

which the Senate is now working is the solution our economy needs, it is the solution immigrant families need, and it is the solution Anna needs.

This bill isn't perfect. That is the nature of legislating. Compromise is necessary and inevitable. But this measure takes important steps to reform our broken legal immigration system, strengthen border security, and hold unscrupulous employers accountable.

Over the next 3 weeks Senators will propose a number of ideas to make the legislation better. Some will offer ideas to make it worse. But those suggestions must preserve the heart of the bill—a pathway to earned citizenship that begins by going to the back of the line, paying taxes and fines, learning English, and getting right with the law. Whether we are Democrats or Republicans, whether we are from red States or blue States, we can all agree that the current system is broken. We can all agree on the need for action. This bipartisan legislation is our best chance in many, many years to bend the system toward it working right. We need to mend this broken system.

The Senate is about to engage in this important debate about the kind of country we are and must continue to be. This Nation was founded on the promise that success should not be an accident of birth but, rather, a just reward for hard work and determination. It is no wonder so many people from so many nations wish to share that promise, but they can't all get the promise of coming to America, and that is what this legislation is all about.

The United States has always welcomed immigrants, and that is never going to change. For those like Anna, the words of the Jewish proverb are appropriate: Dreams do not die. Therefore, it is up to us to help fulfill those dreams and fix our broken immigration system.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KAINE). Under the previous order, the leadership time is reserved.

#### BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 744, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to calendar No. 80, S. 744, a bill to provide comprehensive immigration reform, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 5 p.m. will be divided, with the Senator from Alabama or his designee controlling 2 hours and the Senator from Vermont or his designee controlling the remaining time.

The Senator from Vermont.

Mr. LEAHY. Mr. President, when the Senate Judiciary Committee held lengthy and extensive markup sessions to consider the Border Security, Economic Opportunity, and Immigration Modernization Act, or S. 744—the bill before us—we worked late into the evenings debating the bill. We considered hundreds of amendments. But what was interesting and what we heard the most about was the fact that the public was able to witness our consideration firsthand. They saw all our proceedings streamed live on the committee's Web site and broadcast on C-SPAN. We made available on our website proposed amendments, and reported developments in real time throughout the committee process. I know this made a difference because I was receiving e-mails and calls from all over the country from people watching it. Whether they agreed or disagreed on a particular matter, they said how much it meant to them to actually know what the Senate was doing. And Members from both sides of the aisle praised the transparent process and the significant improvements in the bill made by the Judiciary Committee.

The bill, as we amended it, was passed out of committee by a bipartisan two-thirds majority. Again, everybody worked together, set politics aside, and allowed the American people to see what we were doing. In many ways this is how we did it when I first came to the Senate, except we didn't have a way of streaming things live and we didn't have C-SPAN, so it is even more transparent now.

I appreciate what President Obama said this weekend about immigration reform. I agree with him that we have to move in a timely way. Of course, the time is now for the Senate to act, so I hope we can take some of the same steps in the Chamber that we took in the Judiciary Committee during our debate of this legislation to have an efficient and transparent process. After all, look at the markup of the Senate Judiciary Committee: both parties—and it goes across the political spectrum as well as geographically, from the west coast to the east coast, from southern borders to our northern borders.

During our committee consideration last month, an editorial in the Barre Montpelier Times termed our proceedings a "lesson in democracy." Our committee proceedings demonstrated to the American people and the world how the Senate can and should fulfill its responsibilities despite our differences.

The ranking Republican on the committee, the senior Senator from Iowa, and I were on different sides of the legislation, but we were able to work well together. I hope we can continue to work here on the Senate floor in a bipartisan way. Although he voted against the bill, the senior Senator from Iowa said had his vote been necessary to report the bill to the Senate,

he would have voted to do so. I appreciate that sentiment, and I look forward to his cooperation.

I have proposed to Senator GRASSLEY, who as the ranking Republican on the Judiciary Committee will be managing the bill for the minority, that we try to replicate here in the Senate the fair and transparent process we were able to achieve in the committee. To that end, once the Senate is able to proceed to the bill, I suggest we establish a filing deadline for amendments, as we did at the outset of our committee consideration. Ideally, then we will be able to take these amendments and group them and thereby work together by issue and by titles, as we did in the committee. It makes it a lot easier for the public as well as for the Senate to know what we are doing on the bill. It will help us with the Senate's timely consideration of this important legislation.

Of course, in order for Senators to be able to file amendments and work on the bill, the Senate has to proceed to the bill. Republicans and Democrats worked together to develop this legislation. Senators from both sides of the aisle, including the Senator from Alabama, who has already spoken on the Senate floor at length about this legislation, had amendments adopted in committee. Almost none of the more than 135 amendments adopted by the Judiciary Committee were adopted on party-line votes. So we should be able to work together to ensure consideration of amendments and then proceed to a vote on final passage without filibusters.

The American people want us to vote yes or no, up or down. They do not want us to add delaying tactics that allow us to say, well, maybe we would have been for it or maybe we would have been against it. They expect more of their Senators. Vote yes or no.

I had hoped the Senate would turn immediately to the consideration of amendments to this important bill. I regret that tomorrow afternoon, instead, we will vote on cloture on a procedural motion to allow us to begin debate on the bill. The legislation before us is the result of a bipartisan group of Senators who came together and made an agreement. It was initially a proposal from the so-called Gang of 8. It came through the committee process a product of a group of 18, supported by a bipartisan majority of the Judiciary Committee.

If Senators who have come together to help develop this bill keep their commitments, I have no doubt we will be able to end this unnecessary filibuster and pass this fair but tough legislation on comprehensive immigration reform.

There is broad agreement that our Nation's immigration system is broken and is in need of a comprehensive solution. There is also broad agreement in this Nation that people are tired of unnecessary delays in the Senate. They would like to see us do the work we are

paid to do, the work we were elected to do, and vote yes or no, not continue voting maybe by delaying. This bipartisan legislation will achieve this. Given the impact the broken system has on our economy and our families, we cannot afford delay. This is a measure on which the Senate should come together to consider and pass. We should do what is right, what is fair, and what is just.

Comprehensive immigration reform was last on the Senate floor 6 years ago. When it was blocked by the minority party—the Republican Party—the former chairman of our immigration subcommittee, Ted Kennedy, said:

A minority in the Senate rejected a stronger economy that is fairer to our taxpayers and our workers. A minority of the Senate rejected America's own extraordinary immigrant history and ignored our Nation's most urgent needs. But we are in this struggle for the long haul. . . . As we continue the battle, we will have ample inspiration in the lives of the immigrants all around us. He was right. We are back—in strength.

I had the privilege of serving in the Senate with Senator Kennedy from the time I arrived until the time he died. I know how passionately he felt about this issue. I also know, both from then and now, that a small minority of the Senate that continues to reject this measure should not prevail this time and close the door on so many people in our country—both those who are citizens and those who aspire to become citizens.

I have taken inspiration from many sources, from our shared history as immigrants, from the experiences of my own grandparents, from my wife's parents, from our courageous witnesses Jose Antonio Vargas and Gaby Pacheco and, as Senator Kennedy noted, from the millions of American families that will be more secure when we enact comprehensive immigration reform.

During his testimony before the Judiciary Committee, Mr. Vargas asked the committee:

What do you want to do with us? What do you want to do with me?

Poignant questions. But this legislation answers Mr. Vargas, and it sends a message to the millions of others who are looking to Senators to be true to our “extraordinary” history and tradition as a nation of immigrants.

I am encouraged that some on the other side of the aisle are signaling their support for this legislation. I welcome the support of those who supported immigration reform in the past, who support this effort again.

I trust that those Republican Senators who helped draft this legislation—and helped us greatly—will be with us for the long haul, be firm in their commitments, and will defend the legislation they asked the other 14 members of the Judiciary Committee to consider and approve.

I will hope and expect that they will not look for excuses to abandon what has been and what needs to be a bipartisan effort because everybody had to

give some on this bill. The bill now before the Senate is not the bill I would have drafted. I voted for amendments in the Judiciary Committee that were rejected, and I voted against some amendments that were accepted. I withheld an amendment on what, to me, is an issue of fundamental fairness in ending discrimination, after Republican Senators pledged to abandon their support for this bill had that amendment been offered. I cannot begin to tell this Senate how much it hurt to withdraw that amendment. But despite many shortcomings as a result of compromise, the bill before the Senate is worthy of this Chamber's immediate attention and support.

It is time for us to stop voting “maybe” and instead proceed to this bill and get to the business of legislating. After all, that is what the American people, Republicans and Democrats alike, expect us to do. The Congress was unable to achieve this goal during the last decade. Now, in the second decade of the 21st century, we again have the opportunity to make the reforms we so desperately need to carry us forward and strengthen our Nation. As I said on the Senate floor late last week, if a majority of us stand together, if we stay true to our values and our agreements, I believe we can pass legislation to write the next great chapter in America's history of immigration—a chapter for which succeeding generations will thank us.

Mr. President, before I conclude on this issue, I ask unanimous consent that a copy of the editorial I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Argus, May 11, 2013]

#### LESSON IN DEMOCRACY

In a remarkable demonstration of the way democracy ordinarily works, Sen. Patrick Leahy held a mark-up session Thursday allowing the Senate Judiciary Committee to shape a new immigration bill.

A mark-up session occurs when a committee discusses and debates a bill, marking it up with amendments, giving both sides a say and putting on display for the world to see the differences and compromises. In watching a mark-up session, we are able to observe senators in the actual process of lawmaking.

That an important issue should be subject to an open and public mark-up session would not be so remarkable were it not for the remarkable distortion of the legislative process that has occurred in recent years by the manipulation of legislative rules.

