

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 744**

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. SCHUMER

Viz:

1        On page 25, beginning on lines 1, strike “**TRUST**  
2 **FUND.**” and insert “**FUNDS.**”.

3        On page 25, line 18, “\$6,500,000,000” and insert  
4 “\$8,300,000,000”.

5        Beginning on page 25, strike line 21 and all that fol-  
6 lows through page 26, line 8, and insert the following:

7                    (B) ONGOING FUNDING.—Notwithstanding  
8                    section 3302 of title 31, United States Code, in  
9                    addition to the funding described in subpara-  
10                    graph (A), and subject to paragraphs (3)(B)

1           and (4), the following amounts shall be depos-  
2           ited in the Trust Fund:

3           On page 29, between lines 4 and 5, insert the fol-  
4           lowing:

5                           (xviii) PENALTY FOR ADJUSTMENT  
6                           FROM REGISTERED PROVISIONAL IMMI-  
7                           GRANT STATUS.—Penalties collected under  
8                           section 245C(c)(5)(B) of the Immigration  
9                           and Nationality Act, as added by section  
10                          2102.

11                         (C) AUTHORITY TO ADJUST FEES.—As  
12                         necessary to carry out the purposes of this Act,  
13                         the Secretary may adjust the amounts of the  
14                         fees and penalties set out under subparagraph  
15                         (B), except for the fines and penalties referred  
16                         to in clauses (ii), (iii), (iv), or (xviii).

17           Beginning on page 29, strike line 5, and all that fol-  
18           lows through page 31, line 16, and insert the following:

19                         (3) USE OF FUNDS.—

20                           (A) INITIAL FUNDING.—Of the amounts  
21                           transferred to the Trust Fund pursuant to  
22                           paragraph (2)(A)—

1 (i) \$3,000,000,000, to remain avail-  
2 able for the 5-year period beginning on the  
3 date specified in paragraph (2)(A), is for  
4 use by the Secretary to carry out the Com-  
5 prehensive Southern Border Security  
6 Strategy;

7 (ii) \$2,000,000,000, to remain avail-  
8 able for the 10-year period beginning on  
9 the date specified in paragraph (2)(A), is  
10 for use by the Secretary to carry out pro-  
11 grams, projects, and activities rec-  
12 ommended by the Commission pursuant to  
13 section 4(d) to achieve and maintain the  
14 border security goal specified in section  
15 3(b);

16 (iii) \$1,500,000,000, to remain avail-  
17 able for the 5-year period beginning on the  
18 date specified in paragraph (2)(A), is for  
19 use by the Secretary to procure and deploy  
20 additional fencing in high-risk border sec-  
21 tors in accordance with the Southern Bor-  
22 der Fencing Strategy established pursuant  
23 to section 5(b);

24 (iv) \$750,000,000, to remain available  
25 for the 6-year period beginning on the date

1 specified in paragraph (2)(A), is for use by  
2 the Secretary to expand and implement the  
3 mandatory employment verification system  
4 to be used required by section 274A of the  
5 Immigration and Nationality Act (8 U.S.C.  
6 1324a), as amended by section 3101;

7 (v) \$900,000,000, to remain available  
8 for the 8-year period beginning on the date  
9 specified in paragraph (2)(A), is for use by  
10 the Secretary of State to pay for one-time  
11 and startup costs necessary to implement  
12 this Act; and

13 (vi) \$150,000,000, to remain available  
14 for the 2-year period beginning on the date  
15 specified in paragraph (2)(A), is for use by  
16 the Secretary for transfer to the Secretary  
17 of Labor, the Secretary of Agriculture, or  
18 the Attorney General, for initial costs of  
19 implementing this Act.

20 (B) REPAYMENT OF TRUST FUND EX-  
21 PENSES.—The first \$8,300,000,000 collected  
22 pursuant to the fees, penalties, and fines re-  
23 ferred to in clauses (ii), (iii), (iv), (vi), (xiii),  
24 (xvii), and (xviii) of paragraph (2)(B) shall be  
25 collected, deposited in the general fund of the

1 Treasury, and used for Federal budget deficit  
2 reduction. Collections in excess of  
3 \$8,300,000,000 shall be deposited into the  
4 Trust Fund, as specified in paragraph (2)(B).

