

We created two new ways for the majority leader—not the minority leader but for the majority leader—to expedite Senate action. We gave new powers to the leader. One of these rules changes passed 78 to 16. The other one passed 86 to 9. These changes gave the majority ways to consider nominations and legislation and going to conference. The minority agreed, under certain circumstances, the ability to engage in debate could and would be limited.

But now we are back again having the same discussion. The only way the majority leader would be able to get what he apparently wants would be to break the rules. There are enough rules being broken, in my view, in Washington right now. One of the problems we face is that the country, frankly, does not trust their government. When we look across the board, from the IRS to what happened in Benghazi, to what the NSA has said in answering about the retaining of records, we don't need to do yet another thing to convince people there is a reason they should not believe what people in the government say.

Let's look at a few things the majority leader said on the Senate floor over the last couple of years. On January of 2011—January 27, to be exact—Mr. REID said:

I agree that the proper way to change the Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate rules other than through the regular order.

That was January of 2011. Mr. MCCONNELL, in January of this year, said on the Senate floor—January 24:

I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules in this Congress unless they went through the regular order process?

That was Senator MCCONNELL's question. In response, Senator REID said:

That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process, including consideration by the Rules Committee.

I am on the Rules Committee, and we are not talking about any rules changes in the Rules Committee, which Senator REID said in January of this year would have to be part of looking at that.

Of course, a lot of the discussion is: The nominations are taking too long. But these are important jobs, and there is a reason they take so long. In particular, judicial nominees serve for the rest of their lives. They are going to serve well beyond, in most cases, the President who nominates them. So they have taken a long time for quite a while.

I would think the facts are clear the Senate is treating President Obama's judicial nominees fairly and, in some ways, even better than they treated President Bush's nominees.

Already in this Congress, the Senate—in this Congress, the one that

began in January—the Senate has approved 22 of the President's lifetime appointments. Twenty-two people on the Federal bench for the rest of their lives, that is already happening this year. At a comparable point in President Bush's second term the Senate had approved only five of his judicial nominees.

In the last Congress, President Obama had 50 percent more confirmations than President Bush; 171 of his nominees were confirmed. His predecessor had 119 under similar circumstances, a time when the Senate was also dealing with 2 Supreme Court nominees who, by the way, also serve for life.

I think in the first term of President Obama the Senate made the kind of progress one would expect the Senate to make on these important jobs. In fact, President Obama has had more district court confirmations than any President in the previous eight Congresses. One would think that would be a pretty good record on the part of the Senate doing its job.

The Constitution says the President nominates but, it says, the Senate confirms. In my view, those are equally important jobs. In fact, one could argue that the last job, the one that actually puts the judge on the bench, is even more important than the first job.

Overall, the Senate has confirmed 193 lower court judges under President Obama and defeated only 2. The Washington Post cited the Congressional Research Service conclusion that from nomination to confirmation, which is the most relevant indicator, President Obama's circuit court nominees were being processed about 100 days quicker than those of President Bush. President Bush's nominees took about a year, 350 days. President Obama's take about 100 days less than that.

Let's look at the other side of nominations. There is a difference in the executive nominations, I believe, because they are only likely to serve during the term of the President and not exceed that. I think that creates a slightly different standard. The process on these nominations has been pretty extraordinary in any view. If anything, the Obama administration has had more nominations considered quicker than the Bush administration.

The Secretary of Energy was recently confirmed 97 to 0. The Secretary of the Interior was confirmed 87 to 11; the Secretary of the Treasury, 71 to 26. Those are substantial votes done in a substantial time. The commerce committee that I am on just this week voted out three nominations the President had made with no dissenting votes to report that nomination to the floor.

The Director of the Office of Management and Budget was confirmed 96 to 0. The Secretary of State was confirmed 94 to 3, only 7 days after the Secretary of State was nominated. Members of the Senate knew the Secretary of State pretty well. It was easy to look at that in a quick way, but it is pretty hard to

imagine a Secretary of State who can be confirmed quicker than 7 days after that person was nominated.

The Administrator for the Centers of Medicare & Medicaid Services was confirmed 91 to 7. The Chair of the Securities and Exchange Commission was confirmed by a voice vote. Yet in spite of all of that, we are being told by the White House and by others that somehow the Senate's record on these nominations is worthy of an unprecedented rules change, and that rules change would shut out the rights of the minority to fully review and debate, particularly, lifetime judicial nominations.