Lately, we have become accustomed to seeing major pieces of legislation used as chips in an unsavory game of poker, with all the cards in the hands of a few players. Action on budget and debt ceiling votes has been held up until the last minute when leaders are forced by a looming deadline to reach a deal. The members themselves, instead of being engaged in the process of lawmaking, are left to twiddle their thumbs until they get the call from their leaders that a deal has been struck.

Everyone complains that making laws is like making sausage: You don't want to see what goes into it. But when the deal-making

happens behind closed doors, cynicism can be the only response. The decision by Leahy, chairman of the Judiciary Committee, to hold several lengthy open mark-up sessions on the immigration issue is a sign that both Republicans and Democrats see a way through the thicket. If the Republicans were interested merely in blocking the bill, they could use their usual tactics. But given the importance of the Hispanic vote and the party's record of hostility toward minorities, some Republicans have recognized they must deal with the issue.

Protracted debate about bills in committee ought to be the norm. It is what committees are for. But the process has perils that legislators sometimes seek to avoid by using the rules to foist a measure on the body where a majority can hurry it through. It is unlikely that the Democrats could hurry anything through the Senate these days, so Leahy has decided to take the risks inherent in the amendment process to craft a bill that will win at least some Republican support.

The immigration bill is the product of the so-called Gang of Eight, a group of four Democrats and four Republicans who have sought to forge a bipartisan compromise on immigration. They are looking for a way to achieve both border security and a pathway to citizenship for the 11 million immigrants who are here illegally. Hard-line anti-immigration members will never be placated; the Senate will be working toward a formula allowing the skeptics who worry about border security enough assurance that they can lighten up a little on the punitive measures.

Senate bills follow a perilous path, particularly these days, when Republican use of the filibuster has created what amounts to a political oligarchy: the rule of the minority over the majority. This was the bitter lesson that Leahy learned on gun control legislation, which also began in his committee. The bill calling for universal background checks had majority support on the Senate floor, but the minority was able to quash it by use of the filibuster.

And yet this is why Leahy retained his position as chairman of the Judiciary Committee rather than moving to the Appropriations Committee. The appropriations process has become subject to the poker game, which robs the committee of its authority in creating and marking up a bill. As chairman of Judiciary, Leahy is giving the nation a lesson in democracy. It's a lesson that needs to be retaught.

Mr. LEAHY. Mr. President, seeing nobody seeking recognition, I ask permission to speak as in morning business on an issue we will vote on later today.

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

#### RURAL GIGABIT PILOT PROGRAM

Mr. LEAHY. Mr. President, let me speak on an important issue the Senate will be voting on later today, my amendment to the farm bill. The Internet has made a fundamental difference in our lives. From how we shop to how we stay connected to one another, there are few aspects of life the Internet does not touch. In the 21st century, access to high-quality, high-speed Internet is not a luxury but a necessity.

Unfortunately far too many Americans, particularly those living in rural areas, like so many in my own State of Vermont, can only dream about having access to this kind of critical infrastructure. We must take action to correct this.

I am pleased the Senate will vote today on an amendment I have offered that sets our sights high for real, ultra-high-speed Internet. In some areas, these next-generation networks are already being built. These networks offer gigabit speed—speed that is 100 times faster than what we are accustomed to today.

These networks bring with them innovation and jobs. Over the next 5 years these networks are going to become more widely adopted in urban areas, but rural America is at risk of falling further behind. If that happens, rural Americans will be left behind. They will lose potential economic growth. They will cede engines of innovation to urban areas that are equipped with ultra-high-speed Internet capability.

My amendment will establish a pilot program within the Rural Utilities Service Program that is part of the farm bill to fund up to five projects to deploy ultra-high-speed Internet service in rural areas over the next 5 years. The pilot is narrow in scope. It is carefully crafted to ensure that the main focus of the RUS Program is deploying service to unserved rural areas, while at the same time giving RUS the flexibility to find the best rural areas to test gigabit service investment. This will help pave the way for the Internet infrastructure that rural communities across the Nation will need as our economy turns the corner into this next generation of Internet service. Next-generation gigabit networks have the potential to transform rural areas. They can dramatically improve education and health care. They have the potential to bring the innovations of Silicon Valley to the Upper Valley of Vermont and to rural areas across the country.

Rural America has so much to offer in our way of life, but without the great equalizer of high-speed Internet, it cannot live up to its full potential. So now is the time to invest in these networks. One need only look at the number of applications Google received for its Google Fiber project to know that cities and towns throughout the country understand the innovation and economic growth that comes from gigabit networks. If we are going to invest money in rural networks, it makes sense that we invest some of it in networks that are going to be future-resilient.

The broadband revolution of the last decade brought a bright new future for many areas of the country, but I know firsthand that many rural areas are still playing catch-up. As the next generation of broadband investment begins this decade, let's learn from those past mistakes and test our investment in gigabit networks in rural America.

I thank Chairwoman STABENOW for working with me since the committee first started on this amendment and for her commitment to improve the quality of life for rural America, and I thank those Senators—both Repub-

licans and Democrats—who have supported me. Most importantly, rural America supports it.

Mr. President, I yield the floor and suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, as we look forward to a difficult and yet overdue debate about immigration, I wanted to share my thoughts on the legislation. I want to speak about the committee process as well as the substance of the bill before us. I also want to share my personal experience from the 1980s and how we can learn from history. Finally, I want to express my hope for what I think the bill should look like before it leaves the Senate.

I do not know of any Senator who says the status quo is the way it ought to be. In other words, this issue being on the floor of the Senate is very appropriate. But while we are here, we need to concentrate on getting immigration right for the long term. In 1986, the last time we had major legislation going to the President, I was there. I lived it. I voted for it.

I acknowledge that what we did in 1986, we got it wrong. We cannot afford to make the same mistakes of yesterday. From our national security to our economic security, too much is at stake. So do not repeat 1986. See that the borders are absolutely secure. No excuses from that point. No exceptions on that point.

Now, we are a nation of immigrants, but we are also a nation of laws. It is my solemn responsibility to respect the law and ensure that law is upheld. Do it the right way, not the easy way. Take what time is necessary to get it right. We know what works in Congress and what does not work. I think if we look back at health care reform as an example, we know that we did it in too hurried of a way and, consequently, questions about carrying out that legislation now are legitimate points of discussion.

Earlier in the year when a bipartisan group of eight Senators released their framework for reform, I was optimistic that the authors were going to produce legislation that lived up to the promises. In their framework they stated:

We will ensure that this is a successful permanent reform to our immigration system that will not need to be revisited.

Without a doubt this is a goal we should all strive for. We must find a long-term solution to fixing our broken system. So I was encouraged. The authors, in the framework released to the public before bill language was available, said the bill would "provide a

tough, fair, practical road map to address the status of unauthorized immigrants in the United States contingent upon our success in securing our borders and addressing visa overstays."

Who can argue with that point? That is exactly what we all believe a piece of legislation should do. At the time this bill was put forward and the framework was put forward, I reserved judgment until I saw the details of their proposal. I thought the framework held hope, but I realized the assurances that the Group of 8 made did not really translate when the bill language emerged. It seems as though the rhetoric was spot on, but the details were dubious.

This is what was professed by the authors: that the borders would be secured and that the people would earn their legal status. That was not what the bill actually did. The bill, as drafted, is legalization first, border secured later, and tracking visa overstays later, if at all.

In 1981, when I was a freshman Senator, I joined the Judiciary Committee and was active in the subcommittee process. We sat down and wrote legislation. We had 150 hours of hearings, 300 witnesses before we marked up a bill in May 1982. Hundreds of more hours and dozens more hearings would take place before the 1986 passage.

This year we had 6 days of hearings. We spent 18 hours and 10 minutes listening to outside witnesses. We had a hearing on the "needs of women and children," another hearing focused on "building an immigration system worthy of American values."

The Judiciary Committee received the bipartisan bill at 2:24 a.m. on April 17. We held hearings on April 19, 22, and 23. We heard from 26 witnesses in 3 days. We heard from the head of the Immigration and Customs Enforcement agency union. We heard from economists and employers, law enforcement and lawyers, to professors and advocacy groups. We even heard from people who are undocumented, proving that only in America would we allow someone not right with the law to be heard by the American people.

One of the witnesses was Homeland Security Secretary Napolitano. We attempted to learn about how the bill would affect the functions of the executive branch and whether she saw the same flaws many of us were finding. Unfortunately, we have not received responses from Secretary Napolitano to the questions that we raised at her hearing on April 23. We should have the benefit of hearing from the Secretary as to certain questions that were raised about this legislation, particularly when it comes from somebody in the executive branch who has to enforce what is laid before her.

After those hearings the committee was poised to consider the bill through a markup process. Our side of the aisle made it clear that we needed to have an open and transparent process, so we started work on May 9. We held five

all-day sessions where Members were able to raise questions, voice concerns, and offer amendments. Hundreds of amendments were filed. I alone filed 77 amendments. Of those, I offered 37. Of those 37, 12 were accepted, 25 were rejected.

Those on the other side of the aisle will boast that many Republican amendments were adopted in committee. They are somewhat right. However, only 13 of 78 Republican amendments offered were agreed to; 7 of those were from members of the Group of 8. But get this: Of the 62 Democratic amendments proposed, only 1 of those 62 amendments was rejected, and even that one was just narrowly rejected.

Commonsense amendments offering real solutions were repeatedly rejected. Those that were accepted made some necessary improvements. But get this: The core provisions of the bill remain the same coming out of committee as they were introduced into the committee.

I respect the process we had in committee. Chairman LEAHY deserves thanks from all of us on the committee because he promised an open, fair, and transparent process. Quite frankly, it was. It is a good format for what needs to take place on the floor of the Senate if the legislation that is finally voted upon is going to have credibility.

In that committee we had a good discussion and debate on how to improve the bill. It was a productive conversation focused on getting immigration reform right in the long term. Yet I was disappointed that alliances were made to ensure that nothing passed that would make substantial changes or improvements in the bill. Many of those people gave high praise to the amendments being offered but continued to vote against them.