5 (C) PROGRAM IMPLEMENTATION.—  
6 Amounts deposited into the Trust Fund pursu-  
7 ant to paragraph (2)(B) shall be available dur-  
8 ing each of fiscal years 2014 through 2018 as  
9 follows:

10 (i) \$50,000,000 to carry out the ac-  
11 tivities referenced in section 1104(a)(1).

12 (ii) \$50,000,000 to carry out the ac-  
13 tivities referenced in section 1104(b).

14 (D) ONGOING FUNDING.—Subject to the  
15 availability of appropriations, amounts depos-  
16 ited in the Trust Fund pursuant to paragraph  
17 (2)(B) are authorized to be appropriated as fol-  
18 lows:

19 (i) Such sums as may be necessary to  
20 carry out the authorizations included in  
21 this Act.

22 (ii) Such sums as may be necessary to  
23 carry out the operations and maintenance  
24 of border security and immigration en-

1                   forcement investments referenced in sub-  
2                   paragraph (A).

3                   (E) EXPENDITURE PLAN.—The Secretary,  
4                   in consultation with the Attorney General and  
5                   the Secretary of Defense, shall submit to the  
6                   Committee on Appropriations and the Com-  
7                   mittee on the Judiciary of the Senate and the  
8                   Committee on Appropriations and the Com-  
9                   mittee on the Judiciary of the House of Rep-  
10                  resentatives, in conjunction with the Com-  
11                  prehensive Southern Border Strategy and the  
12                  Southern Border Fencing Strategy, a plan for  
13                  expenditure that provides—

14                   (i) the types and planned deployment  
15                   of fixed, mobile, video, and agent and offi-  
16                   cer portable surveillance and detection  
17                   equipment, including those recommended  
18                   or provided by the Department of Defense;

19                   (ii) the number of Border Patrol  
20                   agents and Customs and Border Protection  
21                   officers to be hired, including a detailed  
22                   description of which Border Patrol sectors  
23                   and which land border ports of entry they  
24                   will be stationed;

1                   (iii) the numbers and type of un-  
2 armed, unmanned aerial systems and un-  
3 armed, fixed-wing and rotary aircraft, in-  
4 cluding pilots, air interdiction agents, and  
5 support staff to fly or otherwise operate  
6 and maintain the equipment;

7                   (iv) the numbers, types, and planned  
8 deployment of marine and riverine vessels,  
9 if any, including marine interdiction agents  
10 and support staff to operate and maintain  
11 the vessels;

12                  (v) the locations, amount, and  
13 planned deployment of fencing, including  
14 double layer fencing, tactical and other in-  
15 frastructure, and technology, including but  
16 not limited to fixed towers, sensors, cam-  
17 eras, and other detection technology;

18                  (vi) the numbers, types, and planned  
19 deployment of ground-based mobile surveil-  
20 lance systems;

21                  (vii) the numbers, types, and planned  
22 deployment of tactical and other interoper-  
23 able law enforcement communications sys-  
24 tems and equipment;

1 (viii) required construction, including  
2 repairs, expansion, and maintenance, and  
3 location of additional checkpoints, Border  
4 Patrol stations, and forward operating  
5 bases;

6 (ix) the number of additional attor-  
7 neys and support staff for the Tucson  
8 United States Attorney Office;

9 (x) the number of additional support  
10 staff and interpreters in the Tucson Court  
11 Clerks Office;

12 (xi) the number of additional per-  
13 sonnel, including Marshals and Deputy  
14 Marshals for the Tucson United States  
15 Marshals Office;

16 (xii) the number of additional mag-  
17 istrate judges for the southern border  
18 United States District Courts;

19 (xiii) activities to be funded by the  
20 Homeland Security Border Oversight Task  
21 Force;

22 (xiv) amounts and types of grants to  
23 States and other entities;