The very essence of the constitutional obligation of the Senate is to look at these nominations and decide whether these people should go onto the Federal bench for the rest of their lives.

I am hopeful that the majority leader will keep his word to the Senate and to the American people and ensure that we move onto this debate that should happen—didn't happen in January—and instead of changing the rules, we do what we are supposed to do and do it in a way that meets our obligations as a Senate and our obligations to the Constitution. Let's not break the rules to change the rules. Let's get on with the important business that is before us rather than going back to the business we have dealt with months ago.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

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

The legislative clerk read as follows:

A bill (S. 744) to provide for comprehensive immigration reform and for other purposes.

Pending:

Leahy/Hatch amendment No. 1183, to encourage and facilitate international participation in the performing arts.

Grassley/Blunt amendment No. 1195, to prohibit the granting of registered provisional immigrant status until the Secretary has maintained effective control of the borders for 6 months.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is on S. 744.

Mr. LEAHY. Is there a division of time?

The PRESIDING OFFICER. There is no such division of time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Madam President, I want to visit with my colleagues about border security. It refers to an amendment that I have pending to enhance the bill's provisions on border security. I would like to take a few minutes to discuss why I think my amendment is a good first step to restore the faith of the American people in government. That faith has to be restored on the issue of immigration because we promised so much in the 1986 bill on border security and stopping undocumented workers from coming to this country, so, consequently, for the institution of Congress and the executive branch both, because we are not enforcing existing law, the credibility on immigration is at stake. On this issue the American people have lost faith that, at least from the immigration point of view, we are really a nation based on the rule of law.

It is no secret that we in Washington, particularly in the congressional branch, have low approval ratings. A lot of people, especially in recent weeks, wonder about the trust of government—you know, Benghazi, IRS, AP investigations. They have also lost confidence, then, in the leaders. They question our ability to protect their privacy. They question our capacity to protect their security.

This is especially true when we talk about border security with average Americans. They do not think we are doing enough. They say we do not need to pass another law. They just do not understand why we cannot stop the flow and simply enforce the laws on the books. To them it is that simple.

It comes up in my town meetings in Iowa, but the bill before us complicates things. It takes a step backwards on an issue about which Americans care deeply. It says we will legalize millions now—that means millions of undocumented workers—and we will worry about border security down the road, in 5 or 10 years.

The authors of this document before us, the Group of 8, say they are open to improving the bill. My amendment now before the Senate does just that. My amendment improves the trigger that jump-starts the legalization program. It ensures that the border is secure before one person gets legal status under this act.

The American people have shown they are very compassionate, not just willing to deal with this issue of 12 million undocumented workers here but in a lot of other ways so numerous and well-known we do not even need to mention them. Many can come to terms with a legalization program.

But many would say that a legalization program should be tied to border security or enforcement. That is what

is very simple for the American people: secure the borders. Let me give some examples.

Bloomberg recently released a poll in which they asked the following question:

Congress is debating changing immigration laws. Do you support or oppose a revision of immigration policy that would provide a path to citizenship for 11 million undocumented immigrants in the United States?

Madam President, 46 percent said they would support it.

The poll then went on to ask the same respondents about elements in the immigration bill, and 85 percent said they favored “strengthening border security and creating a system to track foreigners entering and leaving the country.” So we have 46 percent saying they support immigration, but 85 percent of the same group say it is very necessary to strengthen border security.

In Iowa, a poll by the Des Moines Register found that 58 percent of the respondents were OK with a path to citizenship for undocumented immigrants after—and I emphasize the word “after”—the border is secure. Almost every poll shows the same results.

Sure, people would consider a legalization program, but it is almost always tied to the condition of border security. The American people do not think we are doing enough to secure the border. In a poll conducted by Anderson Robbins Research and Shaw & Company, 60 percent of those polled said the current level of security at the country's border is not strict enough. Also, 69 percent of the respondents said they favor requiring completion of a new border security measure first before making other changes in immigration policies.

Unfortunately, too many people have been led to believe this bill will force the Secretary of Homeland Security to secure the border. In fact, it does not guarantee that before legalization. That is why we need to pass my amendment on file now. It is a good first step to ensuring that we stop the flow of undocumented workers coming to this country. We need to prove to the American people that we can do our job. We need to show them we are committed to security.

