

On May 9, 2013, the Senate Judiciary Committee began amending (“marking up”) S. 744, the 844-page Senate Gang of Eight comprehensive immigration reform legislation. Three hundred amendments and five days of hearings later, the Senate Judiciary Committee concluded its markup, passing the legislation out of committee 13-5 and sending it to the Senate floor for debate. Rather than improving the legislation, the markup only made the bill worse, doing nothing to secure our porous borders and making it even easier for illegal aliens to gain citizenship.

Below is a list of key amendments offered during the hearing that would have improved the bill, but were ultimately rejected.

TITLE I

- **Cornyn 1**: Revises border security provisions to:
 - 1) require DHS and the Comptroller General to determine the borders are secure before permitting illegal aliens amnestied (receiving “registered provisional immigrant” status) to receive a green card;
 - 2) require DHS to achieve 90% apprehension rate along all border sectors;
 - 3) require DHS to develop and utilize new and improved border metrics;
 - 4) authorize the border commission created under the bill to act as an advisory panel to the Secretary of DHS immediately following enactment (rather than taking over in 5 years if Secretary fails to meet goals); and
 - 5) require DHS to develop a plan to decrease wait times at ports of entry, including by requiring the addition of 10,000 CBP officers, no less than 5,000 of which are mandated to be border patrol officers.

- **Cruz 1**: Prevents illegal aliens from obtaining amnesty until the DHS Secretary:
 - 1) triples the number of border patrol agents along the Southern border;
 - 2) quadruples the number of drones, cameras, helicopters, and other equipment along the border;
 - 3) completes the remainder of the border fence as mandated by the Secure Fence Act of 2006;
 - 4) develops real-time information sharing w/ the DOH and all federal law enforcement agencies;
 - 5) completes and fully implements the biometric US-VISIT entry-exit system; and
 - 6) establishes operational control over 100% of the Southern border. If the DHS Secretary fails to substantially comply w/ all requirements w/in 3 years, the Department’s political appointees’ salaries will be cut by 20 percent and given in the form of block grants to Southern border states.

- **Grassley 4**: Requires DHS Secretary to submit to Congress certification that the Southern border has been under “effective control” for at least 6 months before the Secretary can begin processing applications for amnesty (“registered provisional immigrant” status). Requires the 90% apprehension rate goal be met in all border sectors, not just those deemed “high risk.”
- **Lee 4**: Requires the House of Representatives to vote to determine whether the DHS Secretary has achieved the goals in the Secretary’s border security and fencing plans before the Secretary can process applications for illegal aliens to gain amnesty (“registered provisional immigrant” status) or a subsequent green card.
- **Sessions 4**: Requires the use of a biometric entry-exit system at all ports of entry before the DHS Secretary may adjust the status of RPIs to LPRs.
- **Sessions 9**: Requires the completion of a double-layered border fence along the Southern border, replacing the DHS Secretary’s optional border fencing strategy.
- **Sessions 11**: Ensures that “effective control” of the border encompasses all unlawful entries into the U.S., using the definition of operational control as under the Secure Fence Act of 2006.

TITLE II

- **Cruz 2**: Prohibits aliens from receiving Federal, State, or local means-tested benefits while not in lawful status.
- **Cruz 3**: Prohibits amnestied illegal aliens from receiving U.S. citizenship.
- **Lee 8**: Prohibits absconders or illegal aliens attempting to reenter after receiving a deportation order from qualifying for RPI status.
- **Lee 10**: Requires illegal aliens pay all back taxes, penalties, and fines before eligible for RPI status.
- **Lee 12**: Prohibits the use of sworn affidavits for employment verification for RPIs seeking to adjust to LPR status.
- **Sessions 30**: Amends the Internal Revenue Code to limit the additional child tax credit to citizens and LPRs.

TITLE III

- **Grassley 29**: Requires all businesses regardless of size to use the electronic employment authorization system to verify work eligibility of new hires w/in 18 months of enactment.
- **Grassley 35**: Allows state and local E-Verify laws to stay in place until the program is implemented and used nationwide.
- **Grassley 43**: Makes it more difficult for criminal street gang members to gain amnesty; strips DHS Secretary of the authority granted to her to waive gang members into the amnesty.
- **Grassley 47**: Strikes provision from bill making it more difficult to detain criminal aliens.
- **Grassley 52**: Prevents certain changes to the asylum program from taking effect until the Director of National Intelligence submits to Congress a report on the U.S. Government's handling of the Boston Marathon bombings, including the intelligence and immigration failures leading up to the attack. The changes put on hold include the provision eliminating the requirement those seeking asylum declare their intent to file w/in 1-yr of arriving the United States.
- **Sessions 31**: Amends the Internal Revenue Code to limit the Earned Income Tax Credit to U.S. citizens and LPRs.
- **Sessions 32**: Among other things, affirms in Fed law that state and local law enforcement have inherent authority to assist in the enforcement of fed immigration law.

TITLE IV

- **Grassley 56**: Strikes the provision waiving for "low-risk" applicants the requirement under current law that all individuals (with the exception of those below age 14 and above age 79) seeking a visa be subject to an in-person interview.
- **Grassley 60**: Requires all employers using H-1Bs (instead of only H-1B-dependent employers) to attest that they made good faith efforts to recruit U.S. workers first.
- **Grassley 67**: Requires annual audits of one percent of employers employing H-1B and L-nonimmigrant workers.

- **Grassley Second Degree #1 to Hatch-Schumer Second Degree to Hatch 10**: Requires all employers make a good-faith attempt to recruit U.S. workers before using H-1Bs.

- **Sessions 1**: Among other things, revises the immigrant visa system and caps the number of green cards per year at 1.2 million. Caps the number of nonimmigrant visas at 1 million per year with 169,000 guaranteed to go to certain nonimmigrant categories.

- **Sessions 6**: States changes made to the Visa Waiver Program (use of visa overstay rate to determine Visa Waiver Program eligibility) under bill would not take effect until the biometric entry-exit system is fully implemented.