will see (NV). During any period that a Member was not present in office, you will see (NP). Please see page 2 for descriptions of immigration legislation considered in the U.S. Senate and page 4 for legislation in the U.S. House of Representatives.

### U.S. Senators from New Mexico

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### U.S. Representatives from New Mexico

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Although the 113th Congress saw fewer bills passed than any other Congress in recent history, the Senate did consider a mass guest worker amnesty bill during its first session in 2013. By contrast, during the second session in 2014, the Senate avoided the issue almost entirely.

**FIRST SESSION: January to December 2013**

**S.Amdt. 614 to S.Con.Res. 8**

Amendment to Senate Concurrent Resolution for Fiscal Year 2014 Budget

- **Senate Vote 77, Illegal Immigration** | March 23, 2013—Sen. Jeff Sessions (R-AL) amendment S.Amdt. 614 to S.Con.Res. 8 (a temporary funding measure) that prohibits illegal aliens or amnestied aliens from qualifying for federally subsidized healthcare. The amendment was rejected 43-56. **FAIR supported S.Amdt. 614.**

**S. 744: Border Security, Economic Opportunity and Immigration Modernization Act**

The Schumer-Rubio “comprehensive” immigration reform bill, while purporting to increase border security and other immigration enforcement, creates wide-ranging amnesty programs and massively expands foreign guest worker programs, endangering jobs in every sector of the American economy. Although hundreds of amendments were filed, only a few amendments received floor votes because Senate Majority Leader Harry Reid (D-NV) used a procedural move known as “filling the amendment tree” to prevent the full Senate from debating most of them. The list that follows represents votes on the key amendments that did reach the floor, as well as those on critical procedural moves leading up to the final passage.

- **Senate Vote 148, Border Security** | June 13, 2013—Majority Leader Harry Reid (D-NV) moved to table Sen. Chuck Grassley’s (R-IA) amendment S.Amdt. 1195 that prohibits the granting of amnesty (known as “registered provisional immigrant” status) to illegal aliens under S. 744 until the Secretary of Homeland Security maintains effective control of the borders for six months. The motion to table was agreed to 57-43, effectively killing the amendment. **FAIR opposed the motion to table the amendment.**

- **Senate Vote 151, Border Security** | June 18, 2013—Sen. John Thune (R-SD) amendment S.Amdt. 1197 that requires construction of 350 miles of reinforced, double-layered fencing along the Southern border (namely half of the number initially required by the Secure Fence Act) as a precondition to illegal aliens receiving provisional legal status under S. 744. It also prohibits illegal aliens granted this provisional status from then applying for green cards until the remaining half of the fence is built. The amendment was rejected 39-54. **FAIR supported S.Amdt. 1197.**

- **Senate Vote 152, Border Security** | June 18, 2013—Sen. David Vitter (R-LA) amendment S.Amdt. 1228 that prohibits illegal aliens from getting any legal status until the Secretary of Homeland Security certifies that the biometric entry-exit system known as US-VISIT is fully implemented at every land, sea, and air port of entry, and Congress passes a joint resolution stating that such entry-exit system is sufficiently implemented. The amendment was rejected 36-58. **FAIR supported S.Amdt. 1228.**

- **Senate Vote 163, Comprehensive Immigration Reform** | June 26, 2013—Sen. Pat Leahy (D-VT) amendment S.Amdt. 1183 to include the “border surge” deal reached by Senators Bob Corker (R-TN) and John Hoeven (R-ND) that in reality does little to improve border security, and also includes provisions that seriously undermine immigration enforcement. The amendment passed 69-29. **FAIR opposed S.Amdt. 1183.**

- **Senate Vote 167, Comprehensive Immigration Reform** | June 27, 2013—Majority Leader Harry Reid (D-NV) moved to invoke cloture (end debate) on S. 744. The motion was agreed to 68-32. **FAIR opposed the motion to invoke cloture.**
NOMINATION OF ALEJANDRO MAYORKAS FOR DEPUTY SECRETARY OF HOMELAND SECURITY

In June 2013, President Obama nominated U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas to be deputy secretary of the Department of Homeland Security (DHS). Obama nominated Mayorkas for the number two position at DHS despite the Inspector General’s ongoing investigation of him for impropriety relating to the EB-5 investor visa program. Not only was Mayorkas under investigation by the Inspector General’s office when nominated, the low morale at USCIS and accusations of rubberstamping immigration benefits applications raised additional questions about his qualifications. Still Senate Majority Leader Harry Reid (D-NV) insisted on scheduling a vote before the Inspector General concluded his investigation.