Bottom line: Nobody says the existing immigration system is as it should be. People support reform, but they support reform if we have border security first.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Madam President, it is good that the Nation is having this de-

bate on immigration, but I think we ought to talk about what is truly involved. For the last several months—even before our bill was drafted, people were saying we cannot proceed with immigration reform until we do more to secure our borders. Now that we have a bill—a bill that takes extraordinary steps to further secure an already strong border—we continue to hear we must wait. We are told that the immigration bill reported from the Senate Judiciary Committee last month, the Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744, does not do enough.

It is so easy to wait. Oh, let's wait until next year or the year after or the year after that, because then the 100 Members of the Senate don't have to vote. We can be on everybody's side. That is not why we were elected. We were elected to vote yes or to vote no. Let's start moving forward and stand up to vote, because when they say we have to wait for more security it ignores the facts.

We have been pouring billions of dollars into border security for years—billions. Keep this in mind: Sometimes we argue over \$15, \$20, \$30 million to help educate our children and that becomes a big issue. We have put billions of dollars into border security. Since the Senate last considered immigration reform in 2006 and 2007, we have made enormous strides on border security. This bill takes even more steps to prevent and deter illegal immigration.

We can talk about philosophy and we can talk about things people have heard. I would like to talk about facts. It may be inconvenient to some of those who don't want to have immigration reform, but the facts speak for themselves. The Border Patrol has doubled in the past 10 years. It now has more than 21,000 agents. That is more than at any time in its history. The Obama administration has more than 21,000 Border Patrol agents, which is more than they have ever had under either Democratic or Republican administrations.

The Department of Homeland Security has deployed additional technology in aircraft and hundreds of miles of fencing along the southern border. The Department has built more than 650 miles of fencing along the southern border, including more than 350 miles of pedestrian fencing.

There has been talk about illegal crossing. Here is a fact: Illegal border crossing is at a near 40-year low under this administration because fewer people are trying to cross. In 2005, Border Patrol apprehended more than 1.1 million individuals who unlawfully crossed the border. In 2012, that number went down to one-third—roughly 365,000. At the same time, deportation, as we all know, is at a record high level.

Here is one of the things we should talk about: People ignore the fact that we spend more money on enforcing immigration and customs laws—\$18 billion each year—than we do on all of

our other Federal law enforcement agencies put together. For those who care about law enforcement, that is kind of a striking number. So we have done “enforcement first.”

This legislation goes even further to build on what has been a successful record. Chairman CARPER of the Homeland Security and Governmental Affairs Committee and I wrote a letter to our colleagues yesterday.

In fact, I ask unanimous consent that our letter be printed in the RECORD at the end of my statement.

In the letter, we point out that the bill appropriates up to another \$6.5 billion to secure the border. It authorizes another 3,500 Customs and Border Protection officers. It allows Governors to deploy the National Guard to the southwest border region. It expands border security and use of technology at the border. I mean, this is not a bill that ignores enforcement; it expands it.

It increases the already strict criminal penalties against those unlawfully crossing the border and provides additional resources for their criminal prosecution. It sets clear statutory goals: The prevention of 90 percent of illegal entries and persistent surveillance of the entire southern border. If DHS doesn't meet these goals within 5 years, the bill establishes a bipartisan commission to develop further concrete plans and provides an additional \$2 billion to carry out those plans.

Some say: I have a better plan. Come on. The needs at the border change all the time, so we built in flexibility to meet those needs.

The bill sets tough border security triggers. In fact, before DHS can register any undocumented individuals for provisional status, it has to provide Congress with two detailed plans laying out exactly how it is going to meet statutory goals: a comprehensive strategy and another specific to fencing. This is one of the toughest pieces of legislation on the security of our borders that has ever been before the Senate.

The Department of Homeland Security cannot issue green cards to these individuals for 10 years—and even then only after four triggers are satisfied: Comprehensive border security strategy is substantially deployed; the fencing strategy is substantially completed; a mandatory electronic employment verification system is established for all employers; and an electronic exit system based on machine-readable travel documents is in place at airports and seaports. Even then we added more during the Judiciary Committee's markup of this bill. We adopted an amendment offered by Senator GRASSLEY that expands the bill's 90 percent effectiveness rate to the entire southern border, not just high-risk sectors.

So those who say they want more security than what we have here—it is virtually impossible to have more security. I think we might ask: Are you saying you don't want any immigra-

tion bill? This is similar to debates we have had—and I use the example of the work we did to bring about peace in Northern Ireland during the Clinton administration.

The former majority leader of this body, Senator George Mitchell, did a heroic effort, along with others, on both the Protestant and Catholic side in Northern Ireland. There were some who said we cannot have a peace agreement until we do not have a single act of violence. I said, OK. Senator Mitchell and President Clinton said, so in other words, you are going to let one disgruntled person on either side veto any peace agreement?

