

fact that a strong majority of the American people feel this way, we weren't able to get this done. Despite the fact that a strong majority of the Senate voted in favor of stronger background checks—a strong majority—Republicans once again filibustered a commonsense proposal. We were able to get 4 Republicans—4 out of 45.

Yesterday President Obama said it was a shameful day for the Senate, and it probably was, I agree. But we should make no mistake; this debate is not over. In fact, this fight is just beginning.

I have spoken with the President. He and I agree that the best way to keep working toward passing a background check bill is to hit “pause” and freeze the background check bill where it is. In the meantime, we will keep moving forward with the people from Aurora, CO, Blacksburg, VA, Newtown, CT, and other places to make sure we are able to get something done. This will allow Senators to keep negotiating.

We had nine amendments yesterday. They were not easy to vote on—not for us or for the Republicans—and I understand that. But it was a good process by which to move forward and get some of these contentious amendments on both sides out of the way—or voted on, rather, is a better way to phrase it.

So we are going to come back to this bill. I feel obligated to Senator STABENOW. She should have an opportunity to offer her amendment on mental health. I feel an obligation to Senator COBURN. He should be able to offer his amendment on background checks. I feel an obligation to a number of Senators who believe we have to do a better job dealing with the issue of veterans.

So we are going to have time to work on what people want to do before we come back to this. It will give opponents an opportunity to decide what they want to do when we get back on this, and it will give gun violence advocates time to make their voices heard by Republican Senators. This option will preserve the progress we have made on the bill. We passed a couple of amendments today—we passed a Republican amendment and a Democratic amendment. I suggest to the Senate that this option will prevent us from having to return to square one procedurally, and I think that is good.

I am committed to ensuring that any bill we pass includes an expansion of background checks, closing the gun show loophole, as well as covering private sales.

This afternoon I am going to file cloture on the motion to proceed to the Marketplace Fairness Act, which would give brick-and-mortar stores parity with Internet-only retailers. It is only a matter of time before we bring this anti-gun violence measure back to the floor for a vote.

The stand of the Republicans is not sustainable. It is a question of how long they are going to stand firm, but it is not sustainable.

I assure the 90 percent of Americans who support meaningful background checks that I am going to continue this fight. I assure the families of Newtown and Aurora and Tucson and Blacksburg that we are going to continue to stand by their side.

To those Senators who have indicated they want to offer amendments, we will be back and try to do another tranche of amendments, and when we get there, I hope we can proceed the way we did this week to line up amendments.

MARKETPLACE FAIRNESS ACT— MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 41, S. 743.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to the consideration of Calendar No. 41, S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 41, S. 743, To restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

Harry Reid, Richard J. Durbin, Sherrod Brown, Sheldon Whitehouse, Amy Klobuchar, Joe Manchin III, Richard Blumenthal, Patrick J. Leahy, Martin Heinrich, Angus S. King, Jr., Al Franken, Tom Harkin, Carl Levin, Mark Begich, Brian Schatz, Robert Menendez, Tammy Baldwin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, as I understand it, Leader REID moved to proceed to the Marketplace Fairness Act a bit ago. I have deep reservations about this legislation, so I am not able to support the motion to proceed. The leader has filed cloture on his motion, and I just want it understood at this point that if cloture is invoked, I will not be able to support a reduction in the amount of time available for Members to debate this.

The Presiding Officer and I have talked about this a number of times, but just for purposes of this discussion,

I think it is extremely important that the Senate and the country think through the implications of what this bill is all about.

What this bill is all about is that the advocates essentially want to take a function that is now vested in government—State tax collection—and, in effect, outsource that function of government to small businesses, particularly these small online retailers.

This has been a big source of employment, good wages, innovative approaches, new apps. It has been a big boost for our country. I think it is important for the Senate to think through what this means and try to see if we can come up with something that is sensible.

For example, the proponents of the legislation are going to argue with considerable passion that this is not going to be a hard task for these small businesses on which they have imposed this new assignment—as they call it, outsourcing the function of State tax collection, which is done by government, to these small businesses.

The proponents say it is not going to be hard for small businesses to handle this. They are going to say there is a lot of new technology available—computer software and the like—and that the Marketplace Fairness Act will not be difficult to administer as a result of these new technologies.

Having been involved in this debate now for years and years—having been the original author of what is a different subject but has some of the same connections, the Internet tax fairness legislation—I have heard the proponents of this legislation say, year after year after year, this is not going to be a hard assignment, the process of these small businesses collecting these taxes, that new technologies are available, and that the law ought to be passed because it can be done.

But year after year we have seen that the idea that this is so simple and it can be done is not borne out. If it were so simple, it would have been done already. The reason this bill comes to the floor of the Senate is because it is, in fact, not so simple. It is not going to be a piece of cake for these small businesses.

There are more than 5,000 taxing jurisdictions in our country. Some of them give very different treatment for products and services that are almost identical. So this is a big lift to say we are going to have software and computers and technology and it is just going to be a piece of cake for these small businesses to be able to handle this.

I think that is part of what needs to be discussed in a debate on the floor of the Senate because, fundamentally, the idea of taking a function of government—tax collection—and handing it over to small businesses—and small businesses being a big part of our country's economic engine—is something I think ought to give every Senator pause.

In addition to that, I want us to think through the aspects of this that relate to America's ability to compete in tough global markets.

I know when we talked about this in a brief way during the Senate budget debate, several Senators said that, oh, back in the days when we were just debating the Internet, they could see the need for some of these policies in the digital age, but now the Internet is all grown up. We do not need any of these kinds of approaches such as technological neutrality and nondiscrimination with respect to taxes and regulation.

My response to this is, yes, it is a different day. There is no question about it. I chair the Senate Finance Subcommittee on International Trade. As part of my obligations there to look at trade and competitiveness, I have come to the conclusion that the Internet is the shipping lane of the 21st century.

