

against an extensive backdrop of the nominee's pre-hearing record.

Mr. SPECTER. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BORDER SECURITY

Mr. KYL. Mr. President, I rise to speak on a subject that has certainly had a lot of press coverage, and that is the trip by the Arizona Governor to Washington to speak with the President about the immigration issue in Arizona, recent legislation that was passed, and what we can do to secure the border. Something caught my eye in the Congress Daily which I want to quote and discuss.

The article is entitled "Arizona Gov. Pushes for Obama's Help." It was dated Thursday, June 3, and it talked about the meeting between the Governor and the President. It says they didn't appear to come to any agreements, and then it reads:

White House Press Secretary Robert Gibbs said that both sides expressed their viewpoints, with Obama stressing that border security must be coupled with comprehensive immigration reform.

Why is that? Why is securing the border being held hostage to comprehensive immigration reform? The President has a responsibility and we have a responsibility to enforce our laws. That includes securing our border. So why does the President insist we are not going to secure the border until we have comprehensive immigration reform?

The reality is, if we do secure the border, it will be easier for Congress to pass comprehensive reform, because people will then understand that the Federal Government is serious about securing the border. They don't believe that today. With articles such as this, why should they? In effect, the President is saying: We are not going to secure the border until we have comprehensive reform.

We don't need comprehensive reform to secure the border, and I submit we do need to secure the border for comprehensive immigration reform.

I have talked a lot on this floor—and so has Senator McCain—about efforts to secure the border and the different segments of the border. In the State of Arizona, there are two segments. One is called the Yuma sector and the other is called the Tucson sector. The Yuma sector has basically been secured in terms of illegal immigration. There is still a lot of illegal drugs crossing in that sector. They are working on that. The Tucson sector is not secure in terms of illegal immigration or drug

smuggling. In fact, about half of all illegal immigration comes through the Tucson sector.

Why is the Yuma sector pretty well secured and the Tucson sector not? There are a variety of reasons. First, the Yuma sector pretty much completed the fencing, particularly in the urban area there, the double fencing that has enabled the Border Patrol to apprehend illegal immigrants who try to cross. Secondly, there is an adequate number of Border Patrol agents. Third, in the Yuma sector, there is a program called Operation Streamline, the essence of which is, instead of catch and release, where illegal immigrants are apprehended and then returned to the border in a bus, these illegal immigrants are taken to court and provided a lawyer. But the reality is, almost all of them end up pleading to having crossed the border illegally, and they spend at least 2 weeks in jail. About 17 percent of the people are criminals. Obviously, they don't want to do this so they don't cross in that area anymore. The rest want to come work and make money so they can send it back to their families. They obviously can't do that while they are serving time in jail. The net result is that there is a big deterrent to crossing in the Yuma sector. If they cross there, they go to jail. So they cross somewhere else.

If we had a similar operation in other segments of the border, it appears to me we could go a long way toward having operational control of the border.

The reality is, we can secure the border. I know there are some on the other side who believe if we secured the border, then there would be less incentive for Republicans to support comprehensive immigration reform. Think of that. That is holding national security, border security, hostage to passing a bill in Congress. That should not be. We have a job to secure the border. We should do that irrespective of whether Congress then passes comprehensive reform.

I remind my colleagues that in 2007, I helped to draft, along with Senator Kennedy, the legislation we brought to the floor. Unfortunately, it was not successful. It was opposed by both Republicans and Democrats. It was supported by both Republicans and Democrats. In the end, it didn't have the votes to pass. The point is, there were many on our side of the aisle as well as the other side who were willing to draft and support legislation for comprehensive reform. It is not true to say that if we secure the border, many of us will, therefore, not have an incentive to support comprehensive reform.

The American people don't believe the Federal Government is serious about securing the border. They are not going to support comprehensive reform until they see some seriousness on the part of the Federal Government. When we hear comments such as those from Robert Gibbs, who says the President stressed that border security must be coupled with comprehensive immi-

gration reform, I say the American people are apparently right. The Federal Government—at least the President—does not appear to be serious about enforcing the laws at the border and securing the border. Otherwise, he wouldn't couple that with a requirement that we have to pass comprehensive reform. We are not going to pass comprehensive reform this year for a variety of reasons. That is a fact. But that doesn't mean we can't secure the border. Indeed, we should.