24 (xv) amounts and activities necessary  
25 hire additional personnel and start-up



1 costs related to upgrading software and in-  
2 formation technology necessary to transi-  
3 tion from a voluntary E-Verify system to  
4 mandatory employment verification system  
5 under section 274A of the Immigration  
6 and Nationality Act (8 U.S.C. 1324a)  
7 within 5 years;

8 (xvi) the number of additional per-  
9 sonnel and other costs associated imple-  
10 menting the immigration courts and re-  
11 moval proceedings mandated in subtitle E  
12 of title III;

13 (xvii) the steps the Commissioner of  
14 Social Security plans to take to create a  
15 fraud-resistant, tamper-resistant, wear-re-  
16 sistant, and identity-theft resistant Social  
17 Security card, including—

18 (I) the types of equipment need-  
19 ed to create the card;

20 (II) the total estimated costs for  
21 completion that clearly delineates  
22 costs associated with the acquisition  
23 of equipment and transition to oper-  
24 ation, subdivided by fiscal year and  
25 including a description of the purpose

1 by fiscal year for design, pre-acquisi-  
2 tion activities, production, and transi-  
3 tion to operation;

4 (III) the number and type of per-  
5 sonnel, including contract personnel,  
6 required to research, design, test, and  
7 produce the card; and

8 (IV) a detailed schedule for pro-  
9 duction of the card, including an esti-  
10 mated completion date at the pro-  
11 jected funding level provided in this  
12 Act; and

13 (xviii) the operations and maintenance  
14 costs associated with the implementation of  
15 clauses (i) through (xvii).

16 (F) ANNUAL REVISION.—The expenditure  
17 plan required in (E) shall be revised and sub-  
18 mitted with the President’s budget proposals  
19 for fiscal year 2016, 2017, 2018, and 2019  
20 pursuant to the requirements of section 1105(a)  
21 of title 31, United States Code.

22 (G) COMMISSION EXPENDITURE PLAN.—

23 (i) REQUIREMENT FOR PLAN.—If the  
24 Southern Border Security Commission ref-  
25 erenced in section 4 is established, the Sec-

1           retary shall submit to the appropriate com-  
2           mittees of Congress, not later than 60 days  
3           after the submission of the review required  
4           by section 4(g), a plan for expenditure that  
5           achieves the recommendations in the report  
6           required by section 4(d) and the review re-  
7           quired by section 4(g).

8           (ii) APPROPRIATE COMMITTEES OF  
9           CONGRESS DEFINED.—In clause (i), the  
10          term “appropriate committees of Con-  
11          gress” means—

12                 (I) the Committee on Appropria-  
13                 tions, the Committee on the Judiciary,  
14                 and the Committee on Finance of the  
15                 Senate; and

16                 (II) the Committee on Appropria-  
17                 tions, the Committee on the Judiciary,  
18                 and the Committee on Ways and  
19                 Means of the House of Representa-  
20                 tives.

21          (4) LIMITATION ON COLLECTION.—

22                 (A) IN GENERAL.—No fee deposited in the  
23                 Trust Fund may be collected except to the ex-  
24                 tent that the expenditure of the fee is provided  
25                 for in advance in an appropriations Act only to

1 pay the costs of activities and services for which  
2 appropriations are authorized to be funded  
3 from the Trust Fund.

4 (B) RECEIPTS COLLECTED AS OFFSETTING  
5 RECEIPTS.—Until the date of enactment of an  
6 Act making appropriations for the activities au-  
7 thorized under this Act through September 30,  
8 2014, the fees authorized by paragraph (2)(B)  
9 that are not deposited into the general fund  
10 pursuant to paragraph (3)(B) may be collected  
11 and shall be credited as to the Trust Fund to  
12 remain available until expended only to pay the  
13 costs of activities and services for which appro-  
14 priations are authorized to be funded from the  
15 Trust Fund.