Let us not say we will have no immigration bill until not one person crosses our border illegally. That is making the perfect the enemy of the good, and that means we will never have it.

I was pleased the committee also looked at two border-related amendments I offered with Senator CORNYN—the Leahy-Cornyn amendments. I mention this because there are a number of amendments offered which are bipartisan from Democrats and Republicans alike. One helps protect cross-border travel and tourism by prohibiting land border crossing fees. The other ensures that DHS has flexibility to spend the bill's fencing fund on the most effective infrastructure and technology available, while still requiring that \$1 billion be allocated to fencing. It also requires consultation with relevant stakeholders and respect for State and local laws when DHS implements fencing projects. Again, knowing that what we do or want today may be different from what we want a few years from now.

I might say, parenthetically, the amendment I offered with Senator CORNYN to stop border crossing fees on either the southern border or northern border—some say we are going to turn our customs agents into toll collectors. I live an hour's drive from the Canadian border. We go back and forth like it is another State.

The distinguished Presiding Officer lives in a State that borders Canada. She knows what it is like going back and forth, and she also knows how important that is to the economy of her State and my State, just as it is to Canada. We ought to luxuriate in the fact that Canada is such a friendly neighbor and the relationship we have with them is so good. Some of us are even related to people who have Canadian ancestry. I have been married to a woman whose parents came from Canada. She was born in the United States. We have been married for almost 51 years. I am delighted Canadians come across our border and settle in Vermont.

I am also working on another amendment for Senate consideration regarding the use of vehicle checkpoints in the 100-mile border zone.

I simply do not understand how some can argue that this bill does not do

enough to secure the border. We do that in this bill. We massively increase the money, the agents, the technology used on the border, and this is in addition to the billions—yes, billions—of dollars we already spend each year to physically stop people from crossing.

Some of the same people who want more security are the same people who say we are spending too much money in the Federal government. Well, short of putting up a steel wall, it is hard to imagine what more we can physically do from stopping people from crossing. As Chairman CARPER said, if we build a 25-foot wall, I will show you somebody with a 26-foot ladder. We know people will still come. Because—and let's be serious for a moment—a fence does not address the root causes of illegal immigration. People come here looking for jobs, and American businesses hire them because they will do the jobs nobody else will. Yes, some come here to join their families, as the current backlogs for family-sponsored green cards would otherwise force them to wait years.

If we are serious about stopping illegal immigration, we have to do more than build a bigger, longer, and higher fence. That won't work. We have to create legal ways for people to enter the country—people who want to come here for work and to join family members. Then we have to make it harder for people to find work if they do not use legal avenues, by requiring a nationwide employment verification system known as E-Verify—some have called this a virtual fence—and by increasing penalties on employers who hire undocumented workers. This bill does exactly that.

The distinguished senior Senator from New York, Senator SCHUMER, talks about riding his bicycle around Brooklyn and seeing people who are probably undocumented and contractors coming up to them and saying, I will hire you for \$15 a day, and they have to take the job. If we have real teeth, as our bill does, real penalties on employers who hire undocumented workers, they would instead have to hire those who are legal and have to pay at least minimum wage and have to put money into Social Security and so on. It makes a big difference.

As Grover Norquist said in his testimony, our bill, if adopted, would improve the finances of our Nation. But more than that, this legislation provides workable, flexible, affordable, humane solutions. It is tough, it is fair, and it is practical. Yet, just as in 2006 and 2007, we are still hearing from some Senators who oppose comprehensive immigration reform that we must do more to secure the border and enforce our laws.

I welcome additional ideas on how to enhance border security and public safety. I want people to bring forth their amendments to be voted on up or down. Our goal must be to secure the border, not seal it.

As chairman of the Senate Judiciary Committee, I will oppose efforts that

impose unrealistic, excessively costly, overly rigid, inhumane, or ineffective border security measures, and I will oppose efforts to modify the triggers in ways that could unduly delay or prevent the earned legalization path—such as efforts to require Congress to ratify the trigger certifications. We have waited too long already. That includes the amendment offered by my friend from Iowa, Senator GRASSLEY, which would significantly delay even the initial registration process for the 11 million undocumented individuals in this country.

The bottom line is this: The pathway to citizenship must be earned, but it also must be attainable.

