

## Recap of S.744 Markup on Thursday, May 9, 2013

Black = Amendments Raised  
Red = Amendments Not Raised

Amendment Sponsor & Number	Amendment Unique Identifier	Description	NHLA Recommended Vote & Outcome	Vote Breakdown
<b>Blumenthal 10</b>	<b>DAV13376</b>	<p>To prohibit reimbursement of governments for prosecution or pre-trial detention arising from unlawful conduct by a law enforcement official.</p> <p><i><b>Language Modified by DOJ Input:</b></i>  <i>Section 1108, is amended by --</i>  <i>Inserting after subsection (a) the following:</i>  <i>“(b) EXCEPTION.—Reimbursement under subsection (a) shall not be available, at the discretion of the Attorney General, if the Attorney General determines that there is reason to believe that the jurisdiction seeking reimbursement has engaged in unlawful conduct in connection with immigration-related apprehensions,” and renumbering subsection (b) as subsection (c).</i></p>	<p><b>YES</b></p> <p><b>Adopted by VV</b></p>	
<b>Coons 2</b>	<b>ARM13605</b>	To limit dangerous deportation practices in places with a dangerous lack of public order.	<p><b>YES</b></p> <p><b>Withdrawn to be Reworked</b></p>	

<b>Cornyn 1</b>	<b>ARM13593</b>	In nature of a substitute. Replacement of Title I- Border Security.	<b>NO</b>  <b>Rejected by 6 - 12</b>	<b>Y:</b> <i>Grassley, Hatch, Sessions, Cornyn, Lee, Cruz</i> <b>N:</b> <i>Graham, Flake, Feinstein, Schumer, Durbin, Whitehouse, Klobuchar, Franken, Coons, Blumenthal, Leahy, Hirono</i>
<b>Cornyn 6</b>  <b>(Cornyn-Blumenthal-Franken)</b>	<b>ALB13436</b>	To include human trafficking as a funding focus of the Edward Byrne Memorial Justice Assistance Grant Program.	<b>YES</b>  <b>Adopted by VV</b>	
<b>Cornyn 7</b>	<b>MDM13317</b>	To expand a definition from those <i>convicted of</i> certain crimes to those <i>charged with</i> certain crimes for purposes of reimbursement of state and local governments under the State Criminal Alien Assistance Program. This could incentivize greater state or local enforcement.	<b>NO</b>	
<b>Cruz 1</b>	<b>MDM13528</b>	To replace Title I with specific border security requirements that shall be met before the Secretary of Homeland Security may process applications for registered provisional immigrant status or blue card status.	<b>NO</b>  <b>Rejected by 5 – 13</b>	<b>Y:</b> <i>Grassley, Sessions, Cornyn, Lee, Cruz</i> <b>N:</b> <i>Graham, Flake, Feinstein, Schumer, Durbin, Klobuchar, Franken, Coons, Blumenthal, Whitehouse, Hatch, Hirono, Leahy</i>

<b>Feinstein 1</b>	<b>EAS13297</b>	To expand a definition from those convicted of certain crimes to those charged with certain crimes for purposes of reimbursement of state and local governments under the State Criminal Alien Assistance Program. This could incentivize greater state or local enforcement.	<b>NO</b>  <b>Adopted by 10 - 8</b>	<b>Y:</b> Feinstein, Schumer, Hatch, Sessions, Cornyn, Lee, Cruz, Flake, Franken, Graham <b>N:</b> Durbin, Klobuchar, Coons, Blumenthal, Whitehouse, Grassley, Leahy, Hirono
<b>Feinstein 6</b>	<b>MDM13537</b>	To require the Secretary of Homeland Security to establish standards to ensure humane conditions for children in the custody of United States Customs and Border Protection.	<b>YES</b>  <b>Adopted by VV</b>	
<b>Feinstein 9</b>	<b>MDM13538</b>	To expand the costs for which States, tribal, and local governments may be reimbursed to include pre-trial services, clerical supports, and public defenders' services.	<b>YES</b>  <b>Adopted by VV</b>	
<b>Feinstein 11</b>	<b>ARM13559</b>	To modify the extent of the Southwest border region for purposes of border security from 100 miles to 25 miles.  <b>Substituted</b>	<b>YES</b>  <b>Withdrawn</b>	
<b>Feinstein 12</b>	<b>MDM13492</b>	To amend the Immigration and Nationality Act by expressly preempting any State or local law imposing a civil or criminal sanction, impairment, or liability on the basis of immigration status.	<b>YES</b>	

<b>Grassley 6</b>	<b>EAS13370</b>	To strike the exception to the implementation triggers for the adjustment of status of aliens granted registered provisional immigrants.	<b>NO</b>	
<b>Grassley 17</b>	<b>EAS13399</b>	To limit judicial review of decisions on applications under section 245B, 245C, 245D, or 245F of the Immigration and Nationality Act or section 2211. This would abolish most judicial review of decisions relating to registered provisional immigrant status and adjustment of status applications, including those relating to DREAMers, agricultural workers, and the spouses and children of all these individuals. The only exemption would be for challenges to the constitutionality of the law itself or the regulations.	<b>NO</b>	
<b>Hatch 4</b>	<b>MDM13385</b>	To strike the provision that requires the Secretary of Homeland Security to permit registered provisional immigrants to apply for an adjustment to lawful permanent resident status if any of the triggers of the bill were not implemented due to litigation or other circumstances beyond the control of the Secretary.	<b>NO</b>	
<b>Hirono 23</b>	<b>EAS13376</b>	To protect families in programs to apprehend aliens at an international border of the United States.  <b>Modification:</b> <b>W/ Amendment to Strike 2 Hour Requirement</b>	<b>YES</b>  <b>Adopted by</b> <b>10 - 8</b>	<b>Y:</b> Feinstein, Schumer, Durbin, Whitehouse, Klobuchar, Franken, Coons, Blumenthal, Hirono, Leahy <b>N:</b> Grassley, Hatch, Sessions, Graham, Cornyn, Lee, Cruz, Flake