I have often spoke about the 1986 legislation and how that law failed the American people. Now 99 other Senators are probably going to get sick of me reminding them of my presence there in 1986 and saying that we screwed up, because at that time promises were made and those promises were not kept. We said it was a one-time fix, just like the Group of 8 said they have a one-time fix. But that one-time fix did nothing to solve the problem.

In fact, it only made matters worse and encouraged illegality. People came forward for legal status, but many more illegally entered or overstayed their welcome to get the same benefits and chance at citizenship. The 1986 bill was supposed to be a three-legged stool: control undocumented immigration, a legalization program, and reform of legal immigration.

We authorized \$422 million to carry out the requirements of the bill and even created a special fund for States to get reimbursed their costs. The 1986 bill included a legalization program for two categories of people: one for individuals who have been present in the United States since 1982, and the sec-

ond for farm workers who have worked in agriculture for at least 90 days prior to enactment. A total of 2.7 million people were legalized. We also had enforcement in that 1986 legislation.

For the first time ever we made it illegal to knowingly hire or employ someone who was here undocumented. We set penalties to deter the hiring of people here undocumented. We wrote in the bill that "one essential element of immigration control is an increase in the Border Patrol and other inspection enforcement activities of the Immigration and Nationalization Service in order to prevent and to deter the illegal entry of aliens into the United States and in violation of the terms of their entry."

Unfortunately, the same principles from 1986 are being discussed today: legalize now, enforce later. But it is clear that philosophy does not work. Proof of that is it did not work in 1986. So proponents of legalization today argue we did not get it right in 1986. How true they are. I agree the enforcement mechanisms in 1986 could have been stronger. There was no commitment to enforcing the law or making sure we protected every mile of our border.

Knowing what I know now, an immigration bill must ensure that we secure the border first. Legalization should only happen when the American people have faith in the system. There needs to be a commitment to enforce the laws on the books, and, as important, there needs to be a legal avenue that allows people to enter and stay legally in the country.

Now, if you want to know how important securing the border is, just come to my townhall meetings in Iowa. So far I have been in 73 of our 99 counties. When immigration comes up and I talk about legislation, there are outbursts that we do not need more laws; why do we not just enforce the laws that are on the books—things such as "bring the troops home." "Put them down on the border." "Then we won't have a problem." Unfortunately, the bill before us repeats our past mistakes and does very little to deliver more than the same promises we made in 1986, which promises turned out to be empty. Instead of looking to the past for guidance on what to do in the future, the bill before us incorporates the mistakes of the past and, in some cases, even weakens the laws we currently have.

Those of us who are complaining, as I have just complained, have a responsibility to put a proposal before this body that will correct those things we think are a repeat of the mistakes of 1986, and we will do this.

To further explain this bill, the bill ensures that the executive branch, not the Congress or the American people through their Congress, has the sole power to control the situation. First, the bill provides hundreds of waivers and broad delegation of authority. Two, the Secretary may define terms as she sees fit. In many cases, the dis-

cretion is unreviewable, both by the American people and by other branches of government. Can you believe that? Unreviewable.

The bill undermines Congress's responsibility to legislate, and it weakens our ability to conduct oversight. We should learn a lot of lessons from past legislation. We should be doing more legislating and less delegating. Think of the recent things that have come out that the IRS has too much power.

In health care reform, there are 1,963 delegations of authority to the Secretary to write regulations. You might think you understand a 2,700-page piece of legislation that the President signed 4 years ago, but you aren't going to know what that legislation actually does until those 1,963 regulations are written. I think we are waking up to the fact that we delegated too much and legislated too little. We shouldn't be making that same mistake with this piece of legislation and, as it is written, we are making that mistake.

I wouldn't have such strong resentment about this issue if I knew I could have faith in this administration or any future administration. By the time this thing gets down the road, that is going to be a future administration to actually enforce the law.

Show me the evidence. The President and the administration have curtailed enforcement programs. It claims record deportations, but then what does the President say? He turns around and he says the statistics are—and this is his word—"deceptive."

The Secretary says the border is more secure than ever before, but she denounced any notion of securing the border before people here who were undocumented were given legal status. The administration implemented the DREAM Act by executive fiat, saying Congress refused to pass a bill so it decided to do something on its accord. It did that 1 year after the President told a group of people he didn't have the authority to do it. They provided no legal justification for the actions and very few answers about how they were implementing the directive.

The refusal of any executive branch of government, whether it is Republican or Democratic, to refuse accountability raises a lot of questions. They refuse to be transparent and forthcoming with Congress on almost every matter.

When this bill was introduced, I had to question whether the promise for border security 10 years down the road would ever be fulfilled. No one disputes that this bill is what I have said already, a bill that legalizes first and enforces later. That is the core problem. That is a core problem from the standpoint of everybody who is going to tell us on this floor and during these weeks of debate that immigration reform is overwhelmingly popular. I am not going to dispute that.

Understand that there are very many things that are caveats in a poll. No. 1

is that we ought to have border security. The core problem is that enforcement comes after legalization, a core problem, and the main reason I could not support it out of the Judiciary Committee. It is the main reason. It is unacceptable to me, and it is unacceptable to the American people.

The sponsors of this bill disagree. If they would read their own legislation, they would realize this fact. Later in the week I will discuss an amendment I plan to offer to change this central flaw, but allow me to tell my colleagues who are not on the committee about this major objection I have.

We have millions of undocumented people in this country. Under this bill, Congress would give the Secretary of Homeland Security 6 months to produce two reports, one on border security strategy and the other on border fencing strategy. As soon as those two documents are sent to the Hill, just as soon as they come up here, the Secretary then has full authority to issue legal status, including work permits and travel documents, to millions of people who apply.

The result is the undocumented population receives what the bill calls registered provisional status after two plans are submitted. Registered provisional immigrant is RPI. RPI status is more than probation. RPI status is outright legalization.

After the Secretary notifies Congress that she believes her plan has been accomplished, newly legalized immigrants are given a path to obtain green cards and a special path to citizenship.

Without ensuring adequate border security or holding employers accountable, the cycle is destined to repeat itself. I used the committee process to attempt to strengthen border security. My amendment to fix the trigger so the Secretary would need to report to Congress on a fast-track system and show that the border was secured to get congressional approval before legalization would proceed was defeated. We used the committee process to try to track who was coming and going from our country. Amendments to require a biometric exit system at all ports of entry, which is current law, were defeated.

We tried to hold employers accountable and stop the magnet for illegal immigration. My amendment to speed up implementation of an employer verification system was defeated.

At the end of the day, the majority argued against securing the border for another decade. The triggers in the bill that kicked off legalization are ineffective and inefficient.

If we pass the bill as is, there will be no pressure on this administration, future administrations, or those in Congress to secure the border. There will be no push by the legalization advocates to get the job done.

This is what is so important about when does legalization take place, before the border is secure or after the border is secure. Once the plans are

presented, there will never be any pressure from advocates for legalization, or anybody else who is interested in solving this problem, to push to get the job done.

Moreover, the bill gives Congress the sole discretion over border security, fencing strategy, and implementation of these strategies without any input from Congress.

We have a lot of questions. Will the Secretary, who believes the border is stronger than ever before, be willing to make it even stronger? Will a Secretary who does not believe a biometric exit system is feasible ensure that a mandated system is put in place? Will a Secretary who does not believe anything should stand in the way of legalization ensure the triggers are achieved?

Proponents of the legislation claim it includes the single largest increase in immigration enforcement in American history. Proponents say mandatory electronic employment verification is a solution to future illegal immigration. It is concerning that the bill delays for years the implementation of a mandatory electronic employment verification through which 99.7 percent of all work-eligible employees are confirmed immediately today.

I will speak later in the days ahead about how this bill weakens current law, particularly laws on the books to deter criminal behavior. It concerns me greatly that the bill we are about to consider rolls back many criminal statutes, but also that there is nothing in the bill that enhances the cooperation between the Federal Government and State and local jurisdictions. In fact, it preempts State laws that are trying to enforce Federal laws currently in place.

We have a lot of work cut out for us. I know there are some who don't want to see a single change in this legislation.

For me, this bill falls short of what I want to see in strong immigration reform. The fact is we need real reform, not gimmicks that fail to fix the real problem and secure our border. We need to be fair to millions of people who came here the legal way, not bias the system in favor of those who sneaked in through the back door. We need a bill that truly balances our national security with our economic security.

This is what we can do to improve the bill: I remain optimistic that on the floor we can vote on commonsense amendments that better the bill. Serious consideration will be given to amendments that strengthen our ability to remove criminal gang members, hold perpetrators of fraud and abuse accountable, and prevent the weakening of criminal law. We must seriously consider how the bill works to the detriment of the American workers and find consensus around measures that require employers to regroup and hire from homegrown talent before looking abroad, but also improving the

mechanism by which people can come here when they are needed. We must be willing to close loopholes in our asylum system, prevent criminals and evildoers from gaining immigration benefits, and ensure that we are improving our ability to protect the homeland.

I assure my colleagues I have an open mind on this legislation. I want immigration reform. I want to get it right this time, not make the same mistakes I did in 1986. I want a bill I can support. To do that, I need to see a stronger commitment to border security. I need to know future lawbreakers won't be rewarded, and that there will be a deterrent for people who wish to enter or remain illegally in the country.

Basically and simply, I want the words of this bill to match the rhetoric of those proposing the plan. The bill sponsors want a product that can garner around 70 votes in the Senate. Doing so, they seem to think, would send a message to the House that they should rubberstamp a bill that passed the Senate and send that bill to the President. I don't think that is going to happen. The House is prepared to move on its own legislation.

There will be a conference, which is a rare occurrence around here, by the way. A conference of the two Houses will ensure that the bill benefits from various checks and balances that we worship through our Constitution.