Let's not forget that bringing 11 million people out of the shadows is not only the moral thing to do, it helps keep this country safe so we know who is here and we can focus our resources on those who actually pose a threat.

I don't often quote the Wall Street Journal editorial board, but I will quote them here. They said:

[Those] who claim we must "secure the border first" ignore the progress already made, because their real goal isn't border security, it is to use border security as an excuse to kill immigration reform.

We need immigration reform. It is a moral issue. It speaks to the greatness of our country. But it is also a national security issue and a public safety issue. Attempts to undermine immigration reform may come in the guise of promoting border security, but let us not be fooled. As 76 former State attorneys general recently wrote: "Put simply, practical, comprehensive reform to our Federal immigration laws will make us all safer."

We must fix our broken immigration system once and for all. As I have said many times on this floor, I think of my maternal grandparents coming to Vermont from Italy and making Vermont a better State with the jobs they created, and their grandson became a Senator. I think of my wife's parents, coming from Quebec, bringing their French language but also bringing English, and my wife was born in Vermont as a result of that. But I think of her extended family—her father, uncle, and others—creating many jobs in Vermont and making Vermont better. Every one of us can tell stories such as that. Let's not forget those people.

Let's not say that what worked for our ancestors is no longer available. Let's speak as the conscience of the Nation. One hundred Senators can be the conscience of the Nation and sometimes are, as we were on the Violence Against Women Act. It can now be so now, on the immigration bill.

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

U.S. SENATE,

Washington, DC, June 11, 2013.

DEAR COLLEAGUE, As the Senate prepares to take up S. 744, the Border Security, Economic Opportunity, and Immigration Mod-

ernization Act, as amended, we write to draw your attention to the strong border security provisions in the bill. As chairmen of the Judiciary Committee and the Homeland Security and Governmental Affairs Committee, we have conducted extensive oversight of the Department of Homeland Security and its enforcement record. The United States has made significant progress on border security and immigration enforcement in recent years, and this bill reinforces and advances that progress in many ways.

The Wall Street Journal editorial board recently explained just how far we have come since the last time that the Senate considered comprehensive immigration reform:

The number of border patrol agents has grown to a small army of 21,370, or triple the personnel employed as recently as the Clinton Presidency. There are an additional 21,000 Customs and Border Protection officers.

The feds have built some 300 radar and camera towers as well as 650 miles of single, double and in some places triple fencing. Immigration and Customs Enforcement (ICE) now has the ability to detain 34,000 criminals and aliens at one time. The Border Patrol deploys military-style vehicles, 276 aircraft, nearly 300 marine vessels, along with state-of-the-art surveillance.

Meanwhile, illegal entries nationwide are at four-decade lows. Apprehensions of illegal entrants exceeded 1.1 million in 2005 but by 2012 had fallen by two-thirds to 365,000, the lowest level since 1971 with the exception of 2011, the previous 40-year low.

Last year the Government Accountability Office (GAO) examined federal data on "estimated known illegal entries" across the Mexican border. The numbers were way down nearly everywhere. In San Diego, illegal entries fell to about 55,000 in 2011 from more than 265,000 in 2006. In Tucson—the gateway to Arizona—illegal entries fell to about 200,000 from 600,000 over those years. And in El Paso illegal crossings tumbled to 30,000 a year from more than 350,000.

Even more dramatic is GAO's analysis of illegals who escape through the enforcement net, a statistic called "got aways." In nine major Southern border crossing areas, including the main gateways of Tucson, San Diego and the Rio Grande, got aways fell to an estimated 86,000 in 2011 from 615,000 in 2006. That's an 86% decline in foreigners who successfully snuck into the country from Mexico.

Border Security Reality Check, Wall Street Journal (May 2, 2013).

Let there be no mistake: We have poured billions of dollars into border security over the past decade. In fact, according to a recent Migration Policy Institute report, we spend more money on enforcing our immigration and customs laws—\$18 billion each year—than we do on all other federal law enforcement agencies combined. The result of this unprecedented investment of taxpayer money is that, as Secretary Napolitano has told us, our borders are more secure than they have ever been.

The bill, as amended, builds on these successes by allocating substantial additional resources to border security. As outlined in the Senate Judiciary Committee's report on the bill, S. 744, as amended, appropriates up to \$6.5 billion to secure the border beyond current spending levels; authorizes 3,500 additional Customs and Border Protection officers for our ports of entry; permits the deployment of the National Guard to the Southwest border region; significantly expands border security infrastructure, such as Border Patrol stations and forward operating bases; calls for the further use of technology at the border, including additional unarmed unmanned aerial vehicles; provides addi-

tional resources for criminal prosecutions of those unlawfully crossing the border; and authorizes reimbursements to State, local and tribal governments for their costs related to illegal immigration.