SENATE VOTE 285, MAYORKAS NOMINATION, CLOTURE VOTE | December 19, 2013—Majority Leader Harry Reid (D-NV) moved to invoke cloture (end debate) on the nomination of Mayorkas to be Deputy Secretary of DHS. The motion to invoke cloture was agreed to 55-45. Importantly, the cloture motion would have failed if Reid had not invoked the “nuclear option” which allowed a simple majority vote to defeat cloture rather than the 60 vote threshold normally required. FAIR opposed the motion to invoke cloture.

SENATE VOTE 286, MAYORKAS NOMINATION, FINAL PASSAGE | December 20, 2013—Final vote to confirm Mayorkas as DHS Deputy Secretary. The nomination was confirmed 54-41. FAIR opposed the nomination of Mayorkas.

SECOND SESSION: JANUARY TO SEPTEMBER 2014

S. 2648 (EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT 2014)

MOTION TO WAIVE ALL APPLICABLE BUDGETARY DISCIPLINE

SENATE VOTE 252, BORDER SECURITY, ILLEGAL IMMIGRATION | July 31, 2014—Prior to the August recess, the Senate considered a supplemental funding bill to address the surge of unaccompanied alien minors unlawfully crossing the Southern border. The bill would have granted President Obama $2.7 billion to deal with the border crisis but contained no policy changes. Senator Jeff Sessions (R-AL) raised a point of order that the bill violated the Budget Control Act because it contained discretionary spending that was not offset by reducing spending or raising additional revenue. However, Sen. Barbara Mikulski (D-MD) motioned to waive all points of order. The motion was rejected 50-44, meaning the bill was not passed. FAIR opposed the motion to waive the budget point of order.
During its first session in 2013 the House of Representatives considered a number of immigration bills in committees, but avoided the issue almost entirely before the full House. Nevertheless, we have chosen several immigration-related votes on appropriations to present a picture of each Representative’s position. By contrast, during the second session in 2014, the House brought several immigration bills to the floor for a vote.

FIRST SESSION: January to December 2013

H.R. 2217: Department of Homeland Security Appropriations Act

H.R. 2217 was the 2014 fiscal year funding bill through which Congress appropriated money to the Department of Homeland Security (DHS) and its agencies, including Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and Customs and Border Protection (CBP). Funding is used to pay for the salaries and expenses of all DHS employees, as well as all programs implemented by the department. House Members introduced dozens of amendments to this bill, several of which were voted on by voice vote, making it impossible to determine which Members voted for or against the amendment. However, below is a listing of the key amendments FAIR supported or opposed that did receive a roll call vote:

- **House Vote 195, 287(g)** | June 5, 2013—Rep. Jared Polis (D-CO) amendment H.Amdt. 99 to, among other things, defund the 287(g) immigration enforcement program. The 287(g) program allows ICE to “deputize,” or cross-designate, state and local law enforcement officers to act as immigration agents within their jurisdictions. The amendment was rejected 180-245. **FAIR opposed H.Amdt. 99.**

- **House Vote 198, Interior Enforcement** | June 5, 2013—Rep. Ted Deutch (D-FL) amendment H.Amdt. 107 to strike the current legislative requirement from the bill that ICE maintain at least 34,000 detention beds. The amendment was rejected 190-232. **FAIR opposed H.Amdt. 107.**