I am not trying to jump ahead to the next step of the process, I am simply telling my colleagues this bill has a long way to go through the legislative process. It needs to change before it is accepted by the American people or sent to the President. If they are serious about getting this done, more compromises will be made.

Allow me to end by echoing the words of President Reagan:

Our objective is only to establish a reasonable, fair, orderly, and secure system of immigration into this country and not to discriminate in any way against particular nations or people. Future generations of Americans will be thankful for our efforts to humanely regain control of our borders and thereby preserve the value of one of the most sacred possessions of our people: American citizenship.

That was President Reagan.

The path we take in the days ahead will shape our country for years to come. It is my hope we can find a solution while learning from our mistakes and ensuring that future generations don't have to revisit this problem down the road.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, our current immigration system is a travesty. It is inefficient, uncompassionate, and dangerous. It doesn't serve America's economic or social interests, and it undermines respect for the rule of law and for our Democratic institutions.

Fundamental reform is both badly needed and long overdue. That is why I

support immigration reform, and it is also why I initially joined a bipartisan group of Senators to try to find common ground on this issue. But it is also why I left that group and why today I must oppose the so-called Gang of 8 immigration bill.

At the outset of this debate, the gang promised a grand immigration bargain: strict border security in exchange for a pathway to citizenship for approximately 11 million illegal immigrants already here. Even before the bill was introduced, gang members distributed talking points that lauded the bill's beefed-up security provisions, new visa reforms, and measures that would make the pathway to citizenship long and tough.

But once the gang produced actual legislation, and Senators, the media, and members of the public began to read the bill, it was clear the talking points did not reflect the reality of the legislation itself. After pointing out glaring discrepancies between claims about the bill and the actual text, Senators were told they would have an opportunity to make changes during the markup in the Judiciary Committee.

But the four gang members on the committee banded together as a block with Democrats to defeat virtually all substantive amendments proposed to the bill. Congressional approval of the border security plan? No. Improve interior enforcement and strengthen workplace verification? Rejected. Manage the flow of new legal immigrants? Failed. Limit access to some of America's most generous welfare programs? Blocked.

As a result, the bill that will come to the Senate floor this week is essentially the same huge, complex, unpredictable, expensive, and special interest-driven, big government boondoggle it was when it first came to the committee.

The bill does not secure the border, it doesn't build a fence, and it doesn't create a workable biometric entry-exit system for immigrants to this country. What standards and benchmarks it does set, the bill simultaneously grants the Secretary of Homeland Security broad discretion to waive. It will, however, immediately legalize millions of currently illegal immigrants, make them eligible for government services, and put them on a pathway to citizenship.

Many critics compare the gang bill to the failed 1986 immigration law, which, similar to this one, also promised border security in exchange for amnesty but did not deliver on its promises. But the gang bill actually reminds me of a more recent piece of legislation: ObamaCare. Similar to the President's health care law, the gang bill was negotiated in secret by insiders and special interests who then essentially offered it to Congress as a single take-it-or-leave-it proposition.

The bill grants broad new powers to the same executive branch that is mired in scandal for incompetence and

abuse of power. Total cost estimates are in the trillions, according to some. Rather than fix our current immigration problems, the bill makes many of them worse. However well-intentioned, the Gang of 8 bill is just an immigration version of ObamaCare.

That is why true immigration reform must be pursued on a step-by-step basis, with individual reform measures implemented and verified in the proper sequence. Happily for immigration reformers such as I, this appears to be the approach being pursued in the House of Representatives. It is the only one that makes sense.

First, let's secure the border. Let us set up a workable entry-exit system and create a reliable employment verification system, one that protects immigrants, citizens and businesses alike from bureaucratic mistakes. Then let's fix our legal immigration system to make sure we are letting in the immigrants our economy needs in the numbers that make sense for our country.

Once these and other tasks—which are plenty big in and of themselves—are completed to the satisfaction of the American people, then we can address the needs of current undocumented workers with justice, compassion, and sensitivity.

Since the beginning of this year, more than 40 immigration-related bills have been introduced in Congress between the House and the Senate. By a rough count, I could support more than half of them, eight of which have Republican and Democratic cosponsors. We should not risk forward progress on these other bipartisan reforms just because we are unable to iron out each of the more contentious issues.

The Gang of 8 bill is not immigration reform. It is big government dysfunction. It is an immigration version of ObamaCare. All advocates of true immigration reform, advocates on both the left and the right side of the aisle, should therefore oppose it.

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. 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. DURBIN. Mr. President, this week we begin a historic debate. For the first time in 25 years we will actively debate the comprehensive reform of America's immigration laws.

I will be the first to admit that I come to this debate with a prejudice, with a bias. Similar to many Americans, I am the child of an immigrant.

In 1911, 102 years ago, my grandmother came to this country with three little children. One of those children was my mother. She was 2 years old when she arrived in America, in Baltimore. My grandmother didn't speak a word of English, but somehow

she managed to get my mom and my aunt and uncle on the Baltimore and Ohio Railroad train to St. Louis, MO. They were on their way to East St. Louis, IL, to meet my grandfather.

Just one floor and a few steps away is my desk for the majority whip office. Behind my desk is a naturalization certificate from my mother. I keep it as a reminder of who I am and where I came from and the fact that the Durbin family—and in her case the Kutkaite family—were immigrants to this country. I am sure my grandmother never imagined that one of her grandchildren would be standing here today representing the State of Illinois in the Senate of the United States. That is my story, that is my family's story, and it is America's story.

Perhaps it is partly because of this family history, but I believe immigration is the defining positive force in America.

How can you tell when a country is in decline, when immigrants stop wanting to come to it. Many other developed countries have had this experience. They have watched their economies decline and fail. That has never been the experience in America. Look at our history. Every generation, immigrants coming to our shores from around the world have made us stronger. Immigrants do not take away. They add to society. They are hard-working men and women with the courage to leave everything behind and to come and try to build a new and better life for themselves and their children. Every succeeding wave of immigrants, every generation of immigrants brings new life to America.

But today our immigration system is broken and doesn't reflect our heritage as a nation of immigrants. There are millions of undocumented immigrants in our country who want to be full-fledged Americans. They have strong family values. They contribute to our economy and take some of the hardest jobs in our Nation. But under current law there is no way for many of them to even get in line to be legalized. We can't turn our backs on the people who are already in this Nation, already yearning to be officially part of the American family.

They sit next to us in church. Their kids go to school with our kids and grandkids. They are the ones who serve our food at the restaurants and clean up the tables afterward. They clean our homes. They care for our kids and grandkids and they care for our elderly parents and grandparents.

When I first came to the Senate in 1997, I got a surprise phone call from Ted Kennedy. I was still pinching myself, thinking I am going to serve in the same place as Ted Kennedy. He said: I have a request for you, Dick. I would like you to be a member of my Immigration Subcommittee on Senate Judiciary. He was the chairman. I accepted his invitation.

I had sat in that gallery and watched Senator Ted Kennedy and Senator



Bobby Kennedy on the floor of the Senate. I was just a student at the time. I thought, I am going to have a chance now to sit in the same committee room with this man and speak to the issue of immigration. I didn't think 16 years later I would be standing on the floor of the Senate, with Senator Kennedy gone, and we would still be struggling to fix America's broken immigration system. We have been through a lot in that period of time.

Twelve years ago I wrote a bill called the DREAM Act. That bill would allow immigrant students who came to the United States as children to earn their citizenship by attending college or serving in the military. I have been fighting to make that the law of the land. I have called it for a vote on the Senate floor. We have received majority votes, but I could never ever break the filibuster. I could never get the 60 votes I needed.

In the last decade, with the leadership of Senator Ted Kennedy and Senator JOHN MCCAIN, we have made serious efforts to pass comprehensive immigration reform legislation, but we have always fallen short.

Prior to this particular debate, I can recall sitting in a room right off the Senate floor with another young Senator named Barack Obama working on immigration reform. It has been our challenge. Now the Senate is going to take up this issue again this week. This is the best chance we have had in 25 years to finally get this job done.

Six months ago I sat down for the first time with seven other Senators, four Republicans and three other Democrats. On my side of the table: CHUCK SCHUMER of New York, chairman of the Immigration Subcommittee; Senator BOB MENENDEZ, a leader with the Congressional Hispanic Caucus; and Senator MICHAEL BENNET of Colorado, who knows this issue firsthand from his State; on the other side of the table, JOHN MCCAIN; Senator MARCO RUBIO of Florida; Senator LINDSEY GRAHAM of South Carolina; and JEFF FLAKE of Arizona. They started calling us the Gang of 8. I have been in so many gangs around here, I think I need to get some tattoos, but I am not likely to do that. But these gangs are constructive efforts to solve problems.

This is a diverse group. Think about sitting across the table from MCCAIN, RUBIO, GRAHAM, and FLAKE. There sits SCHUMER, DURBIN, MENENDEZ, and BENNET—a lot of differences. But what brought us together was the realization that if we couldn't reach an agreement, neither would the Senate. If we couldn't bridge the differences between Democrats and Republicans, conservatives and others in our negotiations, the Senate never would.

We set out to get the job done. Several times I wasn't sure if we were going to be successful.

The Republicans had a bottom line. They wanted strong measures to secure our border with Mexico and to prevent future illegal immigration. We had a

bottom line on our side of the table, too: a tough but fair path to citizenship offered to 11 million undocumented immigrants. We met for 4 months. We met 24 times, long and difficult sessions. A couple of those sessions I thought were the last ones, we would not be back another day, but we returned. We made concessions. Everybody gave a little. At the end of the day we reached an agreement.

We announced in January our set of principles and then we started the hardest part, drafting the actual legislation. By the middle of April we finally had a bill almost 850 pages, if I am not mistaken. It is here now. I probably ought to take a look and make sure I got the page numbers correct. This version is a lot longer because it is the committee substitute, but it is more than 850 pages.