In addition to providing these new resources and authorities to enhance our border security operations, the bill also enhances the accountability of our border officials. The bill, as amended, establishes a statutory goal, known as the "effectiveness rate," of preventing 90 percent of illegal entries at the border, and requires DHS to report to Congress whether it is achieving this rate. It also instructs DHS to achieve persistent surveillance over the border, so that the American public and Congress can know exactly how many people are trying to cross the border illegally each year. If these statutory goals are not met within 5 years, the bill establishes a bipartisan Southern Border Security Commission, with members appointed by the President, both Houses of Congress, and the Governors of our border states. This Commission will be charged with developing further concrete plans to meet the statutory goals in the bill, and is provided with an additional \$2 billion to carry out its plan. During the Senate Judiciary Committee's markup of the bill, the Committee adopted additional provisions to strengthen border security, such as an amendment offered by Senator Grassley to expand the bill's 90% effectiveness rate and persistent surveillance goals to cover the entire Southern border, not just its high-risk sectors.

The bill, as amended, also establishes tough triggers that will ensure additional border security steps are taken before the earned path to legalization can begin. Specifically, DHS must provide to Congress a Comprehensive Southern Border Security Strategy and a Southern Border Fencing Strategy that lay out exactly how it will meet the statutory goals outlined above before it can begin to register undocumented individuals for provisional status. These Registered Provisional Immigrants, in turn, will be allowed to apply for green cards after 10 years—but only after:

1. the Secretary certifies that the Comprehensive Southern Border Security Strategy is substantially deployed and substantially operational;
2. the Secretary certifies that the Southern Border Fencing Strategy is implemented and substantially completed;
3. DHS has implemented a mandatory employment verification system to be used by all employers; and
4. DHS is using an electronic exit system at air and seaports based on machine-readable travel documents to better identify individuals who overstay their visas by tracking the departures of non-citizens.

The bill's comprehensive approach to immigration reform will also enhance border security, by reducing the incentives that lead people to come here illegally. We need to stop focusing our attention on the symptoms, and start dealing with the underlying root causes in a way that is tough, practical, and fair. The Border Security, Economic Opportunity, and Immigration Modernization Act, as amended, accomplishes that goal. First, undocumented individuals will find it much more difficult to work, because the bill requires a nationwide electronic employment verification system and enhances penalties for employers who hire undocumented workers. Second, the bill, as amended, creates a more rational immigration system that provides legal avenues for eligible individuals to enter the country for work or to join their family members. As former Homeland Security Secretary Michael Chertoff wrote, "without expanded legal immigration

to address the needs of the labor market, border security will be harder and more expensive to achieve" (Obama's Immigration Agenda, *The Washington Post*, Feb. 14, 2013). By making it more difficult for employers to hire undocumented workers, creating legal ways to enter the country for immigrants coming for legitimate reasons, and allowing eligible undocumented individuals to earn a path to citizenship, this bill will allow the Department of Homeland Security to focus its efforts on addressing threats to our national security and public safety.

In sum, S. 744, as amended, will dramatically reduce illegal immigration and improve national security. We look forward to considering additional ideas to improve border security further during Senate floor consideration, especially those that present solutions that are effective, workable, affordable, and flexible enough to allow the Department of Homeland Security to deploy the right resources where they are needed, without creating undue delays to prevent undocumented individuals from earning a path to citizenship. As we continue to build on the unprecedented investments that have been made to secure our borders, we must ensure that extreme or unworkable proposals do not become a barrier to moving forward on comprehensive reforms that are also critical to securing our borders. These reforms include a path to citizenship for the undocumented in the United States who work, pay taxes, learn English, pass criminal background checks, pay substantial fines, and get in line behind those who applied to come here legally and have been waiting for years.

The Border Security, Economic Opportunity, and Immigration Modernization Act, as amended, makes important improvements to our immigration system that will strengthen national security and benefit our nation as a whole. We look forward to working with you as the Senate considers this legislation and, hopefully, improves it.

