

Constitution has established a government that is a servant of the people, not its master. As the Judiciary Committee and all of us consider and debate legislation arising from the tragedy at Newtown, I hope we will proceed with the proper understanding of the relationship that the Constitution establishes between governmental power and individual liberty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### TRIBUTE TO SECRETARY OF STATE CLINTON

Mr. NELSON. Madam President, I want to speak about the extraordinary public service that has been rendered by the Secretary of State and whose long record of public service I want to commend. I rise on behalf of my friend, our former colleague, our honorable Secretary of State, Hillary Clinton.

She has represented the United States. She is a world figure. She has represented America to the world, especially with her diligence, her grace, her hard work, and her incredible diplomatic skills. She has traveled to 112 countries. She has racked up 1 million miles, met with thousands of foreign dignitaries. She has reached nearly every corner of the globe and made history on the way.

In each assignment she has left an indelible mark empowering women, supporting sustainable development, supporting the establishment of civil societies, and promoting the tenets of democracy: one man, one vote; one woman, one vote; human rights; and the rule of law.

I might also note that she particularly has underscored the plight of women. Of course, we know we see societies that live almost in another time and age centuries before in the way they treat women. The Secretary of State has tried to help modernize those societies. She has done so by empowering and appointing one of her personal friends, Melanne Vermeer, to be the Global Ambassador for Women's Affairs. That position has taken Ambassador Vermeer all over the globe.

I might say it has been my privilege to have a glimpse of that by seeing my wife Grace Nelson work with Melanne on the plight of poor women in so many different countries across this planet.

When our Secretary of State confronts major national security challenges, her support has been pivotal—from the support she gave the President in the raid that took out bin Laden, to the drawdown of U.S. troops in Iraq and Afghanistan. She has been at the forefront of some of the toughest decisions of our time.

The Secretary has also been steadfast in persuading the international community to enact crippling sanctions on Iran to isolate and to punish the regime for its pursuit of nuclear weapons. I might say on a personal note, a

Floridian has been missing for almost 6 years who was suddenly swept up and disappeared on the Iranian tourist island of Kish in the Persian Gulf. The Secretary has kept very vigilant in continuing to search for any piece of evidence of Bob Levinson and to ultimately bring him home. I thank the Secretary not only for Floridians such as myself, but for his wife, Christine Levinson, and seven children who want their father home. That quest continues unrelentingly by many people. I wanted to say thank you to Secretary Clinton for the efforts she has lent to this effort.

She has been one of the driving forces behind NATO's no-fly zone over Libya in order to prevent Qadhafi from massacring his own people. Through deft diplomacy, she has slowly opened Burma to the outside world. She is encouraging them to free political prisoners, hold parliamentary elections, and finally permit foreign investment. It is happening before our eyes.

Of course, she has taken special interest in the poorest nation in the Western Hemisphere, an island nation right off of the east coast of the United States, also less than an hour-and-a-half flight from Miami; that is, the island of Haiti.

The island nation of Haiti—which is the island that Christopher Columbus was expected to have landed on, Hispaniola—now encompasses Haiti and the Dominican Republic. She has made Haiti one of the top foreign policy priorities, helping the impoverished island build back better after the devastating earthquake that killed over one-quarter of a million people. In no small measure has her husband President Clinton been a part of that attempt at restoration of Haiti from that devastating earthquake.

Last week, during Secretary Clinton's final appearance before the Senate Foreign Relations Committee, she said:

Every time that blue and white airplane carrying the words "United States of America" touches down in some far-off capital, I feel again the honor it is to represent the world's indispensable nation.

Madam Secretary, you have truly honored us with your indispensable leadership. On behalf of all our Senate colleagues, we thank you for your extraordinary service to this country. I want to say that your position will be in capable hands with our colleague and your former colleague, Senator JOHN KERRY, who will serve, as we confirm him in the next 24 hours, as the 68th Secretary of State.

Senator KERRY has served in this Senate in a distinguished amount of public service since 1985. He grew up traveling the world with his father in the Foreign Service. He fought in Vietnam and was awarded the Bronze and Silver Stars, along with three Purple Hearts. I know he is going to build upon and continue the legacy and the extraordinary record of Secretary Clinton and will enhance America's leader-

ship in the world. I look forward to his speedy confirmation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### IMMIGRATION

Mr. RUBIO. Madam President, let me begin by thanking the senior Senator from the State of Florida, who a few moments ago made some very kind remarks about me, and I appreciate that very much. Let me just say he is the best python hunter in the Senate. For those who don't know what I am talking about, they can look it up in the newspaper accounts of Senator NELSON's endeavors of a few weeks ago in the Everglades. So I look forward to working with him, and I thank him for his friendship and his kind words.