We heard testimony in the Senate Judiciary Committee from dozens of witnesses, supporters, and opponents. Then in May we sat down for a markup, which is where we actually amend the bill. I have been a member of the Judiciary Committee for 15 years and I have never been through a markup like that. Senator PAT LEAHY of Vermont, President pro tempore of the Senate, chairman of the Senate Judiciary Committee, pledged he would make this markup open and fair to both sides—and he did. It took us 3 weeks. We met 5 times for a total of 37 hours on this bill. More than 300 amendments were offered. We debated and voted on 212 of them, including 112 by Republicans and 100 by Democrats. Mr. President, 136 amendments, or changes, were adopted and all but 3 of those 136 passed with a bipartisan vote. The spirit of bipartisanship was in the Senate Judiciary Committee as it was in our meetings leading up to it.

Finally came the vote for reporting the bill out of committee. It was one of those historic moments which no Senator present will ever forget. When Chairman LEAHY announced the 13-to-5 vote in favor of this measure, the room erupted in applause and cheers. People stood up at their seats and came up and embraced one another, realizing we had just made history.

Let me go through the basics of the bill. First, our bill will secure the border and stop future illegal immigration. The border of the United States today is safer and stronger than it has ever been in 40 years. We have invested billions of dollars. We have doubled the number of Federal personnel working on the border, monitoring the coming and going of people across that border every single day. We have reached a level of competence and security we never dreamed of. Now we are going to do more. We have promised the Republicans at the table we will secure that border with even more technology and more investment.

Each year we spend about \$18 billion policing the border between the United States and Mexico—\$18 billion. That is more than the combined expenditures

for all of the Federal law enforcement agencies—FBI, Secret Service, Drug Enforcement Administration, Alcohol, Tobacco, Firearms, and U.S. Marshals Office. We spend more than that each year on the border and now we will invest even more.

For those who argue we are not serious about border protection, believe me, we are. The investments will be made with the very best technology, with the advice and cooperation of the States affected by these decisions, to make that border as safe as humanly possible. We have made amazing progress.

We can do more. The Border Patrol agents, over 20,000 of them at work today, are better staffed than at any time in the 88-year history of that agency. The Department of Homeland Security has completed 651 miles of border fencing out of the 652 miles mandated by Congress. I was a skeptic when they said they would put fences on the border. I really was. My belief was if you build a 10-foot fence it was an invitation for a 12-foot ladder, and my belief was they could easily overcome it. They put fences in places where they could work and they put other devices in places where fences won't work. Significant results have been shown. Cities on the southern border are among the safest in the country. Violent crimes in the border States have dropped an average of over 40 percent over the past 20 years and the top 4 big cities in America with the lowest rates of violent crime are all in border States: San Diego, Phoenix, El Paso, Austin.

Our bill will do more. We set a clear, tough target for border security. The bill requires the Border Patrol to have 100-percent persistent surveillance of the southwest border. In other words, the Border Patrol will have to be able to see in real time every single person who crosses that southwest border illegally. We also required a 90-percent effectiveness rate for southwest border sectors. In other words, the Border Patrol will have to stop 90 percent of all people who attempt to enter the country illegally in each border sector. It requires the Department of Homeland Security to create a southern border security plan and a southern border fencing strategy within 6 months after the bill is passed. The border security plan will spell out the personnel, infrastructure, and technology necessary to achieve this 90-percent effectiveness rate.

The bill approves \$3 billion for this border plan, \$1.5 billion more for a fencing strategy. If the Department of Homeland Security does not reach 90 percent effectiveness within 5 years, the Border Commission, made up of southwestern State officials and bipartisan Presidential and congressional appointees, is empowered to employ additional steps to secure the border. Our bill appropriates up to \$2 billion in additional spending, if necessary, for those measures. Anyone who takes a

look at this—and you will hear many of the critics in the next few weeks say “they are just not serious about the border”—believe me, we are. We have been. We continue to be. We put the resources on the table, with the cooperation of the States bordering Mexico, to make sure we have done absolutely everything within our human capability to keep that border safe and strong and secure.

Of course, improving border security overlooks one very obvious weakness: Forty percent of the undocumented immigrants in the United States did not cross the border illegally. They came into the United States legally on visas: students, visitors. Similar visas were given to them and they overstayed. They were supposed to come to go to college and they stayed after college. They were supposed to come for a vacation or family event and they overstayed their visas, so 40 percent of the undocumented people overstayed their visas. We address that.

This bill requires the electronic tracking of people who enter and exit America. We require, in this bill, that all visas, passports, and other travel documents for immigrants who are entering or exiting the United States be in the form of a machine-readable document which can be scanned as they enter and leave the country so we will know who is coming and going. The bill mandates this machine-readable system be interoperable with the databases that are used by Federal immigration and law enforcement agencies and the intelligence community. We are trying to integrate all of this information about people coming and going and living in this country, to make us safer and make the system work.

This gives the authorities real-time access to information to connect the dots across law enforcement data bases, including the FBI fingerprint check, name check, and the NCIC list. The new machine-readable entry-exit system will access this information when determining whether to issue a visa or deny entry.

I say to those observing this debate, when you hear just the two things I have mentioned, you have to say this bill, S. 744, is going to make America safer. The border is going to be stronger. We are going to know who is coming and going in America.

And there is more. We also need to address the job magnet that brings illegal, undocumented people into the United States. We need to make it more difficult to hire undocumented people. Our bill does it. We require all employers to use a mandatory electronic employment verification system to verify the employees are legal. Job applicants would have to show identifying documents such as a U.S. passport, drivers license, or biometric work authorization card that includes photo identification. The employer in any business, in any town across America, with access to a computer goes to the E-Verify system, enters the vital infor-

mation about the person sitting across the table, pushes the button and waits to see if the photo that comes across the computer screen is the same photo as the one that has been presented. There is the verification. The employment can continue to go forward.

Our bill will reform our legal immigration system to strengthen our economy, our families, and our workers. We need to ensure that families who have been separated for many years can be finally reunited. Employers should be given a chance to hire an immigrant worker when truly needed, but first—and I insisted on this throughout—we require that you have to offer the job to an American before you bring in a foreign worker.

Our first obligation, whatever State we represent, is to the people we represent, particularly those who are out of work. This bill requires when there is a job opening, before you can offer it to a foreign worker you must offer it to an American. Maybe they cannot fill the job. Maybe they do not have the qualifications. Maybe you need some specialty. Then you can go forward under specific conditions here, with limitations, in hiring that foreign worker.

We have been told by the business community, especially high tech, that there is a need for more high-skilled workers in our country. Last week I went to the Illinois Institute of Technology in Chicago. There was an incubator there. In small suites of offices, amazing things are underway. Some of them I cannot even explain to you. I am a liberal arts lawyer, OK? The closest I ever got to real science was political science and that doesn't count. I tried to listen and absorb as much as I could about what they were doing at this fabulous institution. Some of the things they are doing there are dramatically reducing the cost of producing biological vaccines and medicines—medicines that are used, for example, in cancer therapy—to cut the cost in half. They have been experimenting on new ways to do that.

I met a young man named Bo Sung, from China. The man who was introducing us was from India himself and he was the head of the project. He said: “This young man came to the Illinois Institute of Technology, and to Chicago, to get an advanced degree. He is possibly,” he said, “the smartest student I have ever had in any class—straight As in China, learned English and came here to learn more.” He is working on this project. I got to meet him. He was kind of shy, friendly, in a way, standing off to the side. They brought him over.

I said to him: Let me ask you, Mr. Sung, would you be interested in staying in the United States and developing this project?

He said: If I could, I would.

Here was a man, brought for education in the United States, who will soon be given a choice to go back to China or to stay in the United States.

His preference was to stay here. We require in this bill that if you have an advanced degree in STEM subjects—science, technology, engineering, and math—an advanced degree, and you have a job offer, that you be offered a green card. A green card is a path to legalization and citizenship. I think that is a smart thing to do.

I can recall attending the graduation at the same school a few years back where it seemed every advanced degree was going to someone from India or South Asia. I thought to myself: What a sad situation. We are handing them advanced degrees, which they earned in the United States at the best schools, and we are handing them a map on how to find their way back to O'Hare and leave.

This is a better approach. If there is a job offer, we need to keep this talent in America. It will not just employ that person, it will employ many others who can work for the companies they are going to help. Employers, under our bill, will be given a chance to hire temporary foreign workers when they truly need them, after they have tried to recruit Americans for the same jobs. We also require that any employer who hires a foreign worker must pay a fee to be set aside for a fund to help train Americans.

Let's put the cards on the table here. If you go to the graduation ceremonies at these schools, the best engineering schools in America, you will find a majority of foreign students. That is the reality today. So let's change the reality. Let's take the fees we will collect when these foreign workers, trained in the United States, are brought here to work—take the fees and create, as we do in this bill, scholarships and college funds for American engineering students. Let's grow our own in this country. Let's make sure we have young people coming out of our high schools and colleges who are prepared to get advanced degrees who are from America. There is nothing wrong with that. That is our first obligation, and this bill will do that.

In Illinois, more than 40 percent of the students who earned master's or doctoral degrees in a STEM field are temporary nonimmigrants.

In 2011, almost 2,700 specialists in advanced fields such as computer science, programming, and biomedicine who earned degrees in Illinois could not obtain visas upon their graduation. Yet in Illinois alone we will need 320,000 STEM graduates in the next 5 years.

It makes no sense. They are trained at the best schools in Illinois, we need them in Illinois, and then we tell them to leave?

It makes no sense.

Our bill allows employers to sponsor for a green card any student who graduates from a U.S. school with an advanced degree in STEM fields if they will be working in a STEM job. We also have a significant increase in H-1B visas for skilled workers. We now have a limit of about 65,000 H-1B visas a



year. It can go up to 115,000, depending on the supply and demand, and even as high as 180,000.