I think about what the Finance Committee looked like 30, 40 years ago—people moving goods physically from North Dakota, Oregon, and the like. It is very different today. With a lot of economic activity, in a sense, being conducted online on the Internet, to a great extent it is now the shipping lane.

This bill, I want the Senate to know and the country to know, will be a big leg up for foreign retailers and foreign businesses. The reason I say that is the Marketplace Fairness Act, in effect, tries to take local law and apply it to the global economy. It is unprecedented.

What it will mean—if passed in its present form—is that if you are on the northern border—say you are in North Dakota or Washington State or other places that are on the northern border—if you are an online retailer, you are going to say to yourself: Why in the world would you want to stay on the U.S. side of the border and try to comply with the rules of thousands of taxing jurisdictions when you can move, in effect, half an hour away outside the borders of the United States and not be subjected to this?

So maybe the sponsors of the bill want to rename their bill—now called the Marketplace Fairness Act—the shop Canada and the shop Mexico bill because that is truly what it would mean.

I have heard some in favor of the bill say that is not the case, that there are long-arm statutes and the like. Good luck with that. Good luck with the idea we have not been able to figure out a way to do this in the United States, now we are going to write a bill that says it does not apply to the foreign retailer or the foreign business, and we are going to say we are going to be able to hook those people somehow with a long-arm statute. I do not see it.

That is what the point of this debate is all about. So we had the discussion in the context of the budget. I think then it was sort of seen as kind of a general proposition. But now we are

getting ready to write a real law. My own preference would be to have this go back to the Senate Finance Committee chaired by Chairman BAUCUS—we work very closely in a bipartisan way, Chairman BAUCUS and Senator HATCH—and that we have a chance to think through the implications here.

I can think of some commonsense ideas where the Presiding Officer and I would agree on some kind of uniformity. I mean, if we were talking about uniformity rather than 5,000-plus taxing jurisdictions, that would be one thing. We saw the jobs numbers last month. They were not where they ought to be. The idea that now we are going to take steps here in the Senate which would hinder the growth of the innovative engine of the American economy strikes me as something we should not be doing.

Personally I would very much like to be part of an effort to work this out. I have always said the American economy is now about bricks and clicks. We now have most of our businesses looking to try to have storefronts and online operations. I want both of them to prosper. Some of Oregon's most illustrious companies look at just that principle, bricks and clicks.

But let's not hammer the innovation sector, that online aspect of the American economy, especially given what we have seen of late. I mean, think about the Friday after Thanksgiving. Were the malls and the stores empty the Friday after Thanksgiving? They certainly were not. The traditional part of the American economy, stores and malls—people could not find a parking place. Those stores were offering hours earlier and earlier in order to meet consumer demand.

So, yes, let's promote bricks and clicks, but let's not precipitously take steps that will harm so much of the American economy. When I got involved in these issues years ago—I think I told the Presiding Officer about this. When I came to the Senate, I had just become Oregon's first new Senator in 30 years. I made it clear I was going to spend a lot of time on timber and natural resources issues. I chair the Energy Committee. I am going to continue to do that, because that is a bedrock part of the American economy and a bedrock part of Oregon's future and small communities and what our State is all about.

I said in addition to that focus on timber and natural resources, when I came to the Senate, I am going to spend a lot of time looking at technology and innovation and new areas for our State to get into. That led me into some of those initial kinds of efforts, passage of the section of the Communications Decency Act which encouraged investment in social media, Facebook and Twitter and social media, because had we not gotten that passed, we were told a lot of people who might think about investing in the social media would see that someone who ran a Website would get held liable for

someone who posted on that site and the owner of the site would not know anything about it and could not figure out how to get rid of that. So with that, and with the Internet tax freedom bill and others, we said with respect to technology and innovation, let's do two things: First, let's do no harm. Let's not take steps actively where we damage our economy and our future. Second, let's not discriminate. Let's not single out this sector which has shown so much promise.

At a minimum, the marketplace fairness legislation, as written today, will violate that first principle. It will do harm. It will force those small online retailers to, in effect, take on a government function, tax collection. I do not know of any civics book that talks about outsourcing a function of government—tax collection—to small businesses. That is what the marketplace fairness legislation does.

Second, in a tough global economy—I know the Presiding Officer cares a great deal about global commerce and global trade coming from her State—this bill will favor foreign businesses that will not be subjected to it. That is something that cannot be corrected in this bill in its present form. There may be other ways to correct it; there may be other ways to correct a number of aspects of the bill. That cannot. It will favor foreign retailers.

As I chair the Finance Subcommittee on Global Commerce and Global Trade, I do not see how that makes sense. That is why I have made it clear today that given the state of where the Senate discussion is now with the leader having filed cloture on his motion—I want to make it clear that if cloture is invoked, I will not support a reduction in time for this discussion.

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

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. RUBIO. Madam President, this week I joined my colleagues in introducing immigration reform legislation that seeks to end de facto amnesty by achieving the strongest border security enforcement measures in U.S. history but also by modernizing our legal immigration system so it can unleash the strong economic growth and job creation potential that immigration has.

Let me begin by stating the obvious, and that is that America is a nation of immigrants. We know that because every single one of us can track our lineage back to someone who came here from somewhere else. The truth is it is one of the things that make us different and special from the rest of the world.

If we think about the history of the world, it is basically people being told

they can only do what their parents did for a living. How far you are going to go in life depends on what your parents used to do and who you are and to whom you are connected. What made America truly unique and what made the idea of America truly revolutionary was the idea that every single human being, no matter where they were born, how they were born, into what kind of family they were born, and into what circumstances they were born, had the God-given right to go as far as their talent and their hard work would take them. We may take that for granted—those of us, like me, who were born and raised here our entire life—but this is the exception rather than the rule throughout human history, and it is one of the things that have made America so special because the belief and commitment to that ideal unleashed here the revolutionary power of the human spirit and transformed this country into the single most powerful and greatest and freest Nation in all of human history.

