

American public. One article of faith is when we have unemployment levels of 10 percent nationally, we have never failed to extend, in a routine fashion, emergency unemployment compensation.

We have got a lot of work to do when we get back. I am sorely disappointed we could not conclude this work before we left.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ILLEGALITY AT THE BORDER

Mr. SESSIONS. Mr. President, we had a number of votes this week, including one last night in the Armed Services Committee concerning whether to utilize the National Guard to confront the raging illegality that is occurring particularly in the Tucson sector of Arizona. It is a national crisis. The American people fully understand that.

President Obama announced, with some fanfare, that he would send 1,200 National Guard troops to the border. To some, that may have sounded like a good thing. It is certainly not a bad thing. But the truth is, President Bush, under Operation Jumpstart, had 6,000 National Guard at the border at one point, and they made a positive difference. The immigration and Border Patrol people were very complimentary of the National Guard. They repeatedly stated how much it helped them do their job. Since that period, a lot of developments have occurred on the border that have put us in a much better position to be effective in ending this massive illegality than had been the case previously. For example, we have completed close to 350 miles of pedestrian fencing and almost 300 miles of vehicle fencing along the Southern border. Though this only half of the 700 miles of reinforced pedestrian fencing mandated by the Secure Fence Act of 2006, it is a good start. President Bush reluctantly signed that bill into law, and started the process of building fencing and vehicle barriers. Much of it is has been completed now, but we still need to finish what Congress mandated. The fence has multiplied the capabilities of law enforcement officers in many sectors along the border. In addition, the Operation Streamline concept that had begun under the Bush administration in certain sectors of the border is working superbly and is a valuable tool. Other steps have been taken, including increasing the number of Border Patrol agents we authorized several years ago. They are just now coming on line and have been trained.

So we have a lot more agents at the border.

The number of people being arrested at the border remains unacceptable, but it is better than it has been. The numbers are down and, in some sectors, down dramatically. For example, in the Yuma sector of Arizona, about 6,900 people were arrested at the border trying to enter the country illegally in 2009. That may sound like a lot—and it is—but it is much less than the over 118,000 apprehended in 2006. In fact, that is a 94 percent decrease in just three years. But in the Tucson sector, where we have old fencing and limited Operation Streamline in effect, over 240,000 were arrested last year—a stunning number. Over a million pounds of marijuana were seized as part of that enforcement effort in the Tucson sector. That is what has caused such a pushback by the people of Arizona.

The President and Washington say: It is our job to end illegality at the border. You can't do anything. You have no jurisdiction. We don't want you to do anything.

That is not correct legally. I have done research on that point. A local law enforcement officer can stop and detain a person whom he identifies as being in the country illegally and turn them over to the Federal Government for the crime of entering the country illegally and for the crime of any other Federal offense they ascertain. This is classical law. It is well recognized. There is no dispute about it.

The people of Arizona rightly have gotten a bellyful. Their hospitals are being overrun. Crime is up. Phoenix is now the second leading kidnapping center in the world, second only to Mexico City in kidnappings, apparently.

It is not acceptable. It is a Federal responsibility. It is the President's responsibility. The President is the chief law enforcement officer. The ICE agents, the Border Patrol agents, Homeland Security, and the Defense Department are under the executive branch, of which the President is the head. I have been through this. We have talked about this. I made a speech before the last election and went into detail about what it would take to end the illegality at the border. It is not hard. It can be done. But we have to have the President committed.

Congress can pass laws. We can send money and force it on the departments. But if they are not willing to utilize it and apply it in an effective way, then we have problems.

Someone came up with the idea of having a virtual fence. They were going to apply that concept. We have now spent over \$1.1 billion to create this virtual fence and it didn't work. In fact, Secretary Napolitano has suspended work on the project. But if we build a fence with a good response time from Border Patrol agents, it makes a big difference. Go to Yuma or El Paso to see what that means. The President needs to lead.

What would we expect to happen? I have always believed the normal, nat-

ural thing is that the President would come to Congress and say: The borders are wide open. We have had 240,000 people arrested in the Tucson sector. This is unacceptable. I need A, B, C, and D, Congress. Give it to me. We will end this.