Madam President, I wish to take a few moments. I have heard a lot of discussion here on the floor today. A moment ago, we were talking about the STEM visas and the need to reform that process. I would like to take a step back and talk a little about the immigration issue in general. There has been a lot of conversation about that here in the Senate, certainly out in the public. This is a contentious issue, and it is clearly important to understand where we stand today, what it is that is happening, what is not happening, and the way forward in that regard. I hope I can do that in under 10 minutes here this afternoon.

Let me begin by saying something that I think unifies all of us, and that is the belief that legal immigration is good for America. Legal immigration is a good thing for our country. The vast majority of Americans would agree with that. Legal immigration has been a critical part of our heritage, and it is a critical part of our future. We just discussed one aspect of legal immigration that is critical to our future, and that is in the technology field. I guarantee that if you go to the agricultural industry, they will tell you the same thing. Legal immigration is good and important for our country.

The second thing people will tell you is that illegal immigration is not good for America. I know both sides of this coin firsthand. I didn't read about this in a book. I didn't watch some movie last week about immigration. I live this issue on a daily basis. I live in a family of immigrants, married into a family of immigrants, in a neighborhood of immigrants, in a community of immigrants.

I see all the good things legal immigration has done for America, and I see the strain illegal immigration places on our country.

We have a fundamental problem in our country today; that is, we have a broken legal immigration system and we have a very serious illegal immigration problem. That is what we are trying to address in a commonsense way that is good for America.

What we saw yesterday was the release of some principles. It is not a bill,

it is some principles. It is basically the architecture of the work we hope to undertake in conjunction with every one of my colleagues here. It is not a secret group who will meet and force some issue upon us to take or leave. It is the beginning of a process we hope will lead to a real solution.

Part 1 of that process is that we need a legal immigration system that works. In fact, our broken legal immigration system is a significant contributor to illegal immigration. It is so expensive, it is so complicated sometimes to legally immigrate to the United States or to renew a visa that it is encouraging people to do it the wrong way. We have a system that doesn't reflect the reality of the 21st century, and that needs to be addressed. That is one of the top priorities of this system.

The second priority is this: This is a sovereign country. As a sovereign nation, the United States of America has a right to have immigration laws, and it has a right to enforce our immigration laws. That is important to point out. Sometimes we lose sight of this. We have 1 million people a year who immigrate legally to the United States permanently. No other country in the world is nearly as generous. There isn't even a close second. A million people a year wait in line and pay the fees and come here the right way, and if we don't enforce our immigration laws, we are undermining that effort. In fact, we are discouraging it, and we are being unfair to it. So we need to have immigration laws that work and that are enforced.

But we have a third problem; that is, right now, in this country at this very moment, estimates say that as many as 11 million human beings are in the United States without proper immigration documentation. Now, let me be clear: On the one hand, the vast majority of these folks are not victims. They knew what they were doing, and what they did was wrong. They do not have a right to illegally immigrate to the United States. There is no such thing as a legal right to illegally immigrate to the United States. On the other hand, these are 11 million human beings, 11 million people who, irrespective of how they did it, came here, and the vast majority of them in pursuit of what every one of us would recognize as the American dream.

As a policymaker, as someone who passionately loves this country, as do all my colleagues and everyone watching, I realize we have 11 million people here who are undocumented. What they did was wrong, but they will probably be here—almost all of them—for the rest of their lives with or without documents. So I want to deal with this. We need to modernize our legal immigration system. We have to deal with the 11 million people who are here now in a way that makes sense, not in a talking-point way. We have to make sure that this never happens again, that we never find ourselves back where we are now. I hope I never again in the future

have to come back here and say: Guess what, folks. We have another 5 million people who are here undocumented. And let me be clear. I will not support—I personally will not support any immigration bill that does not prevent that from happening. But it all starts with dealing with the reality that we have 11 million human beings who will be here for the rest of their lives with or without documents. We have to deal with that.