This is the story of immigration in America, and it is why we as Americans understand that legal immigration is critically important for our future and a critical part of our heritage. The problem is that for too long both Republicans and Democrats have failed to enforce our immigration laws, and the result is that today we have millions of people living in the United States in violation of our immigration laws. The other problem is that our legal immigration system is broken. It is just broken. It doesn't reflect the 21st century. It doesn't take into account special skills and talents. It doesn't allow us to attract the world's best and brightest. In fact, it doesn't allow us to keep the world's best and brightest, many of whom are students in our universities who learn from our best schools—that our taxpayers are paying for—and when they are done learning, we ask them to leave and take what they have learned here and use it somewhere else to compete against us. It makes absolutely no sense.

Let me start by saying that if there wasn't a single illegal immigrant in the United States, we would still have to do immigration reform because the immigration system is broken. I am pleased this bill we have offered as a starting point reforms our legal immigration system in a very serious and profound way. It turns it into a merit-based system that takes into account skills, talents, and job opportunities. It creates a system where agriculture can get the workers into this country legally—by the way, workers who feed not just our families but the world. It allows our business community, in times of labor shortages where there is very low unemployment, to be able to provide for themselves the kind of guest and seasonal labor some industries depend upon but to do so in a legal way. These reforms are significant.

By the way, in the high-tech industry, where we are not graduating nearly enough people in the high-tech fields—science, engineering, technology, and math—shame on us as a country that more of our children are not graduating with the skills they need to do those jobs. We have to change that.

In the meantime there are thousands of jobs that are going overseas because we can't fill them here. These companies in the high-tech industry are creating these jobs, but then they are taking them somewhere else because that is where the workers are. It is pretty simple: They go to a university, they interview the students, they find someone they like, and if they can't hire them in the United States they will hire the same person in some other country. And that is terrible for America.

So this bill modernizes our illegal immigration system—something we would have to do even if there wasn't a single illegal immigrant in the United States.

Next, the bill actually enforces our laws. It begins by creating a universal entry-exit tracking system.

You may not know this, but 40 percent of the people who are illegally in the United States didn't come illegally. They came on a visa, on a permit, and then the permit expired and they stayed—40 percent. We have no idea who they are because we don't track people when they leave. We only track them when they come in. This bill will change that.

We all understand the magnet for illegal immigration. It is jobs. It is pretty simple: There is a supply of people willing to work, there is a supply of jobs on this side of the border we can't fill domestically, and those two are meeting. They are just not meeting legally.

This bill will require every employer in America to comply with E-Verify, to basically check the documents their workers are providing against the national data base that provides employment eligibility information. The next thing it does on enforcement is the border region—let me say this about the border. The border is not just about immigration. It is about national security. It is a national security risk. The border must be secured.

This bill requires the Department of Homeland Security to come up with not one but two plans—a border plan and a fencing plan—to achieve 100 percent ability to be aware of the entire border and 90 percent apprehension, that we apprehend 9 out of 10 people who are illegally crossing. We give the Department of Homeland Security 5 years to reach that goal.

If they do not reach the goal in 5 years, then the issue is turned over to a commission made up of State officials, local officials on the border to take care of the job themselves—and they will. If the Federal Government refuses to secure the border, the States

of New Mexico and Texas and Arizona and California, through their Governors and their leaders, will finish the job.

The next thing this bill does is deal with the millions of people who are in this country in violation of our immigration laws. Let me begin by saying this: No one has a right to illegally immigrate to the United States. There is no legal right to be here illegally. As a sovereign country we have a right to enforce our immigration laws.

If we do something to accommodate those who are here illegally, we don't do it because we legally have to. We do it for two reasons: First, because it is in the best interest of our country. When we debate this immigration issue, we need to understand that when we talk about millions of illegal immigrants, this is not a theory, this is a reality; they are here now. We are not talking about bringing these people in; they are already here and they will be here for the rest of their lives. So we have to deal with that reality. It is in our national interest to deal with that reality.

The second reason we are dealing with it is because that is who we are. We are a compassionate people. We are not going to deport 11 million people, so we have to deal with this. We believe we handled this in a very professional and effective way.

If there are people in this country illegally who entered here before December 2011, they have to present themselves. They will undergo a background check. If they have committed serious crimes in the U.S., they will be deported. If they have not, they will have to pay an application fee, a fine. They will have to start paying taxes, and they will receive a permit that will allow them to work in the United States and pay their taxes.

They will not qualify for any Federal benefits—no welfare, no ObamaCare, no food stamps—but they will have a chance to work and will no longer have to hide. They are going to have to remain in that system for 6 years, and then they have to go back and get their permit renewed. It is not a permanent grant of a temporary status; it is a temporary grant of a temporary status.

In 6 years they have to go back and apply again for this permit. When they reapply, not only do they have to pay another fine and another application fee, but they are going to have to prove they have been paying taxes the last 6 years and that they are gainfully employed in a way that means they are not going to wind up on public assistance.

If the border plans have been completed, if E-Verify is in place, if the entry-exist system is in place, assuming their permit is renewed, after 10 years has gone by, then the only thing that happens is they are given a chance to apply for a green card just like everybody else does, not a special process. They are at the back of the line. Everyone who applied before them legally goes first.

The only thing that happens after 10 years goes by and the border is secured, E-Verify is in place and the entry-exit system is in place, we don't give them anything. All they have now is the opportunity to apply for a green card.

By the way, during the first 5 years of a green card under existing law, people don't qualify for Federal benefits either. The point is, this is a reasonable way to deal with a real problem that faces our country.

The alternative is to do nothing, which leads me to one of the points that people are using, and we will be talking a lot about this issue. One of the arguments against this is how much money it is going to cost.

First of all, over the first 10 or 15 years, all these things about the fence and the things we are doing are paid for in the bill. Beyond that, as far as the economy of the United States—a couple points.