For the first time employers will be required to post the job on the Department of Labor Web site for 30 days before they hire a foreign worker, which goes back to the point I made earlier—first, the job is offered to an American.

Under current law, employers are permitted to pay H-1B visa holders substandard wages. We changed it. We raised the wages to be paid to the H-1B workers. We don't want to create the incentive to bring in low-wage foreign workers. We want a good wage to be offered to an American first.

We also take important steps to crack down on the biggest abuse of H-1B visas—outsourcing of American jobs. When most people think of H-1B visas, which are visas to bring in professionals, most people think of high-tech companies such as Microsoft and Google hiring engineers they need and paying them top dollar. The reality today is dramatically different.

In fiscal year 2012 all of the top 10 H-1B visa applicants were outsourcing foreign firms. These 10 companies used 40 percent of all the H-1B visas. Under current law employers can legally use the H-1B visa program for outsourcing. We changed it. We phased out the abuse of the H-1B system so that those using the H-1B program will be actually hiring the employees they need.

One of the items in this bill near and dear to all of us—certainly on our side of the table—is a path to citizenship.

During the last Presidential campaign one of the candidates on the other side advocated what he called self-deportation—that is the phrase he used—of undocumented immigrants who are currently living in our country, to leave. He was basically forcing undocumented people to leave.

It wouldn't work, it is impractical, and I think it is fundamentally wrong. Instead, we need a fair and firm solution strengthening our national security and our economy that is true to our heritage as a nation of immigrants. Our legislation creates a tough but fair path to citizenship.

What it boils down to is we need to say to the 11 million undocumented people in America: If you can prove you were here continuously before December 31, 2011, you have a chance to step forward, register with the government, and submit yourself to a background check. If there is a serious problem with your criminal background, you are finished. Leave. You cannot become a citizen. But if there is not, you can pay your taxes, pay a fine, live legally in America, work legally in America, travel, and come back into this country, and work towards citizenship over time.

It is a long process. They will be monitored. They will be forced to learn English to make sure they and their children can be part of America and its future. We would do this over a 13-year period of time. What we have today is

de facto amnesty. We have 11 million undocumented people, and we don't have a law to apply—at least not one that is enforced on a regular basis. Our new law, if passed, will create a level playing field.

According to the Center for American Progress, if our bill becomes law, undocumented immigrants will increase their earnings by 15 percent over 5 years, leading to \$832 billion in economic growth and \$109 billion in tax revenue over the next 10 years. It also will create an estimated 121,000 jobs.

I have sat down with workers, particularly union workers, in my State. They say: Senator, what are you doing to us? You are bringing in all of these people who will now be competing with us in the workplace.

I asked them to stop for a moment and reflect on the following: These undocumented workers are competing with them today. We can find a brick layer, a plumber, somebody who can put on a roof in virtually any major city in America, and many of those folks are undocumented. In many cases they are getting paid many times less than a minimum wage, and they are competing with other workers legally here in America. We change all of that. They come forward, identify themselves, and they are bound by the laws of this country. It is going to help them ultimately, but it helps workers in general so they are not facing this unfair competitive advantage.

I see Senator CORNYN is here, and I want to give him a chance to say a few words. But first I want to close by speaking about two things before I do.

At the beginning I mentioned that 12 years ago I introduced the DREAM Act. The DREAM Act was a response to a call to my office in Chicago. There was a young girl in the city of Chicago who came to that city from Korea through Brazil. Her mother and father brought her into Chicago with her brother and sister, and they were very poor.

Her father wanted to be a minister and have a church. He never realized that dream, and he stayed at home and prayed for that dream every day. Her mother finally said: Somebody has to earn some money. So she went to work at a local dry cleaners.

Well, the kids were raised in a one-room efficiency with hammocks so they could sleep, get by with what little they had, and it was a pretty desperate circumstance. This young woman, whose name is Tereza Lee, had to basically go to school and look through the wastebasket after lunch to find food that other kids had thrown away so she could eat. That is how desperate she was.

Somewhere along the way she was invited to become part of the Merit Music Program. What a wonderful program. About 10 years ago a woman in Chicago said: As my legacy, I want to create the Merit Music Program which offers free musical instruments and musical instruction to the poorest stu-

dents in our public schools. It has worked miracles. One hundred percent of the kids in the Merit Music Program go to college. Well, Tereza Lee was one of them.

It turned out Tereza Lee was an accomplished music student who learned the piano. They finally gave her a key to the Merit Music Program building because it was warm, and she liked to stay there late at night and play the piano. She got so good they said: You have to apply to the Juilliard School of Music and the Manhattan School of Music in New York.

She got the papers—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask for 4 additional minutes.

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

Mr. DURBIN. She had the application to fill out, and it asked for her citizenship and nationality. At that point, she turned to her mom and said: What should I put there?

Her mom said: I don't know. When we brought you here, you were on a visitor's visa, but we never filed any more papers.

Tereza said: What are we going to do?

Her mom said: Let's call Senator DURBIN.

They called my office, and we checked the law. The law was not very kind to a young person in that circumstance. It said she had to leave America immediately and stay away for 10 years and apply to come back.

She was 17 years old. It didn't make any sense. She didn't do anything wrong. She was brought here as a baby.

I introduced the DREAM Act. The DREAM Act said young people who came to the United States under the same circumstance as Tereza and were brought here before the age of 16, finished high school, had no serious criminal issues, and could finish at least 2 years of college or enlist in the military would have a chance for citizenship. I have been trying to pass that ever since.

These DREAMers, which they now call themselves, have started stepping forward and telling their stories. They are in some peril when they do this, but they want America to know who they are. Some of them have amazing stories to tell.

I will tell two stories very quickly. This is Alejandro Morales. He was brought to the United States from Mexico at the age of 7 months and raised in Chicago. His dream was to become a U.S. marine. He enrolled in the Marine Math and Science Academy in Chicago and excelled in school in the Young Marines Program. He eventually rose to become the City Corps staff commander, the highest ranking cadet of 11,000 junior ROTC students in Chicago.

In a letter he wrote to me he said:

I want to serve and fight to protect my country. I am an American; I know nothing but the United States.

Last week, in a sad, tragic, mean-spirited vote, the House of Representatives passed an amendment to deport DREAMers such as Alejandro. It is a shameless display of lack of understanding of this fine young man and thousands more just like him who want to be a part of America's future. Losing him will not make us any stronger.

Let me introduce another DREAMer. This is Issac Carbajal and his mother Victoria. Issac was brought to the United States from Mexico when he was 5 years old. They settled in the suburb of Portland, OR, and he went to high school there. A military recruiter told Issac he could have a promising career in the Armed Forces.

He sought the advice of a family friend, Dr. John Braddock. John and his wife Kim came to think of Issac as another son. Issac met the Braddock family shortly after arriving in this country.

In a letter to me John wrote that Issac "loved this country, his country." They both believed the recruiter who told Issac he could enlist in the military and apply for citizenship in 2 years.

In January 2011 when Issac went to San Diego to enlist in the military, he was immediately arrested, turned over to ICE, and deported to Tijuana the next day. He was dropped off alone in a country he had not seen in almost 15 years with no identification and nothing but \$18 in his pocket.

Now he is barred from returning to the United States for 10 years. He originally went to enlist in the military. Although it has been almost 2½ years since he has been deported, he still wants to come back and serve in the Armed Forces of the United States.

There are so many stories just like this of these DREAMers who want to make this a better Nation. The strongest DREAM Act provisions that have ever been crafted are included in this bill and agreed to on a bipartisan basis.

Let's pass this bill. Let's end this debate after a fulsome exchange of ideas and amendments. Let's end this debate with a strong bipartisan vote that says both Republicans and Democrats understand that this Nation of immigrants must renew its commitment to every generation to our heritage. We need to renew our commitment to those people in our families who had the courage to get up and come to this great Nation, face great sacrifice, and succeed and build what we call home: the United States of America.

Now it is our turn. Let's not only prove we can do the right thing for them and the heritage of this Nation, let's prove that every once in a while this great institution of the Senate can actually get some important work done.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, we have been working on immigration reform ever since I came to the Senate about

10 years ago. I have sponsored legislation—most notably with the former Senator Jon Kyl in 2005—called the Comprehensive Border Security and Immigration Reform Act.

The legislation I have worked on since I have been in the Senate has dealt with virtually every aspect of the issues that immigration touches on—from high-skilled visas and guest worker programs to border security to enhancement of our ports of entry. The staffing at those ports of entry is important. It makes it possible for legitimate commerce and trade to go back and forth, most notably, with Mexico which shares 1,200 miles of common border with my State of Texas.

As a result of that bilateral exchange, 6 million jobs are created in the United States alone. I believe I have been involved in some of the toughest parts of the immigration debate, and as I have joked to my staff and family, I have the scars to prove it.

The truth is this is a new topic in many ways to so many Members of the Senate because 43 Senators have come to this Chamber since the last time we debated this topic in 2007. While the Senate Judiciary Committee has had the opportunity to vote on this important legislation, the rest of the body has not had a chance to weigh in and offer their contributions, hopefully, with an eye toward improving the bill and making it something of which we can be proud.

When I first read the bill produced by the so-called Gang of 8, I saw many improvements in our current broken immigration system. For example, the bill, as written by the Gang of 8 and now passed out of the Judiciary Committee, allowed more STEM graduates; that is, graduates from our colleges and universities with math, science, and engineering degrees, to gain admission to our country as legal permanent residents and eventually citizens. Further, I think the bill makes some improvements in terms of family unification. It brings families together who are split because of archaic and unworkable provisions in our immigration law. I think the bill also helps take an important step toward regaining the public's confidence.

The Federal Government is actually up to writing laws that can be enforced and will actually work as advertised. That is where the E-Verify provisions are so important. It makes sure employers only hire people who are legally eligible to work in this country. In that same vein, this bill as originally written would provide some enhanced penalties to employers who would game the system by evading legal workers and hiring people who cannot legally work in the United States.