He should be telling us what he needs—unless, of course, we have no real desire to end the illegality, which is the case. Why? Because of politics, apparently, and some promise that must have been made in the last campaign that, we are not going to do anything significant at the border until those people in Congress give us amnesty. That is what comprehensive immigration reform is, in the minds of the pro-immigration crowd. They say: We won't fix the border until you agree to give us amnesty.

The American people have seen that before. It doesn't work. We did it in 1986. If we don't end the illegality and we grant amnesty, it sends a message to the world. And what message is that? If someone can get into the United States illegally, if they can burrow in a little bit and hold on, pretty soon they will get amnesty, too. They come in. They get work. Nobody complains if they are working. They hang on and hang on, and they get amnesty.

This eviscerates the American legal system. It makes a mockery of the law. It sends a message to the world: Come on down. Come on into our country in violation of our laws. We will welcome you and eventually make you a citizen. And those of you who want to come lawfully, you have to fill out paperwork, and you have to wait. And if you have a relative to the right degree, you can get in. But if you graduated at the top of your high school class in Honduras and you learned English and you have a year of college, you don't have a relative or whatever, you have to wait in line, unless, of course, you come in and enter illegally.

This is a dysfunctional legal system. We continue to see things develop that indicate to me that the views of the American people, which are sound and reasonable—they just want a lawful system of immigration; they are not against immigration; they are not against immigrants, but they are tired of this massive illegality—are not being listened to by the politicians. The politicians are saying things that are incorrect.

President Obama said he cares about workplace enforcement. What happened right after he took office? Apparently a raid—planned maybe even before he took office—in the State of Washington at a company that had a large number of illegal workers occurred. What happened? The pro-illegal immigration crowd, La Raza, the activists, they were all up in arms. Basically, they said: You promised us you wouldn't do this, Mr. President.

Wait a minute. I thought we had all the candidates saying we need to do better enforcement in the workplace. The jobs magnet does attract people

into the country. But did they have a secret agreement somewhere?

What happened? Secretary Napolitano said she was going to have an investigation and get to the bottom of it. Was she investigating the company that had hired people illegally? No. She was investigating the ICE agents who conducted the raid. Do my colleagues think that didn't send a message throughout the entire United States about this administration's policy of aggressive worksite enforcement—that was the policy of the United States at that point—that we are not going to do it in any effective way? That is indisputable. That is what happened.

This kind of duplicity is going to come home to roost. The American people are not going to continue to put up with it. Members of Congress who voted against the McCain amendment to put 6,000 National Guard on the border to end this violence and illegality that is occurring and threatening the very viability of the State of Arizona are going to have to answer for their votes. This is what democracy is all about.

This all leads me to an article from, I guess, yesterday, a report from Washington. This is what the news article says:

U.S. National Guard troops being sent to the Mexican border will be used to stem the flow of guns and drugs across the frontier and not to enforce U.S. immigration laws, the State Department said Wednesday.

Well, you know: You fool me once, shame on you; fool me twice, shame on me.

So I thought the President was saying he was sending 1,200 troops to the border to help end illegality at the border. But, oh, no, they are not doing that. We want to be sure everybody understands, it is only going to be for guns and drugs.

Who do they want to understand this? Do they want the American people to understand it? I do not think so.

The next sentence in the article:

The clarification came after the Mexican government urged Washington not to use the additional troops to go after illegal immigrants.

Philip Crowley, the State Department spokesperson, the flack from the State Department, told reporters, "It's not about immigration." He said, "We have explained the president's announcement to the government of Mexico, and they fully understand the rationale behind it."

Quoting the article further:

Obama's announcement came less than a week after a state visit to Washington by Mexican President Felipe Calderon, who asked for greater U.S. backing for a . . . war on drug cartels.

Well, who are we representing? Mr. Calderon and the Mexican Government or the American people? Is this another flimflam view? I am afraid it is. I can say it appears quite clearly it is, and it is not acceptable. So I think Congress is going to have to act.

They did not want the fence. President Bush did not want the fence. But Congress, after the situation got so bad, appropriated the money and directed it be built, and it has had a great and positive benefit wherever the fence has been built.