First of all, we can't compare this bill to nothing. We have to compare it to what we have now, and what we have now is worse. What we have now is costing our economy. We have people in this country illegally. They get sick, they go to the emergency room, and the taxpayer pays for it.

We have people in this country who are having children who are U.S. citizens and they go to our schools; they are driving on our streets without a driver's license, which means they have no car insurance, which means all of us have to pay more in car insurance as a result. This is obviously not good for them, but it is not good for us.

What we have today is devastating and horrible for our economy. We can't continue to have this. We have to fix this problem, and we have to fix it in a way that is fair to the people who have done it the right way and fix it in a way that makes sure this never ever happens again. I believe the bill we are working on does that, and I look forward to the input that my colleagues have.

One more criticism I hear is that it is being rushed through. That is just not true. Just yesterday we voted on a series of amendments that I had less than 12 hours to review, and these amendments dealt with a fundamental right to Second Amendment constitutional rights. This bill has been online for 48 hours. The Committee on Judiciary would not even begin to consider amendments to this bill until next month. People are going to have 3 to 4 weeks to review it. It is posted on my Web site. People can go on there now and see it. It will be available all these weeks. Then it is going to go through an extensive committee process. Then it will be brought here, hopefully, to the floor of the Senate where we can debate it openly as well.

I am not claiming the bill is perfect. I am sure it can be improved, and I hope my 99 other colleagues will work hard to improve it because we have an opportunity to do something important.

My last point, and I address many of my fellow Americans who share my deep commitment to upholding the Constitution of the United States, to limiting the size and scope of government, to encouraging the free enterprise system as the best way to create economic opportunity. America is a nation of immigrants, but both Republicans and Democrats have failed to enforce our immigration laws and, as a result, we have millions of people here illegally. We are not going to deport them. So let's secure the border and let's identify these people. Let's have them undergo a background check, get in the back of the line, pay a fine, and pay taxes. No Federal benefits.

We all wish we didn't have this problem, but leaving it the way it is is amnesty. We have to solve this problem, and I hope we will.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOODING IN ILLINOIS

Mr. DURBIN. Madam President, I want to draw attention to the major flooding going on in Illinois at this moment, particularly in Chicago and its suburbs but not exclusively. It is affecting downstate as well.

Hundreds of families have been evacuated from their homes, and more than 30,000 people are without power and we are experiencing a major storm. The Rock, Fox, DuPage, Illinois, and Mississippi Rivers have overtopped their banks, damaging hundreds, if not thousands, of homes and businesses. Several levees are near the breaking point.

In many areas, the flooding is so bad it exceeds what we saw during the major floods in 2008 and in 1987. The ground is so saturated that a sinkhole in Chicago swallowed three cars this morning, and Libertyville High School has sunk a foot into the muddy soil.

More than 300 flights have been cancelled out of O'Hare and Midway Airports, and hundreds of schools in and around Chicago were closed today because of dangerously high water.

People along the Des Plaines and Fox Rivers in Grundy, Kane, and LaSalle Counties have been evacuated—and the evacuations are ongoing.

More than 30 major roads in northeastern Illinois are closed due to flooding. Heavy rain has completely filled the large underground flood control system known as the Deep Tunnel in Chicago. This project was designed to handle sewer backup problems and water pollution in Cook County. The Chicago River has swelled by 6 feet, triggering locks to open and for the flow to be reversed back to Lake Michigan.

For the first time in recent memory, the DuPage County government is shut

down because of flooding. All county government buildings, including the health department, are closed. Governor Patrick Quinn has issued a state of emergency for the entire State of Illinois. National Guardsmen are on hand helping to evacuate people and monitor water levels and road closures. First responders are supplying sandbags, pumps, life vests, generators, and other supplies along the threatened riverbanks. Sandbagging operations are ongoing in Boone, DeKalb, Grundy, Kane, McHenry, and Will Counties.

My office is in close contact with Mayor Nicholas Helmer of Prospect Heights—where many people have been evacuated. We are also working with Mayor-elect Matthew Bogusz and the interim mayor, Mark Walsten of the city of Des Plaines. They are working hard to make sure the communities are safe.

Communities all along the Mississippi River and the western part of the State could be next in the flooding. Water is already rising in Quincy and the Quad Cities, and communities downstate—such as East St. Louis and Cairo—could see major flooding this weekend as storm runoff from up north works its way south.

My colleague Senator MARK KIRK and I are ready to help the affected communities in any way. We have cosigned a letter to the Governor to put in writing what we have said orally: We stand prepared to work with all of the Federal agencies available to help our State during this flooding challenge.

We understand they are doing everything possible at the local level. If the situation continues to worsen, there may be need for Federal assistance. Senator KIRK and I will work together on a bipartisan basis to make sure it is there. My thoughts are with the people and families affected by floodwaters in Illinois, especially those who had to leave their homes. I am particularly grateful for the people who are working around the clock to control these rivers. I have spoken to John Monken, Director of the Illinois Emergency Management Agency, and am monitoring the efforts on a minute-by-minute basis. I will continue to work with Federal, State, and local officials to make sure vital resources are made available for the flood control effort.

Madam President, a short time ago there was a press conference that was historic in nature. Eight Senators, four Democrats and four Republicans, came together to announce the introduction of an immigration bill. It is a bill we have worked on for months. The four Senators on the Democratic side are Senator SCHUMER, Senator MENENDEZ, Senator BENNET of Colorado, and myself; on the Republican side, Senator MCCAIN, Senator LINDSEY GRAHAM, Senator JEFF FLAKE of Arizona, Senator MARCO RUBIO of Florida.