16 (b) COMPREHENSIVE IMMIGRATION REFORM START-  
17 UP ACCOUNT.—

18 (1) ESTABLISHMENT.—There is established in  
19 the Treasury a separate account, to be known as the  
20 “Comprehensive Immigration Reform Startup Ac-  
21 count,” (referred to in this section as the “Startup  
22 Account”), consisting of amounts transferred from  
23 the general fund of the Treasury under paragraph  
24 (2).

1           (2) DEPOSITS.—There is appropriated to the  
2 Startup Account, out of any funds in the Treasury  
3 not otherwise appropriated, \$3,000,000,000, to re-  
4 main available until expended on the later of the  
5 date that is—

6                   (A) the date of the enactment of this Act;

7           or

8                   (B) October 1, 2013.

9           (3) REPAYMENT OF STARTUP COSTS.—

10                   (A) IN GENERAL.—Notwithstanding sec-  
11 tion 286(m) of the Immigration and Nationality  
12 Act (8 U.S.C. 1356(m)), 50 percent of fees col-  
13 lected under section 245B(c)(10)(A) of the Im-  
14 migration and Nationality Act, as added by sec-  
15 tion 2101 of this Act, shall be deposited month-  
16 ly in the general fund of the Treasury and used  
17 for Federal budget deficit reduction until the  
18 funding provided by paragraph (2) has been re-  
19 paid.

20                   (B) DEPOSIT IN THE IMMIGRATION EXAMI-  
21 NATIONS FEE ACCOUNT.—Fees collected in ex-  
22 cess of the amount referenced in subparagraph  
23 (A) shall be deposited in the Immigration Ex-  
24 aminations Fee Account, pursuant to section  
25 286(m) of the Immigration and Nationality Act

1 (8 U.S.C. 1356(m)), and shall remain available  
2 until expended pursuant to section 286(n) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1356(n)).

5 (4) USE OF FUNDS.—The Secretary shall use  
6 the amounts transferred to the Startup Account to  
7 pay for one-time and startup costs necessary to im-  
8 plement this Act, including—

9 (A) equipment, information technology sys-  
10 tems, infrastructure, and human resources;

11 (B) outreach to the public, including devel-  
12 opment and promulgation of any regulations,  
13 rules, or other public notice;

14 (C) grants to community and faith-based  
15 organizations; and

16 (D) anti-fraud programs and actions re-  
17 lated to implementation of this Act.

18 (5) EXPENDITURE PLAN.—Not later than 90  
19 days after the date of enactment of this Act, the  
20 Secretary, in consultation with the Attorney General  
21 and the Secretary of Defense, shall submit to the  
22 Committee on Appropriations and the Committee on  
23 the Judiciary of the Senate and the Committee on  
24 Appropriations and the Committee on the Judiciary  
25 of the House of Representatives, a plan for expendi-

1           ture of the one-time and startup funds in the Start-  
2           up Account that provides details on—

3                   (A) the types of equipment, information  
4                   technology systems, infrastructure, and human  
5                   resources;

6                   (B) the plans for outreach to the public,  
7                   including development and promulgation of any  
8                   regulations, rules, or other public notice;

9                   (C) the types and amounts of grants to  
10                  community and faith-based organizations; and

11                  (D) the anti-fraud programs and actions  
12                  related to implementation of this Act.

13           On page 31, line 20, strike “transferred to” and in-  
14           sert “deposited in”.

15           On page 32, line 2, strike “transferred to” and insert  
16           “deposited in”.

17           On page 867, after line 15, add the following:

18   **SEC. 4804. AUTHORIZATION OF APPROPRIATIONS.**

19           (a) FUNDING.—There are authorized to be appro-  
20           priated from the Trust Fund established under section  
21           6(a) such sums as may be necessary to carry out sections  
22           1110, 2101, 2104, 2212, 2213, 2221, 2232, 3301, 3501,

1 3502, 3503, 3504, 3505, 3506, 3605, 3610, 4221, and  
2 4401 of this Act.

3 (b) AVAILABILITY OF FUNDS.—Amounts appro-  
4 priated pursuant to this section shall remain available  
5 until expended unless otherwise specified in this Act.