Sincerely,

PATRICK LEAHY,  
*Chairman, Senate Judiciary Committee.*

TOM CARPER,  
*Chairman, Senate Homeland Security and Governmental Affairs Committee.*

Mr. LEAHY. Madam President, I see my good friend, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I thank the Senator from Vermont. I appreciate what he has said about this issue. This is a debate we need to undertake, and we are doing so. We are doing it in a way that the Senate in my previous experience has essentially dealt with legislation. We have brought it to the floor and it has come through the regular process. The committee has held extensive hearings on the issue. There is a national debate going on. We are hearing from our constituents back at home. I am not on the committee that has jurisdiction here, but I have been following it carefully in terms of what has been presented, the bill that has been drafted, the amendments that have been offered, which ones have succeeded, and which ones haven't. This is a major issue which deserves and is getting—unlike most of what has happened here in the last couple of years—a thorough debate, with opportunities to offer amendments, with opportuni-

ties to work to find ways to address concerns about the current legislation before us. That is why I voted for the motion to proceed. This is an issue that needs to be discussed so that, hopefully, a system we know is broken—I think there is pretty much unanimous agreement on the fact our current immigration system is full of flaws and has not achieved what was promised when the initial legislation was passed. It needs to be fixed because the status quo simply perpetuates and adds to the problem we have with illegal immigration and all the impacts on our country, including the distrust of the American people. So, hopefully, we are going to come forward with credible legislation this time to address the real problems. So I am pleased we are having this debate.

We are a Nation of immigrants. It is part of our rich history. While all of those who have come to our shores over the decades may have different stories and a different journey, most share a common goal. They want the opportunity to live in a free society. They want to advance economically. They want to pursue the American dream. They want to provide for their children and their children's children the freedoms and the opportunities that exist in America.

The American dream is a reality that is available for people to achieve if given the opportunity to work hard. I am the son of an immigrant. My mother's family came here to the United States legally in search of a better life and better opportunities not just for themselves but for their children and generations to follow.

What my mother learned and passed down to her children is that with these freedoms granted to us as American citizens come responsibilities. We have the responsibility to cherish and defend our Constitution. We have the responsibility to be engaged citizens in our communities. We have the responsibility to vote and take part in the electoral process and, we have a responsibility to come to the aid of our neighbors in need. We have been, and hopefully will continue to be, a compassionate country—a country that believes all human beings are created equal and that our rights are endowed not by a king, not by a President, not by a government, but by God.

In America, it doesn't matter where one comes from or what one's last name may be. If given the opportunity and the chance, a person can succeed, and that is what sets us apart from so many other countries. That is what makes us a shining light, a beacon to the rest of the world, and it is that light that attracts so many to our shores with hopes and dreams of a better future.

During my time as Ambassador to Germany, Colin Powell, then Secretary of State, made many visits. One of those visits included a stop on the way back from a trip to India. As we were riding from the airport to his first ap-

pointment, he shared with me something that I think pretty much says it all about the world's view of America. He was talking to me about how we sometimes see people holding demonstrations and protests against America. He said, but, you know, as I was traveling in the motorcade down the main street, there was an Indian citizen there with a huge sign in big, bold letters that said "Yankee, go home." And in parentheses, right underneath those bold letters, it said, "and please take me with you." I think that little story illustrates how much of the world views America: a place they would like to get to.

So as we address this issue, I think it is important to understand that this country is a magnet. It is a magnet for people to come and fulfill their dreams, to make their lives better and their children's lives better.

But if we are a country that cannot have an orderly and effective process of legal immigration, we are going to lose the support of the American people. If individuals continue to learn that those who come the right way, the legal way, have to stand in line for 10, 12, 15, 20 years, hoping to win the lottery, hoping to be one of those select people who are chosen, we will continue to see more and more illegal immigration. That is why it is important to address this issue and to make the necessary reforms.

As I said earlier, it is an indisputable fact that our current immigration system has failed. It has failed the citizens of this country and it has failed those who have been standing in line for years trying to become eligible for immigration through the legal process. Today we have 11 million undocumented individuals living in our country. Approximately 40 percent of those who are here illegally arrive legally, on a legal basis for a temporary time. But once having come to our shores, they have overstayed their visas, absorbed themselves into our country and have not returned to their country. That is an issue. That is a problem, and we need to address that. We need to have a certified system in place that works—not promises, not words on pieces of paper—but a system that has the credibility to work, that when we grant people temporary status to come here to study, come here to visit, come here to see relatives, come here for whatever reason on a temporary basis, we know who comes in and we know who goes out and we know those who stay and we take appropriate action. That is simply a logical, legal way of having a system the American people can trust and believe in.