All of these provisions enjoy broad bipartisan support. Yet, coming from a border State, as I said—one that shares 1,200 miles of common border with Mexico, through which the overwhelming majority of illegal immigra-

tion across our borders occurs—I believe there are dramatic improvements needed in this bill when it comes to securing America's borders and promoting public safety, and those cannot be disentangled from one another.

We know that the same border that allows somebody who wants to come into this country to work and have a better life—certainly something we can all understand and empathize with—also permits drug cartels and human traffickers to penetrate our borders and apply their dangerous trade.

We have also learned over time that our 2,000-mile southern border is very diverse. In other words, if a person is from California and their view is that the border of the San Diego area where they have double-fencing and mounted patrols, in essence, by the Border Patrol—that may well work to control the border in San Diego, but it may not work in Arizona or in Texas. As a matter of fact, we have seen dramatic improvements in Arizona. Two of the Members of the Gang of 8, Senator MCCAIN and Senator FLAKE, have been very diligent in working on those issues in their State.

However, I must tell my colleagues that, coming from the State of Texas, where we have the longest extension of uncontrolled border in the country, there is a lot of work that needs to be done because of this diversity, and that is the spirit in which I intend to offer amendments to help improve border security and public safety.

Now, the bill grants permanent legal status to millions of undocumented immigrants as currently written without any guarantee of securing the border. How would that possibly be a good idea? In other words, there are many Americans who, in their humanity and out of simple human compassion, understand that the 12 million or 11 million people who are currently undocumented or who are in illegal status in this country—they understand we are not going to do a massive deportation of those 12 million people. It is just not going to happen. What they would be willing to do is to accept a legal status for those individuals if they can be assured the immigration bill that is actually passed will work as advertised.

Those eligible for immediate legalization under the current bill would include those already deported immigrants as well as people who have been convicted of serious crimes such as domestic violence, child abuse, and drunk driving. How could that possibly be a good idea? We need to fix those provisions and fix the bill in the process.

Meanwhile, unfortunately, this bill also weakens current law with regard to people entering the country legally but failing to leave when their visa expires. This is the so-called biometric entry-exit system which has been the law of the land since 1996. When we wonder why people are skeptical about the Federal Government's commitment to actually enforce the law as written, exhibit A is this 1996 requirement for a

biometric entry-exit system that has never been implemented. Visa overstays account for 40 percent of illegal immigration. Don't we want to fix that provision of the bill? Yes, we should, and, yes, we will if my amendment is adopted.

This bill also hides from law enforcement officials certain critical information necessary to detect fraud. One of the big problems with the 1986 amnesty that Ronald Reagan signed based on the premise that there would be enforcement and no need to ever provide another amnesty again, that this would actually be enforced, was that there was so much fraud associated with it because of the confidentiality requirements of the law. Those same mistakes have been repeated in the underlying bill, and that needs to be fixed.

My amendment—something we call the RESULTS amendment because we need not just new promises, we need actual results—fixes these problems.

First, it requires the Department of Homeland Security to gain complete situational awareness and full operational control of the Southwestern border, with "operational control" defined as at least a 90-percent apprehension rate of illegal border crossers. Ultimately, the goal needs to be not just focused on how many we apprehend but on deterrence. Law enforcement generally operates when people are deterred from violating the law because they fear being captured and the punishment that goes along with it. So that ultimately needs to be our goal, but it will never happen unless we capture at least 90 percent of the people who come across, thus sending the message that the American border is now secure.

My amendment would also require the use of a biometric exit system at all airports and seaports where Customs and Border Protection is currently deployed, and it requires national implementation of E-Verify. Again, that system will allow employers not to be the police but to have a simple and easy way to verify that the individuals who present themselves for employment at their place of business are legally qualified to work in the United States.

The biggest difference between my amendment and the underlying bill is that my amendment guarantees results, while the Gang of 8 proposal merely promises results.

I have to tell my colleagues that perhaps with all of the confluence of scandals occurring in Washington, DC, including the IRS debacle and the Health and Human Services Secretary shaking down and raising money from the very people she regulates, there is a lot of what I would call a confidence deficit in Washington, DC—particularly given Washington's abysmal record in enforcing our immigration laws. But it is important to distinguish between promises and results.

Remember, the Federal Government has promised to secure our border for

the last quarter century, and the trail of broken promises, as I said, goes back to 1986 when Congress passed an amnesty program while assuring voters they would see results on border security and enforcement. As everyone knows, we got the amnesty but not the enforcement in 1986, and the underlying bill suffers the same problems. At the very least, we should try to learn from history and not repeat it. Unfortunately, the underlying bill fails to acknowledge those lessons we should have learned about steps we need to take in order to guarantee results rather than make repetitive promises we ultimately don't keep.

I understand why the American people don't trust Washington. I understand why they dismiss some border security promises as rhetoric. That is why my RESULTS amendment is so important and essential to accomplishing the goal of bipartisan immigration reform.

As I said, right now Congress and Washington have a major credibility problem. No one believes we are actually serious about actually securing the borders and stopping the hemorrhaging of humanity across our southern border into the United States, including not just people who want to work but people who are up to no good—the human traffickers and the drug dealers. I am afraid the Gang of 8 bill in its current form would make this problem worse. So I believe the true poison pill would be the failure to take sensible measures by adopting amendments such as mine which are designed to actually solve the problem and guarantee results rather than ignore this important credibility gap Washington has.

As I said, we do not need promises, we need results, and that is what my amendment would provide. Instead of enacting so-called triggers that are just really talking points disguised as policy, it is time for us to adopt real triggers that condition the pathway to citizenship on Washington and the bureaucracy and Congress hand-in-hand working to make sure the law is enforced as written.

The majority leader reportedly, according to Politico, has somehow called my amendment a poison pill. We have heard that kind of language before. This is an effort designed to discourage those who would actually create a workable, results-driven immigration reform system from even offering their ideas. The irony is the majority leader hasn't even read my amendment because it hasn't been reduced to legislative language yet. He has prematurely called it a poison pill. In fact, the true poison pill would be failure to adopt such a sensible approach that would guarantee results so that when it goes to the House, we can see we are actually serious about delivering an immigration reform bill that functions as advertised and not just another series of hollow promises.

Strengthening border security and enhancing interior enforcement are not

alternatives to fixing our broken immigration system; they are complements to the kinds of sensible reforms Members of both parties have endorsed. Indeed, the provisions of my amendment actually build on the framework created by the bipartisan Gang of 8 proposal. The difference is, again, that we don't just make the promises, we don't just require the issuance of a plan, we actually require metrics to measure success, and we hold the feet of Congress and the bureaucracy to the fire to make sure those metrics and those goals are actually achieved.

Even as we debate the most controversial issues, we should be doing everything possible to promote the type of legal immigration that benefits our society and our economy as well. It is with that spirit in mind that I will be introducing at a later time my RESULTS amendment, and I encourage my colleagues to take a look at it and join me in strengthening this underlying bill, making it more likely, not less likely, that we will actually pass a bill that will be taken up by the House of Representatives and eventually be presented to the President for his signature.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to express my appreciation to the Senator from Texas. He is a superb member of the Judiciary Committee. He offered an amendment to this effect in the committee. I thought it should have passed. It would have helped with a flawed bill. But it was voted down. I know that he is working even harder now, and I know that whatever he proposes will be the kind of legislation that will strengthen this bill.

I share with the American people a deep frustration with the current failed operation of our immigration system and share some fundamental principles of immigration reform that have been expressed by the Gang of 8.

The Gang of 8 has said the current system is broken. I agree. But more accurately, we should say the current law and procedures are not being properly carried out and are resulting in monumental illegality in our country—something that is not worthy of a great nation.

The Gang of 8 says that we must toughen our approach to border security and that we can do better. They implicitly, even openly acknowledge that our government officials have a long history of failed border enforcement and that they cannot be reasonably trusted to enforce the law. So even when the American people plead with our government to do something about the illegality, for decades this government has failed to do so.

I agree that the gang has touched on something important. But the gang acknowledges, in effect, the governing class and the activists and special interests want amnesty, and these groups lack interest in or a will to sustain a

policy of fair enforcement in the future. They say we have to guard against that, but that is what happened before. They acknowledge that. And I agree.

To ensure that amnesty does not take effect immediately, with only promised enforcement in the future—which never occurs, it seems, as happened in the 1986 amnesty bill—they have promised that they have triggers that ensure amnesty will not result unless enforcement occurs. That is the promise: We have triggers and we have mechanisms so that you cannot get amnesty unless enforcement occurs. We have a guarantee of that, and we will ensure that happens.

So I agree with the sentiment and this concern because we know what has been happening. I have been engaged in this debate since I have been in the Senate, but I do not agree their legislation comes close to fulfilling this promise. It just does not. That is the rub. The comprehensive immigration bill does not fix our failing system. The provisions, the faux triggers, the expression of interest in fencing, commissions, will work no better than current law. It will not end the illegality in the future.

So I will discuss some of the flaws in their plan today, but I want to make one thing clear. I think most Americans believe in immigration. I know they do. Most Americans are concerned about people who have been here a very long time and have had no real problems in their lives other than the immigration illegality, and they are prepared to reach out and do some compassionate things for them to give them a legal status that allows them to raise their families and their children who have become citizens. They are willing to do that, but they are concerned about the future.

Will we end up again, like in 1986, where a bill is passed that promises enforcement, but the amnesty occurs immediately, and then the promises in the future do not ever occur? What was Wimpy's line? "I will be glad to pay you tomorrow for a hamburger today." I am glad to say we will have amnesty tomorrow, but I want the enforcement today in concrete.

A recent Rasmussen poll explains how the people view this issue—actually it was within the last few days. By a 4-to-1 margin, people say the enforcement should come first. Yes, they are willing to be compassionate, willing to wrestle through a fair and decent way to treat people, but they do believe that enforcement should come first because we have not had it before.