#### JOB CREATION

Mr. KYL. Mr. President, I rise to speak about an editorial in the Wall Street Journal. I ask unanimous consent that this June 4 editorial titled "Employers on Strike" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KYL. It begins with this comment which caught my eye:

It's too bad we can't do the Census every year, because maybe the U.S. economy would then show some jobs growth.

That is pretty interesting. The reason is because of the news last week that was greeted with some degree of concern by folks on Wall Street and elsewhere. Despite the fact that we created a net total of 431,000 jobs in May, 411,000 of those were temporary Census hires. Yes, we created a lot of jobs by hiring temporary Census workers, but those are not private-sector, permanent jobs. That is what we should be doing.

This article notes that:

The private economy—that is, the wealth creation part, not the wealth redistribution part—gained only 41,000 jobs, down sharply from the encouraging 218,000 in April, and 158,000 in March.

The point being that these temporary Census jobs are not our ticket to economic recovery. These are temporary, government, and they do not add to the employment base that produces wealth.

It is interesting that those who supported the stimulus package, which cost \$862 billion, said there was an economic factor here called the Keynesian multiplier effect, that somehow a dollar in government spending was supposed to produce a dollar and a half in economic output. This is truly the creation of something out of nothing or, more accurately, taking a dollar out of the private sector and somehow creating a dollar and a half worth of value. It turns out it didn't happen. It never does. This is very fuzzy thinking. We cannot take money out of the private sector and expect that it is going to somehow multiply an economic output or job creation factor, when the government spends the money. That is \$862 billion that has been taken out of the productive private sector.

What happens? We either have to borrow it, which makes it harder for the

private sector to borrow money, or we have to tax the private sector, thereby reducing the private sector's ability to create jobs in the future. The bottom line, as this editorial notes:

Almost everything Congress has done in recent months has made private businesses less inclined to hire new workers.

That problem is exacerbated by the bill which we take up tomorrow. This is the so-called jobs bill. It is a bill which will cost \$116 billion. It will add \$54 billion to our national debt. It will further weaken the private sector's ability to create jobs.

As this Wall Street Journal editorial notes:

It's too bad we can't do the Census every year, because maybe the U.S. economy would then show some job growth.

That is being facetious, obviously. Those are not the kind of jobs that will productively create economic growth, because they are not in the private sector. They are simply temporary. I hope as we debate the bill over the course of the next several days, the so-called stimulus, we can get away from this notion that somehow or other if we take money out of the productive part of our economy and have the government spend it, that somehow or other, magically, that is going to help engineer economic recovery. It doesn't. Instead what we have is an economic recovery that is exceedingly slow and will be more so, the more regulation and taxation we impose on our private sector.

#### EXHIBIT 1

[From the Wall Street Journal, June 4, 2010]  
EMPLOYERS ON STRIKE

It's too bad we can't do the Census every year, because maybe the U.S. economy would then show some jobs growth. That quip was one of the rueful asides we heard yesterday as Americans learned that the economy created a net total of 431,000 new jobs in May, including 411,000 temporary Census hires.

The private economy—that is, the wealth creation part, not the wealth redistribution part—gained only 41,000 jobs, down sharply from the encouraging 218,000 in April, and 158,000 in March. The unemployment rate did fall to 9.7% from 9.9%, but that was mainly because the labor force contracted by 322,000. Millions of Americans, beyond the 15 million Americans officially counted as unemployed, have given up looking for work.

Worst of all, nearly half of all unemployed workers in America today (a record 46%) have been out of work for six months or more. Normally job growth accelerates during the early stages of an economic rebound, but this dismal report suggests that the recovery remains well short of becoming a typical expansion.

There were some slivers of good news in the May jobs report. For those who have jobs, the average work week rose by 0.1 hours to 34.2 hours and earnings nudged upward by 0.3%. Manufacturers added 29,000 workers, and their hours worked jumped 5.1%, the best since 1983.

Perhaps this is what White House chief economist Christina Romer was looking at yesterday when she cited "encouraging developments" in the jobs market and "continuing signs of labor market recovery." We doubt this was the private reaction in the Oval Office, whose occupant was told by Ms. Romer and economic co-religionist Jared

Bernstein that the February 2009 stimulus would kick start a recovery in growth and jobs. Whatever happened to the great neo-Keynesian "multiplier," in which \$1 in government spending was supposed to produce 1.5 times that in economic output?