When you put the eight of us in a room you have the full political spectrum in the Senate. But we decided as a group to try to do our best to write

a law to deal with the immigration challenge in America. It is a substantial challenge. America's immigration system is badly, badly broken. I say that because we estimate there are 11 million people living in this country who are undocumented. They are people who get up and go to work every day. They may have picked the fruits you put on your cereal this morning. They could be cleaning your room in the hotel you stopped in in Chicago. They could be taking care of your mother in the nursing home this evening. They are spread across the economy. They are hard-working people. Most immigrants are. But they are undocumented. They have no country. About half of them are here because they came judicially as visitors or college students and they stayed. They are here illegally, there is no question about it. They are undocumented. The question we asked ourselves over and over for the last many years is, What are we going to do?

In the last Presidential campaign, Governor Romney said they should self-deport themselves, they should leave. That is not going to happen. It may be good campaign rhetoric but it doesn't reflect reality. What you find when you get to know the undocumented is they do not live in houses filled with undocumented people. It is not uncommon to find that dad is a citizen, the children were born here and they are citizens, it is mom who is undocumented. These stories are repeated over and over.

So the eight of us sat down and said: What are we going to do to deal with this and what are we going to do to deal with the problem this creates in the economy? Here is what it is. It is not a matter of 11 million people working in the economy undocumented. It is the fact that they end up taking jobs and being paid the lowest possible wages, so their work depresses wages.

In addition, in most cases—many cases, I should say—they are being paid in cash. Their employers are not paying into unemployment, workers compensation, Social Security, Medicare. They are off the books. That doesn't help our country if they are not paying taxes and if their wages are so cheap and so low it hurts the jobs of American workers.

In addition, many of these workers are mistreated. It is not unusual for me to hear that in Chicago a group of workers worked a whole week and then their boss said: Oh, the money didn't come through. We are not going to pay you. What are they supposed to do, call the police? Go to court? They are undocumented. There are abuses that take place when it comes to these workers and it does not help the overall economy.

There are other issues as well. About 12 years ago I got a phone call in my office from the Merit Music Program in Chicago, which offers to kids, low-income-family kids, musical instruments and instruction. And 100 percent of

these kids end up going to college. One of them, Tereza Lee, was Korean and very good playing the concert piano. She was accepted at Juilliard and the Manhattan Conservatory of Music, which was amazing. She came from such a poor family that many times she would go to school and go through the trash basket to find uneaten food to try to get through the day. But, boy, was she good at a piano, and it was recognized. When she went to fill out the application to go to school there was a box that said nationality, citizenship. She said to mom, What do I put here? Her mom said, I don't know. We brought you in on a visitors visa at the age of 2 and we never did anything. So she said we better call DURBIN's office. They called my office and we checked into it. The law is very clear. She is not documented, she is not a citizen, and she needs to leave America for 10 years and see if she can get back in, get a green card to come back—10 years. This girl was 18 years old. She had never done anything wrong. She came here at the age of 2.

I put in this bill called the DREAM Act and it said if you, like Tereza Lee, came here, no fault of your own, no criminal record, finished high school, we will give you a chance. Go to college, enlist in the military, and we will let you become a citizen someday soon.

The DREAM Act has been out there for 12 years and didn't pass but we still have hundreds of thousands of these young people. Half a million of them have signed up under the President's Executive order not to be deported if they are eligible for the DREAM Act. There are many more out there. That is one of the unresolved issues in our immigration system. I could go on and give you volumes of problems with the current immigration system in America.

We decided to sit down and do something about it. In the first meeting we had, the Republican Senators, Senator MCCAIN, Senator FLAKE from Arizona, as well as Senator GRAHAM and Senator RUBIO, said the first item on the agenda: Fix the border. It does us no good to deal with immigration problems within the country if we do not deal with the flow of people into the country.

The border is strong today, stronger than it has ever been in 40 years. But there are weaker parts. There are about nine different sections of our southern border and about three of them are problematic. Six are pretty strong. So we agreed, let's make sure the nine sections of the border have the investment they need to be as strong as possible. Then let's do more. Let's create a computer system, expand the one we have called E-Verify so if you go to apply for a job in America and you are asked to show a picture ID, such as your driver's license, the employer can enter the information into a computer right at work and up pops a picture which should match your picture on the license. If it matches, you

can be employed; you are here legally. If it does not match, there is a question, you may not be employed. So E-Verify will make sure that in the workplace you have to be part of the system. You have to be registered in America.

The third element involves visitors visas. We give a lot of people an opportunity to visit this great country from all over the world. Some of them never go home and we don't know it. We know they came in; we check that. But we don't know if they ever left. We are finally going to finish that system so we know, we have information collected not only when they enter, when they leave, and if they overstay, we can go after them. So those things which we debated and included in our immigration bill deal with the draw of people into America, the border, employment, visitors visas.

Then we asked, what to do with the 11 million people? What to do realistically and honestly. Here is what we suggested in the bipartisan bill we have introduced. We said first you have to step forward and register with the government. You have lived in the shadows. You have always feared a knock on the door and deportation. Now come forward. If you come forward and register, we will put you through a criminal background check. If you have a serious crime in your background, you are finished, we don't want you, goodbye. If you do not, we will go forward. We will give you a chance to register with the government, pay your taxes, pay a fine, make it clear you are learning English and working in America. If you do that, you can stay here legally and you can work here legally. You can even travel outside the country legally and come back. It is a provisional recognition of an opportunity for legalization. At the end of 10 years, after you paid the fines, after you have been reviewed on a regular basis, you will have a chance to get a green card and move toward citizenship over a 3-year period of time.

This is basically the system, a system that strengthens the border and creates a pathway to citizenship for 11 million people. And, as far as the DREAM Act I mentioned earlier, this is the strongest version of the DREAM Act of any I have introduced, any I have proposed on the floor of the Senate in the last 12 years. It is going to give these young people a chance.

There was a young woman here at the press conference named Tolu Olubumai. She was born in Nigeria. She came here at an early age and went through high school and then went through college. She received a chemical engineering degree from a prestigious Virginia university. That was 10 years ago. She has never been able to work 1 day as an engineer, despite her talent, because she can't get licensed. She is undocumented. She deserved a chance. She will get a chance under this bill, under the DREAM Act, as she should.