On this point the instincts of our citizens are correct. Their compassion is real. Their respect for the rule of law is real. They know amnesty has an erosive, corrosive impact on the rule of law, and we have to be very diligent to ensure in the future that we are not creating the kind of events that erode our law even more. People are not biased. They approve of our system of 1

million people immigrating here every year, but they do want the system followed fairly.

The Gang of 8, in their public statements, seem to say that is what good policy should be. That is what they have been talking about. That is what they expect the American people to hear about their legislation. That is what they have promised them they are working on, and that has been produced and laid out here.

They say they, too, are upset about what is happening. They say their plan will end illegality in the future, and it is the toughest immigration law in history. One Senator of the gang in the committee said it was "tough as nails." Thus, without equivocation, they say we must have enforcement. But it is in the future, and we have a plan where you can sleep well at night and know it is going to happen.

So that is the fundamental test of where we are in this legislation. There are a lot of problems with the bill—a lot of very serious problems—and we will talk about them. But I think fundamentally the question is just: Have our sponsors laid forth a strategy that will work?

Let's examine the key components of any system that is laid out, see how it deals with them. There are two ways to become an illegal resident of America. One is to come by visa, overstay that visa, and just not return home. Forty percent of the people here illegally came legally by visa, but they just refused to go back home at the time their visa expired. The other way is simply to cross the border illegally, and we have had that by the millions in recent years.

This legislation does not fix the enforcement defects of either one of those entry methods. I have studied this issue. It can be done. We can fix both of them. It is within our grasp. It is something we can accomplish, and I would like to see us do so.

Unfortunately, analysis of this bill shows we have a problem. First, the Gang of 8's written principles that they announced at the beginning of their discussions said the path to citizenship in their bill would be "contingent upon securing the borders and tracking whether legal immigrants have left the country when required."

So that is both areas: the failure to leave upon expiration of a visa and the illegal crossing of the border.

Senator RUBIO went so far as to say:

The process of legalization . . . none of that happens—None of that happens—until until we have been able to certify that indeed the workplace security thing is in place, the visa tracking is in place, and there is some level of operational control of the border.

That was in January of this year.

Well, that is right. We should not be doing this until we can certify and we know we have this system under control.

But around the same time it was reported that Frank Sharry, the head of

the proamnesty group, America's Voice, said Democratic Senators privately reassured amnesty advocates that the border commission—one of the so-called triggers—would not be constructed in a way that would hold up the amnesty process for too long. He said the Democrats cannot "allow the commission to have a real veto" over setting in motion the path to citizenship. He also noted that the Democrats see the commission as "something that gives the Republicans a talking point"—a talking point—to claim they are prioritizing tough enforcement, giving themselves cover to back a process that "won't stop people from getting citizenship."

In other words, the gang apparently seemed to be quite happy to allow people to go out and make these promises. But to the people who are actively engaged for amnesty, they said: Do not worry about it. It is not going to keep anybody from getting their full legality and eventually citizenship.

This should be a concern because the American people are unhappy with their government. The American people have asked for a lawful system of immigration for 30 years, and the Congress has refused to do so. They have passed laws that they have said will work and never have had them effectively carried out, never effectively ending the illegality, and the American people are unhappy about it.

I have suggested Mr. Sharry's statement is a good indication that the people who are behind this bill—particularly the staff and special interests and lawyers who have come together from all kinds of groups to help write the bill—do not care about enforcement in the future. All they care about is what they want today. That is letting the cat out of the bag, and the American people need to be very nervous about it. They have every right to be because I will talk about the history of some of the things that have been happening, and it should make every American concerned.

Shortly before the bill was introduced, the lead sponsor, Senator SCHUMER, frankly and openly—this is after the initial comments—openly on "Meet the Press" said this:

First, people will be legalized. . . . Then we'll make sure the border is secure.

It is undisputed that the bill will provide amnesty first without a single border security or enforcement measure ever having to be put in place.

On Sunday, in an interview with Univision, Senator RUBIO said:

First comes legalization, then comes this border security measure and then comes the permanent residency process. What we are talking about here is the permanent residency system. Regarding legalization, a vast majority of my colleagues have already accepted that: that it must take place and that it must start at the same time we start with what has to do with security. That is not conditional. Legalization is not conditional.

What he is saying is that there is no condition in this bill—no requirement

of any security to be achieved before the legalization occurs. The legalization occurs without condition, and then it is just a mere promise in the future to effectuate a legal system that we have not done for the last 30 years. Even the Wall Street Journal agrees with that analysis.

Indeed, nothing at all needs to happen for those eligible for the DREAM Act and for agricultural workers amnesty to receive it. Their process, which covers roughly 4 million people is not connected in any way to any trigger or enforcement measure whatsoever.

The American people reject such a policy. That is not what they have asked for. That is what the June 7 Rasmussen poll said. The Rasmussen report says this: The bill "legalizes the status of immigrants first and promises to secure the border later. By a 4 to 1 margin, voters want that order reversed."

That is the polling data, and I think that is a good response from the American people. They know the system has been manipulated before.

Madam President, I see our majority leader. I know he is a very busy man.

I say to Senator REID, I have some time left before 5 o'clock, but if you have something that needs to be done—

Mr. REID. At 4:30. The Senator can talk until 4:30. Go ahead and talk until 4:30.

Mr. SESSIONS. In a 2009 Department of Homeland Security report, prepared by the research arm for U.S. Citizenship and Immigration Services, it says this:

Virtually all immigration experts agree that it would be counterproductive to offer an explicit or implied path to permanent residence status (or citizenship) during any legalization program. That would simply encourage fraud and [encourage] illegal border crossings that other features of the program seek to discourage. In fact, for that reason and from that perspective, it would be best if the legislation did not even address future permanent resident status or citizenship.

This a government agency making a plainly commonsensical statement that is virtually undeniable. A grant of amnesty is going to be counterproductive, and it is the kind of thing that would incentivize actions that our policies are designed to discourage—illegal entry into the United States.

Indeed, increased illegal entries into our country are happening right now. The numbers are going up. Just on hearing that there is an amnesty plan afoot, immigration illegality is increasing.

According to the Border Patrol, so far in this year 90,000 people illegally crossing the border have been taken into custody. That is 50 percent more than the same time last year. And 55,000 of them—I would note for those who are interested in this and recognize the international nature of it—55,000 of the 90,000 are not Mexican nationals.

During markup, Senator GRASSLEY offered an amendment to require the

Secretary to certify to Congress that she had maintained effective control over the entire border for 6 months before amnesty begins, but it was rejected by a 12-to-6 vote.

We were told the bill would have the toughest enforcement measures in the history of the United States, potentially in the world, and would fix the illegal immigration problem once and for all. Would that not be great? That is one of the Gang of 8 members on national TV, "Meet the Press," recently. Would that not be good? I think that is something we should strive for. But does the legislation do this?

I see the majority leader. He approved my time this afternoon. I have only so much of it left. I am due to have the floor until 5. I see there is important business to be done.

I yield the floor.

#### WELCOMING SENATOR CHIESA

Mr. REID. Madam President, I welcome Senator CHIESA to the Senate. I congratulate him on his appointment to fill the seat of the late Frank Lautenberg. Senator CHIESA—I am sure we will struggle with that name for a little while until we get used to it, but I think I have done it just about right—has served as attorney general for the State of New Jersey.

As attorney general, he has done some very remarkable work. He has worked with law enforcement and the State legislature to combat human trafficking, to protect children from predators, to crack down on gang violence. He implemented a successful gun buyback program that took 10,000 weapons off the streets, including 1,200 illegal guns.

I commend him for his efforts to keep New Jersey's streets safe, protecting Americans from gun violence. As we all know, that was something that was very close to Senator Lautenberg's heart.

Prior to becoming attorney general, he served for 2 years as chief counsel to New Jersey Governor Christie, after leading the Governor's transition team. He spent 7 years in the U.S. Attorney's Office for the District of New Jersey and more than 10 years in private practice. He graduated from the University of Notre Dame, got his law degree from Catholic University in the District of Columbia and certainly because of that is familiar with the District of Columbia.

I am confident he will serve the people of New Jersey with honor. I welcome him to the Senate.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, I would just add, I had an opportunity to meet with JEFF CHIESA and his wife earlier today. I think the Governor of New Jersey has made a wise appointment. We look forward to working with him in the coming months.

#### CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a Certificate of Appointment to fill the vacancy created by the death of the late Senator Frank Lautenberg of New Jersey. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### STATE OF NEW JERSEY

##### CERTIFICATE OF APPOINTMENT

To: The President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New Jersey, I, Chris Christie, the governor of said State, do hereby appoint Jeffrey S. Chiesa, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the passing of the Honorable Frank R. Lautenberg is filled by election as provided by law.

Witness: His excellency our governor, Chris Christie, and our seal hereto affixed at Trenton this 6th day of June, in the year of our Lord 2013.

By the governor:

CHRIS CHRISTIE,

Governor.

KIMBERLY M. GUADAGNO,  
Secretary of State.

[State Seal Affixed]

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designee will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, escorted by Mr. MENENDEZ, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator. Welcome to the Senate. (Applause, Senators rising.)

The VICE PRESIDENT. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I wish to join the distinguished majority leader and the Republican leader in welcoming my new colleague from the great State of New Jersey, JEFF CHIESA, and his family to the Senate. I look forward to working with him closely on the issues of importance to New Jersey and to the Nation.

We have heard some of his exemplary milestones in his career. He is a career attorney and someone who has served in public service. He certainly has the Governor's confidence, as is evidenced by the time he spent with him at the U.S. Attorney's Office, then in the Governor's transition, which he led, as well as being his chief counsel and the attorney general of the State of New Jersey, for which he has had some extraordinary opportunities to both protect