Imagine if Ms. Romer had instead promised in 2009 that Congress could spend nearly \$1 trillion, and 16 months later the unemployment rate would be nearly 10% and that more than 2.5 million additional Americans would be without jobs. Would Congress have still spent the cash? Well, sure, Congress will always spend what it can get away with, but the American public would have turned against the stimulus even faster than it has.

The multiplier is an illusion because that Keynesian \$1 has to come from somewhere in the private economy, either in higher taxes or borrowing. Its net economic impact was probably negative because so much of the stimulus was handed out in transfer payments (jobless benefits, Medicaid expansions, welfare) that did nothing to change incentives to invest or take risks. Meanwhile, that \$862 billion was taken out of the more productive private economy.

Almost everything Congress has done in recent months has made private businesses less inclined to hire new workers. ObamaCare imposes new taxes and mandates on private employers. Even with record unemployment, Congress raised the minimum wage to \$7.25, pricing more workers out of jobs. The teen unemployment rate rose to 26.4% in May, and for those between the ages of 25 and 34 it rose to 10.5%. These should be some of the first to be hired in an expansion because they are relatively cheap and have the potential for large productivity gains as they add skills.

The "jobs" bill that the House passed last week expands jobless insurance to 99 weeks, while raising taxes by \$80 billion on small employers and U.S.-based corporations. On January 1, Congress is set to let taxes rise on capital gains, dividends and small businesses. None of these are incentives to hire more Americans.

Ms. Romer said yesterday that to "ensure a more rapid, widespread recovery," the White House supports "tax incentives for clean energy," and "extensions of unemployment insurance and other key income support programs, a fund to encourage small business lending, and fiscal relief for state and local governments." Hello? This is the failed 2009 stimulus in miniature.

It's always a mistake to read too much into one month's jobs data, and we still think the recovery will lumber on. But if Ms. Romer wants this to be more than a jobless recovery, she and her boss should drop their government-creates-wealth illusions and start asking why so many private employers remain on strike.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Arizona. There is no one more thoughtful on finance matters and job creation than he. He has made a very important point. It was a well-intentioned effort by the administration to say: We have an economic recession so we need to stimulate the economy through some government spending. There were proposals on the Republican side to do that to a much lesser extent. But what has happened is, as the Senator has pointed out, the focus has been much too heavily on creating more government jobs, when what we need is an environment for job growth in the private

sector. In fact, as the Senator from Arizona pointed out, the actions the government has taken over the last year during this great recession too often make it harder to create jobs in the private sector.

The health care bill taxes job creators and investors. Those are the ones who create the jobs. The stimulus package runs up the debt. The higher the debt goes, the more money it sucks out of the system, and the harder it is to get money and to create jobs. The financial regulation bill makes credit harder to get on Main Street, as we now see it going through the Congress. If you can't get credit, you can't create a job.

Jobs are at the front of everyone's mind. Our friend, the former Governor from Virginia, is here. He knows this very well. The Governor of Tennessee, Phil Bredesen, said the other day that in my State, if he had 100 conversations, 95 would be about jobs. I agree. But clearly a fundamental difference of opinion we seem to have in the Senate is our focus on creating an environment for job growth in the private sector. The Democratic focus seems to me to be much more focused on creating more government jobs. That is not working. Because if the economy continues to grow for the rest of the year at approximately the rate it has grown for the first part of the year, we will end the year with 10 percent unemployment. As we all know, that burden falls most heavily on lower income Americans.

#### OILSPILL RESPONSE

Mr. ALEXANDER. Mr. President, I rise to speak on what I call an oilspill response for grownups. The tragic gulf oilspill has produced overreaction, demagoguery, and bad policy. I would cite "Obama's Katrina, end offshore drilling, produce 20 percent of our electricity from windmills" as three examples of overreaction, demagoguery, and bad policy. None of these options helps clean up and move forward a country using 25 percent of the world's energy, as the United States does year-in and year-out.

If we Americans want both clean energy and a high standard of living, then here are 10 steps for thoughtful grownups:

No. 1, figure out what went wrong and make it unlikely to happen again. We do not stop flying after a terrible airplane crash, and we are not going to stop drilling offshore after this terrible spill. Thirty percent of U.S. oil production and 25 percent of our natural gas production come from thousands of active wells in the Gulf of Mexico. Without it, gasoline prices would skyrocket, and we would depend more on tankers from the Middle East with worse safety records than American offshore drillers.

No. 2, learn a safety lesson from the U.S. nuclear industry. That lesson is accountability. For 60 years, reactors