I can go through stories—I have told about 54 different ones on the floor of the Senate—of young people in her circumstances, came here as kids, knew no other country. As BOB MENENDEZ often says, pledged allegiance to the flag every day in the classroom, only knows our national anthem. They have no country. They will have a chance because of this bill.

There are other parts of this bill that are important too. When it comes to employment, the first rule I insisted on, we all insisted on, was that any job opening had to be offered to an American worker first. That is in every part of this bill, because we still have people unemployed and they should have first priority on any job opening. But if the job can't be filled—and let's be honest, some of these jobs Americans are not standing in line for, particularly agricultural workers, backbreaking work of picking fruits and vegetables. There are many of these jobs that will go unfilled unless migrant workers, for example, agricultural workers, come to fill them. So what we say is basically offer the job to an American first at a wage that is the prevailing wage, average wage in the industry. If it goes unfilled, then a foreign worker has an opportunity—only if the unemployment rate in this country or in the region where the person works is below 8.5 percent. So we want to make sure American workers have the first chance.

Then what to do about the extraordinarily educated and talented people who can make a difference in the American economy? It was 6 or 8 years ago when I spoke to the Illinois Institute of Technology commencement. It was at the Chicago Theater on State Street in the city of Chicago. It was a happy day. All of these graduates from the prestigious Institute of Technology were getting their chance. They went through the baccalaureate degrees and they were pretty diverse. But then, when they got into the advanced degrees, the master's degrees and Ph.D.s, it took a little longer because it was tough to pronounce all of the names from the South Asian continent, India and places nearby. These are graduates, foreign students, admitted in the United States, trained in the United States, receiving their degrees from this prestigious institution, and the next thing we did after handing them their diploma is, figuratively, gave them a roadmap to show them how to leave America, to take their talents and everything they learned to go someplace else to compete with American business.

We are going to change that. If foreign students come here and are educated here and have skills we need in our economy and can help create jobs and grow our businesses, we are going to give them that chance with a green card. That makes sense. They can expand the economy. Some of the major high-tech corporations in America today were actually created by immi-

grants to this country who came here because they loved the freedom, the opportunity no other country can offer. We have to give more just like them a chance to build tomorrow's Intel, tomorrow's Google, and they will do it and create American jobs in the process.

We want the United States to be a magnet for this kind of job creation. We also want the United States to have more homegrown engineers ourselves. MARIA CANTWELL brought this up at our Senate luncheon this afternoon and I told her it was an issue I felt strongly about, not only making sure we have the talent we need but that we grow the talent we need—improve our schools, focus on the STEM subjects—science, technology, engineering, mathematics—and bring more American students to the point where they can make a good living using those skills. That is part of our responsibility as well.

There are many aspects to this bill, immigration reform, that will come tomorrow before the Senate Judiciary Committee. I will be there. We will be having a hearing to discuss it on Friday, then again on Monday. Then soon after, after we come back from our break in the first part of May, we will have an actual markup of the bill in the Senate Judiciary Committee.

The bill has been filed now. It is available for everyone to read. We are not trying to push anything through in a hurry. It will be discussed, debated, and amendments will be offered in the committee and on the floor, as they should be. At the end of the day, it gives us a chance to make sure we fix this broken immigration system in this country.

I come to this debate with some personal history. It was in 1911 when my mother was carried off a ship in the Baltimore Harbor. My grandmother, whom I never met, brought my mother and her brother and sister over from Lithuania. They were immigrants to America in 1911. Somehow or another—although they could not speak English—they found the right train, the Baltimore and Ohio Railroad, and took that train to St. Louis.

They got off the train when they came to a town called East St. Louis, IL, where my grandfather was waiting. That immigrant family made a home there, and that is where I was born and grew up.

My mother was an immigrant to this country, a naturalized citizen, and I am first-generation American. I am blessed to be standing on the floor of the Senate. That is my story, that is my family, but that is also the American story. Every single one of us has a version of that story. It may not be your parents or grandparents, but go back far enough and you will find a story just like that in your background.

I said many times on the floor of the Senate that I had the good fortune to go back to my mother's village in Lith-

uania, Jurbaricas, which is near Kaunas. My mother never made it back to her village.

When I got there, I asked the people in that village what was left from the time my mother was there in 1911. They said the Catholic Church where she was baptized was still there as well as an old well in the center of town that everybody used for water. They said, your family must have used it.

I took a look at the old well, and I could not even pick it out now because of all the traffic circles around it and everything. I thought about that moment when my grandparents said to their relatives and friends: We have an announcement. We are leaving. We are picking up everybody and going to America. We are going to a place called East St. Louis, IL, because there are some Lithuanians there from this area who found work.

Stanley Yochiss, who was the pharmacist and druggist in that area, was kind of like the Godfather. People who didn't trust the local banks would leave their money with Stanley. The Lithuanian community, similar to many communities, worked the toughest jobs in the packing houses, steel mills, and jobs such as that.

I often thought about that meeting my grandparents had when they called in their relatives and friends and what might have happened afterward when they left. As they were walking away from my grandparents' home, I bet one of them said to the other: Can you believe this? The Kuticaite family is leaving. They are going to America. They don't even speak English. They are leaving their home, their church, all their relatives and friends, the dog, the cat, and chickens. They are all leaving. They will be back. This will not work. They never looked back.

Repeat that story millions of times and we have the story of America. We have the story of people who came to this country and have somewhere deep in their DNA this appetite and thirst for a better life. They were willing to risk everything for it to get to this country, and it still happens.

We hear about people walking across the desert on their way to America and dying in Arizona and Texas. We hear of all the dangerous things they do to get to this country. That is what is great about America and that is what is great about Americans and what is in our DNA as a people. We should never forget how important immigration is to us. Those who criticize immigrants have forgotten where they came from. Those who criticize immigrants don't realize the diversity of America, the talent of America, the drive of America is all about immigration. We have to control it. We have to make sure it is done legally and done in a systematic way. We cannot absorb everybody who wants to come here. But by bringing in new blood to America, we revitalize the American dream every single generation.

