

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

and promote the general welfare of the people of the State of New Jersey.

JEFF's father was a chemical plant worker who died when JEFF was 8 years old. So he and his two sisters were raised by his mother who was a teacher. I am sure his family is very proud of him today as the father of two children. They are extremely proud of him for all he has done throughout his career and particularly today as he becomes the newest Member of the Senate.

He was asked at the press conference with the Governor, when the Governor announced him as his designee, what did he intend to accomplish in the Senate. For those of us who have served in the Senate for a while, we know it takes a little while, and that is a tough question to ask someone, what they are going to be able to accomplish in 5 months.

But I think Senator CHIESA comes at a time in which we are having some momentous debates in this Nation. Certainly, as it is ongoing on immigration reform, he will have an opportunity to cast some critical votes in that regard. I look forward to talking with him about some of those issues as well as other critical issues that will come before the country over the next 5 months.

I look forward to working with him on behalf of the people of the State of New Jersey and our Nation. I am sure, even though it is only 5 months, he is going to make a significant mark in the Senate.

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

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

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

Mr. SESSIONS. Madam President, I am delighted to see the administering of the oath to our new Senator. As a former Federal prosecutor, I know he understands much of the Federal law we deal with around here. Having been one of those myself, I welcome him and believe there will be many gifts and experiences he has had from that role that will help him serve in the Senate, writing laws that will actually be the laws enforced by his former fellow prosecutors around the country.

A closer examination of the legislation before us, this is it here, over 1,000 pages now. But you have to study it because it makes all sorts of references to "except as provided by" in this section and that section and subsection E(2)(1)(3) and things like that. It is hard to read. But a close examination

reveals that the promised enforcement of immigration law in the future that is so critical, and the American people deserve, the American people have asked for, for decades, is not there.

The triggers are not triggers at all. In fact, it would actually weaken even current law, granting the Secretary of Homeland Security, now Secretary Napolitano in particular, unprecedented power to determine how and when the border is secured, if ever. Remember, at this moment, the Secretary of Homeland Security is being sued by Federal law officers, ICE officers, Immigration and Customs Enforcement officers, of her own department because they say she is issuing directives to them to keep them from complying with plain Federal law.

In other words, she is directing them not to comply with Federal law. The Federal judge has taken the case and allowed it to go forward and is taking testimony on it. But the bill that illegal immigrants can receive amnesty, not when the border is secured but when Secretary Napolitano tells Congress she is starting to try to secure the border. Within 6 months of enactment of the legislation, Secretary Napolitano need only submit to Congress her views on a comprehensive southern border strategy and a southern border fencing strategy and give notice that she has begun implementing whatever plans she decides to implement. At that point, she may begin processing applications and granting amnesty. Indeed, she will be doing that without any border security or enforcement measures ever being required to be in place.

The reality is, once amnesty has been granted, it is never going to be revoked. Under this scheme, enforcement is unlikely ever to occur. That is just like 1986, which Senator GRASSLEY earlier today, ranking member on the Judiciary Committee from Iowa, who was here in 1986, says was a great failure at that time. He voted for the bill. He says it was a mistake. It was a mistake because we did not put in mechanisms to ensure that in the future the enforcement would actually occur.

That is why he opposes this bill. Frank Sharpy, the head of America's Voice, a pro-amnesty advocate, recently said about these triggers, "The triggers are based on developing plans and spending money, not on reaching that effectiveness"—

In other words, not reaching an effective system of security in the future—it is not tied to that. Then he goes on to say, "which is really quite clever." Really clever, is it not, to see if they can fool the American people. They have written something that looks like a real trigger, that has teeth in it, that says you do not get your amnesty and legal status until enforcement occurs. But when we read the bill it is not there. Mr. Sharpy actually lays it out.

In fact, in 2007, Senator ISAKSON first came up with an idea of a trigger mechanism. That gained popularity. I

think he was the one who wrote the language that was in that bill. It is much stronger than this one. It was much stronger than what is in the bill today. Actually, it had the potential to work.

Remember, this was what was said when the bill was rolled out. Basically, they said the American people, we got a good bill. You can trust us. The enforcement will occur because we have triggers in the bill to guarantee it is enforced. That is not so, is it? Colleagues, does that not make you uneasy? Should it not make the American people uneasy, when they have seen Congress time and time again avoid going forward with real law enforcement?

The bill states that the southern border strategy should detail a plan for achieving and maintaining "effective control" of the southern border. Effective control is defined as "persistent surveillance," which itself is not defined, plus "an effectiveness rate of 90 percent or higher." What effectiveness rate? This is calculated by dividing the number of apprehensions and turnbacks in a sector during a fiscal year by the total number of illegal entries in the sector during that fiscal year.

But this does not account for those who escape detection by the Border Patrol. During her testimony before the Senate Judiciary Committee, Secretary Napolitano all but acknowledged the effectiveness rate is meaningless because, by definition, the Department of Homeland Security has no idea how many people avoid detection.

How can you have that formula? The measure is subject to almost limitless manipulation.

One thing we all should remember, having been involved in this for a number of years now, the border should already be secure. It should already be secure. The Secure Fence Act of 2006, passed by both Houses of Congress, already requires, right now, the Department of Homeland Security to maintain 100-percent operational control of all land and maritime borders and required the Homeland Security to do so within 18 months of the bill having been passed in 2006. That mandate has been ignored, not complied with, and the border is certainly far from 100-percent operational control.

We are going to pass a new bill that is even weaker than this and expect it is going to result in some major improvement in law enforcement?

By contrast, the rejected 2007 immigration bill set a stronger target of 100-percent operational control of the entire border, which had to be met before illegal immigrants could be given the probationary legal status.

The current bill is essentially the same as the failed 1986 bill. It is legality immediately and a promise of enforcement in the future.

It is important to know that nothing in the bill prevents Secretary Napolitano from submitting a strategy—that