What these principles say is, No. 1, let's modernize our legal immigration system. Let's have an agricultural program that works. Let's have a high-tech visa program that works. We have to have a 21st-century immigration system, which means we can no longer afford to have less than 10 percent of the people who come here based on skills. We need to change that, and not by undermining family-based immigration but by reforming the programs we use for skill-based immigration. We need to modernize it.

Secondly, we need real enforcement mechanisms. There are three things that work. No. 1 is securing and getting operational control of the border. And by the way, this is not just an immigration issue. The border is not just an immigration issue. I am not in favor of a housekeeper or a landscaper coming across the border illegally. I am not in favor of that. But what keeps me up at night are the terrorists coming across the border, and a porous border at the north or south leads to that possibility. So the border is as much about our sovereignty and national security as it is about immigration.

Third is a workplace enforcement mechanism. In the 21st century, we can't come up with a reliable way to verify whether the people being hired are here legally?

Fourth is visa tracking. We have all these people coming to the United States on visas. We track when they come in but not when they leave—or not successfully enough. So we don't know where they are or whether they are here. We have no idea. As much as 40 percent of our illegal immigrants, 40 percent of our undocumented folks are here on visa overstays. They didn't sneak across the border.

We have to deal with those four things as well. Then we have to deal with the 11 million, and the way to deal with it is not blanket amnesty. What my principles outline, what the group's principles outline is a process that works this way: If you are here undocumented, you must come forward. There will be a background check on you. If you have ever committed serious crimes in the United States, you will be deported. If you have not committed serious crimes in the United States, you will then have to pay back taxes and you will have to pay a fine. What you will then get is basically the equivalent of a non-resident visa that allows you to work here. You do not qualify for Federal financial benefits, so you are not a strain.

I have heard that concern raised—this is going to place a strain on our social services. As nonimmigrant visa holders, they do not qualify, under existing law right now, for Federal benefits.

What you get is a work permit, the ability to be here legally. We know where you are, we know where you live, we know where you work, you pay taxes, you have paid a fine—this is not amnesty—and you have a non-immigrant visa. And there is nothing you can do with that nonimmigrant visa but stay here, work, and travel to visit relatives. But you can't turn that into citizenship. It is a nonimmigrant visa.

They will have to remain in this probationary phase for a significant period of time—not an unreasonable period of time but a significant period of time. After that period of time has elapsed and if they have complied with all the requirements of that probationary period and if it is certified that the enforcement mechanisms are in place and have happened—that is critical—then and only then do we then move to phase 2.

This is what phase 2 is, and it is very simple. Phase 2 is that we go to these folks and say: OK, you will now be given the opportunity to apply for a green card using the same process as anybody else anywhere in the world would use to apply—the same process.

In essence, all we are going to give them is a chance to do what they should have done in the beginning, to apply the way they should have applied in the beginning. Here is what is important: They have to get in line. People say: What is the big deal about the line? The big deal about the line is that all those people who have done it the right way, it is not fair to them to allow someone who didn't do it the right way to leapfrog them. In essence, we can't make it cheaper and faster to immigrate here illegally than it is to immigrate here legally. Ultimately, they will have to get in line, they will have to qualify for the visa they have applied for, and if all that works out, then they will get a green card. Once they get a green card, depending on how they got it, they will have to wait about 5 years before they can even apply for citizenship.

This is the process and these are the principles we have outlined. I have heard concerns, and they are all legitimate concerns. Just because someone raises concerns about our principles, that doesn't mean they will ultimately be against them. It means they have legitimate concerns. People say it is wrong to reward people who have done this the wrong way. We agree, and that is why we can't allow them to leapfrog anyone. That is why the line is important and the waiting period is important.

I heard Senator SESSIONS earlier say that we are not even enforcing our current laws. That is true. And one of the reasons they are not being enforced is

because the current system doesn't exist. It doesn't work. What we have now is de facto amnesty. If we do nothing, what we have is de facto amnesty because we don't know who the undocumented are. We couldn't enforce it even if we wanted to. That is why we have to deal with this issue.

We talk about the cost of social programs. If you are on a nonimmigrant visa, you don't qualify for the social programs by current law.

Look, there is a lot of work to be done. What we announced yesterday is not a plan, it is a framework. And that framework has to now be turned into legislative language. That is a lot of hard work, but I hope people will take this as an opportunity to come up with a solution to an issue that is solvable, that we can address and bring to a conclusion. It will have to be done the right way, and it will not be easy.