This bill is an important one. We have not done anything to immigration

in 25 years, and it shows. We have a mess in this country, and it is time to straighten it out.

Eight Senators produced a bill—four Democrats, four Republicans. I think the bill is balanced and should be debated and considered. I hope it passes. I hope the day comes soon when it is signed into law by the President, who fully supports comprehensive immigration reform.

I said today at the press conference that I want to be at at least one of the naturalization ceremonies when my DREAMers get a chance to become part of the only country they have ever called home. They are going to make this a better and stronger nation, and they are part of our citizenry.

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

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING U.S. AIR FORCE RESERVE 65TH BIRTHDAY

Mr. CHAMBLISS. Mr. President, this year marks the 65th anniversary of the Air Force Reserve, created by President Harry S. Truman on April 14, 1948.

Since the founding of the United States, citizens have answered the call to arms, accomplished their mission with professionalism and honor, and returned to their civilian lives to await the next call to serve.

Truman envisioned a new Reserve component to continue this tradition of service—being ready when called upon—that was founded by the Army Air Service reservists of the First World War who flew wood and canvas bi-planes.

The forerunner of our modern Air Force Reserve was authorized by the National Defense Act of 1916. Today, Air Force reservists, known as citizen airmen, perform leading roles in military operations, humanitarian crises, and disaster relief around the globe. The Air Force Reserve consists of officers, enlisted, and civil servants who are tasked by law to fill the needs of the Armed Forces wherever necessary. More than 860,000 people make up the Ready, Standby, Retired, and Active-Duty Retired Reserve. This includes 70,000 selected reservists who are ready now and serve on the frontlines of daily military operations around the globe.

The creation of the Air Force Reserve followed the birth of the Air Force itself by about 7 months earlier on September 18, 1947. The newly created Air Force had gained its independ-

ence from the Army, tracing its roots back to the Aeronautical Division of the U.S. Army's Office of the Chief Signal Officer, which took charge of military balloons and air machines in 1907.

Ten years later the first two Air Reserve units were mobilized, and one of them, the first Aero Reserve Squadron from Mineola, NY, deployed to France as the United States entered World War I in 1917. The new Air Service Reserve program provided the war effort with about 10,000 pilots who had graduated from civilian and military flying schools.

Later, reservists played a critical role in World War II when 1,500 Reserve pilots, along with 1,300 nonrated officers and 400 enlisted airmen, augmented the Army Air Corps in the war's early days. This included the legendary Jimmy Doolittle, who was ordered to Active Duty to work in Detroit to convert automobile manufacturing plants into aircraft factories and later went on to lead Doolittle's Raiders, the first American bombing attack on the Japanese mainland.

After World War II ended, the young Air Force Reserve was barely 2 years old when it mobilized nearly 147,000 reservists for the Korean War.

In the 1960s five Air Force Reserve C-124 aircraft units, along with 5,613 reservists, were mobilized for a year to support the Berlin crisis. By 1962 an additional mobilization of 14,220 reservists and 422 aircraft were supporting operations during the Cuban missile crisis.

During the Vietnam War, the Air Force Reserve provided strategic airlift as well as counterinsurgency, close air support, tactical mobility, interdiction, rescue and recovery, intelligence, medical, maintenance, aerial port and air superiority until U.S. involvement ended in 1973.

As our Nation entered a period of peace for the next few years, the Air Force Reserve periodically engaged in emergency response missions. This included the rescue of American students from Grenada in 1983, aerial refueling of strike aircraft conducting the raid on Libya in 1986, and operations to oust Panamanian dictator Manuel Noriega in 1989 through 1990. Air Force reservists also supported humanitarian and disaster relief efforts, including resupply and evacuation missions in the aftermath of Hurricane Hugo in 1989. All the while, they stood ready to answer the call to arms as our Nation entered the final days of the Cold War.

More than 23 years of continuous combat operations began with Operation Desert Shield in response to Saddam Hussein's invasion of Kuwait in 1990. In the aftermath of coalition victory, Air Force reservists continued to enforce no-fly zones over northern and southern Iraq while also performing humanitarian relief missions to assist displaced Iraqi Kurds.

In 1993 Air Force Reserve tanker, mobility, and fighter units began operations in Bosnia, and in 1999 they were

also supporting Operation Allied Force over Serbia and Kosovo.

When terrorists attacked the United States on September 11, 2001, Air Force reservists responded in full force. Air Force Reserve F-16 fighter airplanes flew combat air patrols to protect American cities, while KC-135 tankers and AWACS aircraft supported security efforts.

In October 2001 Operation Enduring Freedom began as U.S. military forces entered Afghanistan to combat the Taliban and terrorist sanctuaries. In March 2003 Operation Iraqi Freedom began in order to end Saddam Hussein's regime. Air Force Reserve units and reservists played key roles in all combat operations as Air Force Reserve MC-130 Combat Talon aircraft became the first fixed-wing aircraft to penetrate Afghan airspace while Air Force Reserve F-16 crews performed the first combat missions.

In recent years citizen airmen have supported every Air Force core function and every combatant commander around the world. Air Force reservists were engaged in surge operations in Iraq and Afghanistan. They supported combat and humanitarian missions in Haiti, Libya, Japan, Mali, and the Horn of Africa. Also, they provided national disaster relief at home in the United States after Hurricanes Katrina and Sandy, the gulf oil spill, and the wildfires in the Western States.

Throughout their history, citizen airmen have volunteered unconditionally, demonstrating without fail that they were ready when needed. Since inception in 1948, the Air Force Reserve has evolved from a unit-mobilization-only force into an operational reserve that participates in missions around the globe. From its headquarters at Robins Air Force Base in my home State of Georgia, the Air Force Reserve serves with distinction to provide for our national security on a daily basis. Spanning 6½ decades—with the last 2 decades of continuous combat—the Air Force Reserve has fulfilled the promise of early air pioneers and exceeded the potential foretold by the visionaries who created it.