- **House Vote 208, Administrative Amnesty** | June 6, 2013—Rep. Steve King (R-IA) amendment H.Amdt. 136 to prevent DHS from implementing, administering, or enforcing ICE prosecutorial discretion (backdoor amnesty) initiatives. Congressman King’s amendment defunds a number of backdoor amnesty policies implemented by former DHS Secretary Janet Napolitano and former ICE Director John Morton in 2011 and 2012. The amendment was agreed to 224-201. **FAIR supported H.Amdt. 136.**

SECOND SESSION: January to September 2014

H.R. 4660: Commerce, Justice, Science Appropriations Act

H.R. 4660 was the 2015 fiscal year funding bill through which the House of Representatives appropriated money to the Departments of Commerce, Justice, and Science (CJS), including provisions that increase immigration enforcement. Specifically, the CJS bill provided funding for the State Criminal Alien Assistance Program (SCAAP). SCAAP funding reimburses states and municipalities for costs incurred from the incarceration of criminal aliens. House Members introduced dozens of amendments to this bill, several of which were voted on by voice vote, making it impossible to determine which Members voted for or against the amendment. However, below is a listing of the key amendments FAIR supported or opposed that did receive a roll call vote before the House passed the spending bill:
• **House Vote 246, Interior Enforcement** | May 29, 2014—Rep. Steve King (R-IA) amendment H.Amdt. 708 to allocate $5 million of Department of Justice (DOJ) funds to investigate the Obama administration’s release of criminal aliens. The amendment was agreed to 218-193. **FAIR supported H.Amdt. 708.**

• **House Vote 266, Interior Enforcement** | May 30, 2014—Rep. Steve King (R-IA) amendment H.Amdt. 770 to prohibit the DOJ’s State and Local Grant funding from being used in contravention of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The amendment agreed to 214-194. **FAIR supported H.Amdt. 770.**

**H.R. 4935 Child Tax Credit Improvement Act**

• **House Vote 451, Illegal Immigration** | July 25, 2014—Currently federal law does not require individuals who apply for the Additional Child Tax Credit (ACTC) to provide a social security number. Illegal aliens exploit this loophole and receive approximately $4.2 billion a year in ACTC refunds by using individual taxpayer identification numbers (ITINs) to claim the ACTC even if they do not pay any taxes themselves. The House Ways and Means Committee adopted an amendment to the Child Tax Credit Improvement Act authored by Rep. Sam Johnson (R-TX) that requires applicants for the ACTC to supply a social security number. The bill passed the full House 237-173. **FAIR supported H.R. 4935.**

**H.R. 5230: Emergency Supplemental Appropriations Act of 2014**

• **House Vote 478, Border Security, Illegal Immigration** | August 1, 2014—Prior to the August recess, the House considered a supplemental funding bill to address the surge of unaccompanied alien minors unlawfully crossing the Southern border. The original version of the bill included $659 million in additional funding but contained policy changes authored by Sen. John Cornyn (R-TX) and Rep. Henry Cuellar (D-TX) that would have made it more difficult to remove alien minors. However, House Republican leadership was forced to revise the bill because it lacked the votes to pass as introduced. First, they removed the Cornyn-Cuellar language and replaced it with stronger language drafted by Reps. John Carter (R-TX), Robert Aderholt (R-AL), and Jack Kingston (R-GA) that gave all unaccompanied minors the same removal process without adding unnecessary layers of process. Additionally, they included $35 million to reimburse Texas for the cost of sending the National Guard to the border, bringing the bill’s total to $694 million. **FAIR endorsed the revised version of the bill.** The bill passed 223-189. **FAIR supported H.R. 5230.**

**H.R. 5272: An Act to Prohibit Deferred Action for Aliens Not Lawfully Present in the United States**

• **House Vote 479, Administrative Amnesty** | August 1, 2014—Rep. Marsha Blackburn (R-TN) bill to bar President Obama from expanding the Deferred Action for Childhood Arrivals (DACA) backdoor amnesty program or any other administrative amnesty. The bill passed 216-192. **FAIR supported H.R. 5272.**