<b>Hirono 24</b>	<b>ARM13613</b>	To replace the current citizenship and immigration services ombudsman with an ombudsman for immigration related concerns.	<b>YES</b>  <b>Adopted by VV</b>	
<b>Lee 1</b>	<b>MDM13379</b>	In the nature of a substitute. Piecemeal approach on Border Triggers.	<b>NO</b>	
<b>Lee 2</b>	<b>MDM13380</b>	In the nature of a substitute. Piecemeal approach on E-Verify.	<b>NO</b>	
<b>Lee 3</b>	<b>MDM13381</b>	In the nature of a substitute. Piecemeal approach to STEM and H1B Visas.	<b>NO</b>	
<b>Lee 4</b>	<b>MDM13493</b>	To require fast-track congressional approval when the Secretary of Homeland Security notifies Congress of the implementation of the border security strategies and certifies that the strategies are substantially operational. This could delay the beginning of the registered provision immigrant application process.	<b>NO</b>  <b>Rejected by 6 - 12</b>	<b>Y:</b> Grassley, Hatch, Sessions, Cornyn, Lee, Cruz <b>N:</b> Graham, Flake, Feinstein, Schumer, Durbin, Whitehouse, Klobuchar, Franken, Coons, Blumenthal, Hirono, Leahy
<b>Lee 6</b>	<b>EAS13358</b>	To clarify that the registered provisional immigrant program shall be funded only by fees. This could lead to exorbitant fees that could make the application process inaccessible to many.	<b>NO</b>	
<b>Sessions 4</b>	<b>EAS13419</b>	To require the use of a biometric entry and exit data system at all ports of entry before the Secretary of Homeland Security may adjust the status of aliens who have been granted registered provisional immigrant status. This could delay the adjustment of	<b>NO</b>	

registered provision immigrants.

<p><b>Sessions 9</b></p>	<p><b>EAS13443</b></p>	<p>To require the completion of the 700 miles of reinforced, double-layered fencing as a trigger. This could delay the adjustment of registered provision immigrants.</p>	<p><b>NO</b> <b>Rejected by</b> <b>6 – 12</b></p>	<p><b>Y:</b> Grassley, Hatch, Sessions, Cornyn, Lee, Cruz <b>N:</b> Graham, Flake, Feinstein, Schumer, Durbin, Whitehouse, Klobuchar, Franken, Coons, Blumenthal, Hirono, Leahy</p>
<p><b>Sessions 11</b></p>	<p><b>MDM13441</b></p>	<p>To heighten the definition of “effective control” to include prevention of unlawful entries into the United States, including narcotics and other contraband. To eliminate the use of the terms “effectiveness rate” and “high risk sectors” from the bill. This could delay the beginning of the registered provisional immigrant application process.</p>	<p><b>NO</b> <b>Rejected by</b> <b>6 - 12</b></p>	<p><b>Y:</b> Grassley, Hatch, Sessions, Cornyn, Lee, Cruz <b>N:</b> Graham, Flake, Feinstein, Schumer, Durbin, Whitehouse, Klobuchar, Franken, Coons, Blumenthal, Hirono, Leahy</p>
<p><b>Sessions 16</b></p>	<p><b>MRW13311</b></p>	<p>To ensure that all applications for immigration status under the Act and amendments made by the Act are filed electronically, to clarify the national security and law enforcement clearances required for an alien to be granted registered provisional immigrant status, to require interviews of certain applicants for adjustment of status, to require a fraud detection and deterrence plan to be submitted to Congress, and to impose penalties for knowingly committing or aiding fraud. This could delay the entire process and delay or deny status to many applicants.</p>	<p><b>NO</b></p>	

<b>Sessions 37</b>	<b>MDM13365</b>	To strike the section that requires Secretary of Homeland Security to issue policies governing the use of force by DHS personnel.	<b>NO</b>  <b>Rejected by</b> <b>7 - 11</b>	<b>Y:</b> <i>Grassley, Hatch, Sessions, Cornyn, Lee, Cruz,</i> Whitehouse <b>N:</b> <i>Graham, Flake, Feinstein, Schumer, Durbin, Klobuchar, Franken, Coons, Blumenthal, Hirono, Leahy</i>
<b>Sessions 38</b>	<b>MDM13366</b>	To strike the section that specifies the training requirements for border security and immigration officers and border community liaison officers.	<b>NO</b>  <b>Withdrawn</b>	
<b>Sessions 42</b>	<b>MDM13405</b>	To strike the emergency spending designations in the bill.	<b>NO</b>	