Congratulations to all citizen airmen, past, present, and future, on the 65th anniversary of the U.S. Air Force Reserve.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

BIG SKY HONOR FLIGHT

Mr. TESTER. Mr. President, on April 21, 88 World War II veterans from Montana will be visiting our Nation's Capital.

With a great deal of honor and respect, I extend a hearty Montana welcome to each and every one of them. Together they will visit the World War II Memorial and share stories about their service. This journey will no doubt bring about a lot of memories, and I hope it will give them a deep sense of pride as well.

What they achieved together seven decades ago was remarkable. The memorial is a testament to the fact a grateful nation will never forget what they did or what they sacrificed. To us, they are the "greatest generation." They left the comforts of their family and their communities to confront evil from Iwo Jima to Bastogne.

Together they won the war in the Pacific by defeating an empire and liberating the continent by destroying Hitler and the Nazis. To them, they were simply doing their jobs. They enlisted in unprecedented numbers to defend our freedoms and our values. They represented the very best of us and made us proud. From a young age, I remember playing the bugle at the memorial services of veterans of the first two World Wars. It instilled in me a profound sense of respect which will be with me forever.

Honoring the service of every generation of American veterans is a Montana value. I deeply appreciate the work of the Big Sky Honor Flight, the nonprofit organization which made this trip possible.

To the World War II veterans making the trip, I salute you and welcome you to our Nation's Capital. We will always be grateful, and we will never forget your service or your sacrifice.

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

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask to speak as in morning business for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR MINIMUM WAGE ACT

Mr. BROWN. Seventy-five years ago, President Roosevelt signed the Fair Labor Standards Act. This legislation, proposed by Senator Hugo Black in 1932, ultimately ensured American workers would receive a minimum wage, reasonable work hours, and an end to child labor.

President Roosevelt led our country out of the worst economic climate we have ever faced. He led us to decades of prosperity by ensuring hard work in our Nation is met with two fundamental American rights—fair wages and decent working conditions.

In the 20th century, the minimum wage lifted millions of Americans from

poverty and allowed them to begin the step toward joining the middle class. In the 21st century a fair livable minimum wage can continue moving our country forward.

Even as corporate executives and Wall Street banks are earning record profits, too many families are struggling. Americans who work hard and play by the rules should be able to take care of their families. Too many people in my home State, in places such as Youngstown, Lorain, Portsmouth, and Norwood are working harder than ever and barely getting by.

Nearly 1.3 million Ohioans in places such as Chillicothe and Mansfield work in a minimum wage job. Working full time in a minimum wage job in Ohio pays about \$16,000 per year because our minimum wage is a bit higher. The Federal minimum wage today pays only \$15,000 per year, \$3,000 below the poverty level for a family of three.

It is not much to live on for families trying to put food on the table, fill a gas tank, send their children to school or provide a safe place for them to live. The minimum wage in this country should be a livable wage.

This is why I am fighting to pass the Fair Minimum Wage Act. It would raise the minimum wage to \$10.10 an hour in three 95-cent increments, then provide for automatic annual increases linked to changes in the cost of living.

The bill would also gradually raise the minimum wage for tipped workers for the first time in 20 years. The tip minimum wage now stands at \$2.13 an hour. This bill would increase it to 70 percent of the regular minimum wage.

More than 1.2 million people in Ohio would receive a raise because of our bill. Millions of people around the country in places such as Helena, Butte, and Billings would have an increase in their standard of living.

The vast majority of minimum wage earners, despite what some in this body say—some 88 percent—are adult workers. They are not 16- and 17-year-old high school students. They are 18 and above, with many of them supporting families. More than half are women.

Eighteen million children, nearly one-quarter of all American children, have parents who would receive a raise. Over the past 2 weeks, I have met with people in my home State who earn low wages, and I listened to their stories.

Ms. Walter, a server from Youngstown in northeast Ohio, struggled to raise three boys as a single mother.

Ms. Day, a cake decorator from Bowling Green, works two jobs because the salary of one isn't enough to provide for her two children. She says she doesn't need a lot but just a little more.

This bill matters. It matters for the grandmother who works an evening shift at a restaurant to enable her to care for her grandchildren during the day. It matters for the elder care worker who takes two buses to work, and it matters for all of the working-class families who work hard and play by the

rules. It is not only about the families who will be directly affected.

Increasing the minimum wage to \$10.10 per hour will also help the economy. It will increase GDP by more than \$30 billion over the course of 3 years as workers spend their raises in local businesses and communities. Opponents to the increase in minimum wage say people will not hire; it will cost jobs.

It is actually the opposite. This economic activity created by more spending in communities as a result of more money in minimum wage earners' pockets would generate 140,000 new jobs over these 3 years. This is why business owners support raising the minimum wage.

The owners of Brothers Printing and Synergistic Systems in the Cleveland area both pay their workers more than the minimum wage. It means they have less turnover. It means their workers have a better standard of living, and it helps their community. They do this because it is the right thing to do. It helps them keep their best employees and strengthens their businesses and their commitment. Plain and simple, ensuring a fair wage is good for America's families. It is good for America's economy.

I note the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEINRICH). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent the mandatory quorum under rule XXII be waived with respect to the cloture motion on the motion to proceed to calendar No. 41, S. 743, and that the vote on the motion to invoke cloture on the motion to proceed occur at 5:30 p.m., Monday, April 22, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING MAYOR BOB BUTLER

Mr. DURBIN. Mr. President, fifty years ago, when Bob Butler was sworn in as mayor of Marion, IL, the town was literally on fire.

Just outside city hall, one of the largest fires in the city's history was raging.

It may not have been, as Mayor Butler has described it, an "auspicious"