We know the history in San Diego when there was massive violence, massive illegality going on at the border. We know that occurred. We built the fence there and violence on both sides of the border went down. Economic growth on both sides of the border went up. Drugs and prostitution and other kinds of illegalities ended, and solid prosperity began to reoccur. You can not operate effectively in an area of violence and illegality and drugs.

So the flow of guns is a Mexican complaint, that too many guns are being bought in the United States and taken to Mexico. I do not dispute that we should be effective in enforcing those laws. But I would suggest, having prosecuted more Federal gun violations than all other Members of this Senate put together, that the National Guard is not the kind of folks we need to prosecute guns going into Mexico. That should be done by ATF and the Border Patrol.

So what does this say about the decision that the President said he is going to deploy 1,200 troops? I say it is just further proof it is not a serious commitment in any way. I do not know what they are going to be doing. I do not see how they can be helpful, and I am not being taken in by what appears to be a ruse. So they are not going to be used for immigration; they are going to be used for drugs and guns, which I think they will not be that particularly effective about. They are talking about guns going from the United States to Mexico. So those are the questions I have.

What Congress needs to do, what the President needs to do, is to make a clear statement that illegality at our border will end. We will do what it takes to end it. It is within our power to do so. We made some progress already. We have about half as many arrests today along the whole border as we did just 6 or 7 years ago. It is because enforcement is much better than it was, and we are going to continue that. We are going to drive down dramatically this illegality, and we are going to effectively improve our immigration legal system so people can have some certainty about that and create a system that serves our national interest in the process.

We are going to tell everybody in the world: Do not come to the border expecting to walk in. You are not going to be successful, and it will stop. It will go down dramatically. It already has in certain sectors. The word gets out. The word was out that the border was wide open and anybody could enter. When the word gets out that the border is closed, people will stop trying. So we will have a massive reduction in the attempts to enter, leaving fewer people

for the Border Patrol to have to apprehend, and we will be having a spiral in the right way instead of the wrong way.

So I think we are going to have more votes. I think people who cast a vote in opposition to Senator McCain's amendment, Senator KYL's amendment, Senator CORNYN's amendment to take the steps that actually work to eliminate illegality at the border need to be answering to their constituents.

I think it is time for Congress to step up. The President is not stepping up. Congress was able to make real progress a few years ago when we built the fence and did some other things that I worked very hard on. I believe we can make progress again. I think the American people have a way, eventually, of having their voices heard, and I think we are going to hear those voices more loudly, with more clarity, in the future.

Somehow, some way, I believe the government is going to come around to affirm the legitimate demands of the American people. They have been right from the beginning. Their instincts, their character, should not be questioned. They simply want an effective immigration system, a lawful immigration system, and they believe it is an embarrassment and a disgrace to our country to have massive illegality going on, as it is today.

I thank the Acting President pro tempore and yield the floor.

#### TRIBUTE TO JUDGE JAMES F. MCKAY III

Mr. REID. Mr. President, I rise to honor Judge James F. McKay III on his appointment as Honorary Counsel of Ireland of the State of Louisiana.

In addition to his public service as an appellate court judge on Louisiana's Fourth Circuit Court of Appeal and national leadership as president of the American Judge's Association, Judge McKay is widely known for his long and distinguished leadership and service to the Ancient Order of Hibernians at the national level. He served as the National Chairman of the 94th National Convention and was elected national treasurer of the Ancient Order of Hibernians, AOH, in 2008. He has held a variety of other leadership positions within AOH including: chairman of the Grievance Tribunals; chairman of the Constitution Revision Committee; chairman of the Home Fund; national board member and chairman of the 1992 national convention in New Orleans.

Judge McKay is the son of James F. McKay and Katherine Raphiel McKay and grew up in the Lakeview neighborhood of New Orleans. Along with his six siblings, he was educated by the Carmelite Sisters at St. Dominic School and remains active in the affairs of both St. Dominic School and St. Dominic Church, serving as a member of the Knights of Columbus St. Dominic Council. Judge McKay went on to graduate from De La Salle High