In a few hours the President will give a speech in Nevada, and early press accounts concern me. I don't want to turn this into a partisan thing, though, so let me just say this: If this endeavor becomes a bidding war to see who can come up with the easiest, quickest, and cheapest pathway to a green card possible, this will not go well. We now have a commonsense and reasonable set of principles. And I hope what the President will say today is he hopes that process succeeds. But if his intentions are to trigger a bidding war to see who can come up with the easiest process, this is not a good start. But let's give him the benefit of the doubt. I hope my colleagues will do the same.

I am deeply committed to the rule of law and to having an immigration system that works. I hope we can work together to accomplish that.

I yield the floor, and 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to executive session to consider Executive Calendar No. 1, the nomination of Senator JOHN KERRY to be Secretary of State, with 2 hours of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the Record; and that President Obama be immediately notified of the Senate's

action and the Senate then resume legislative session.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### EXECUTIVE SESSION

#### NOMINATION OF JOHN FORBES KERRY TO BE SECRETARY OF STATE

The PRESIDING OFFICER (Ms. BALDWIN). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of JOHN FORBES KERRY, of Massachusetts, to be Secretary, Department of State.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate on the nomination equally divided in the usual form.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak to the nomination of Senator KERRY to be the next Secretary of State.

It has been more than 100 years since a member of the Senate Foreign Relations Committee was directly nominated to be the Secretary of State. The last was Senator John Sherman of Ohio, who was selected to serve as Secretary of State to President McKinley. It is important to note that this historical fact exists because Senator KERRY's path isn't one commonly taken but one that is earned by a select few, and he has earned this opportunity.

From the first time JOHN testified before Chairman Fulbright as a young returning Vietnam war hero in 1971 to the day the President announced his nomination as Secretary of State, he has invested himself in all of his endeavors, always looking for the truth, for answers, uncovering the facts, hearing all the evidence, and then publicly speaking truth to power based solely on what was best for this Nation. I know he will carry those leadership traits with him into his new position, and I can think of no one better prepared to take on the challenges of this position.

As a Senator, as a member of this committee, and as a chairman, JOHN has already built strong relationships with leaders across the world, which will allow him to step seamlessly into the role of Secretary of State. Senator KERRY will need no introduction to the world's political and military leaders and will begin day one fully conversant

not only with the intricacies of U.S. foreign policy but with the understanding of the nuanced approach necessary to effectively interact on a multinational stage.

When Vice President BIDEN was chairman of the Foreign Relations Committee, he said on more than one occasion that "good international relationships are always predicated on strong interpersonal relationships." JOHN KERRY understands there is no substitute for strong interpersonal relationships, whether in Senate politics or international diplomacy. Secretary of State is not a desk job. It requires constant personal interactions in the furtherance of American foreign policy.

During his 30 years in public life and more than 25 years in the Senate, Senator KERRY has championed many issues. Earlier today the Senate Foreign Relations Committee favorably reported his nomination to the Senate unanimously and presented Senator KERRY with an honorary resolution highlighting a few of his many accomplishments.

Amongst his accomplishments are the partnership he formed with Senator JOHN MCCAIN that led to an effort to investigate the fate of American soldiers unaccounted for in Vietnam and normalize relations with a former enemy—which is, in essence, Vietnam; his leadership of difficult, sensitive, and comprehensive investigations in the Senate on everything from the Bank of Credit and Commerce International and illegal money laundering, to the Noriega regime in Panama which is well known; advocating for democratic elections in the Philippines and serving with Senator Lugar as part of a Senate delegation that uncovered the fraud that led to the ouster of President Ferdinand Marcos; working with the Cambodian Government and the United Nations to facilitate the creation of the genocide tribunal in Cambodia to prosecute key members of the Khmer Rouge; advocating for programs that help secure nuclear, biological, and chemical weapons stockpiles and materials so they don't fall into the hands of hostile states or terrorists; and leading the Senate to provide its advice and consent to ratification of the New START treaty with Russia.

During the Arab spring, Senator KERRY supported a no-fly zone over Libya, which helped to save thousands of civilians from being massacred, and he was a voice of courage and conscience in calling for President Hosni Mubarak to step aside and begin an orderly and peaceful transition to a democratic political system in Egypt.

JOHN has been a tireless advocate for the cause of peace in the Sudan and South Sudan and played an instrumental role in the successful referendum in 2011.

JOHN is well known for his bipartisan work with former majority leader Bill Frist on comprehensive HIV/AIDS legislation that laid the foundation for