One of the major issues here is our southern border and securing that border. I had the opportunity to spend a few days on the border from the Pacific Ocean in southern California and all the way across the Arizona border. So I had a pretty good look at this.

As ranking member on the Senate Appropriations Subcommittee on

Homeland Security, I wanted to find out how we were spending our money, what kind of success we were having, what problems we faced, and how we should better address our resources. It was instructive, and I urge my colleagues to take the opportunity to do the same.

As a result of that, despite efforts to make that border secure, “secure” is not the right word to define where we are now. So one of the issues before us is: What do we do to make our borders more secure in a way that can convince the American people and the people we represent that this time—this time—we have in place a process which will result in a secured border?

We went through this in 1986. Ronald Reagan proposed immigration reform. I voted for it. At the time, we had 3 million illegal immigrants. The promise in that legislation was that we would secure the border, and we would solve the problem of illegal immigration. Obviously, we did not. Today we have 11 million and perhaps counting.

It is appropriate to say that the border is more secure than it was then. We have, over the years, and particularly in later years with a surge of illegal immigrants coming into our country, taken significant steps: increased border patrol agents, introduced sophisticated technology—a whole range of things that we have invested—money, resources, and manpower to make that border more secure.

But we cannot truthfully come down here today and say the border is secure. We can say: We are going to make it secure and here is how we are going to do it. But I think we need something that is credible because the American people will simply say: How do we know you are not going to be here 5 years from now, 10 years from now, saying: I know we told you it was going to be secure and I know we still have a significant problem, but we will get it better next time. We do not want to repeat that mistake. If that happens again, I think it will be a long time before we are able to come down with a sensible reform proposal.

Clearly, there is more work to do there, and it is going to be difficult for me to support a bill that does not put in place something that is credible relative to our ability to strengthen our border security.

We cannot ignore this problem. We cannot ignore the fact that people continue to stay in our country illegally or cross our borders illegally. The status quo is not working. It encourages illegal immigrants to come across the border, which is why we need this debate, why we need reforms to our current broken system, and why we need to assure the American people we are going to work to repair this broken system.

It is critical for our economic growth, it is critical for securing our borders, and it is critical for strengthening our national security. That is why I supported the motion to proceed

to this debate on this important issue. Immigration reform needs to take place in an open, fair, and thorough debate, with the input of the American people, and I am certainly hearing from many of them in my State.

I do have to say, I have serious concerns with the current text of the legislation that has come out of the Judiciary Committee, and I believe this bill needs to be improved before I could support it. I am particularly concerned and focused on improving the border security measures, making sure, as I said, we do not make the same mistakes we made in 1986. We must take steps now to secure it before we consider granting legal status to illegal immigrants.

Additionally, I wish to work with my colleagues to improve the employer verification program, which I think is essential to dealing with the problem, and also our exit system measures, which I just discussed before about the people who come legally for a temporary stay but then we do not know if they go back home.

I hope over the days ahead that we can live up to our reputation of being the most deliberative body in the world. People say: Why don't you get more things done? There is either one of two answers to that. One is, we do not bring bills to the floor and offer the opportunity to debate in an open way. But the second is that this is exactly what we need to do. On an issue of this importance, we clearly need this, and I am pleased that process is going to go forward.

But let's not rush to a decision. Let's do it right. Let's not stand and declare that every amendment, if it does not fit with what the current bill before us addresses, then it is a poison pill that is simply being offered because Members do not want anything to pass. I do not fall in that category. I do not think we should have poison pills either. But a lot of these amendments I think go to addressing the problem we face as well as the inadequacies of the bill before us. There are a lot of sections in the bill that need fixing and a lot of amendments that will be offered are genuine and aim to make the bill better. A lot of those are offered by people who would like to get credible, workable, necessary immigration reform legislation passed.

But if the sponsors of the bill or the supporters of the current text of the bill are simply going to declare that every amendment is a poison pill and that the only intent of the Members offering the amendment is to kill the bill, that is not constructive and that is not how we should go forward.

So let's make sure what we do deliver on the promises we are making to secure our borders first, to deal with employer verification, improve the existing exit system, and to provide important provisions to ensure we have a legal immigration system that can benefit our country and continue the great story of America.

I am looking forward to working with my colleagues to improve this legislation. I would like to see legitimate, real, effective border control, and a number of other features, but I would like to get our system reformed because the current system is not working.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I appreciate the opportunity for all Members of this body to participate in a debate and amendments and discussion of the bill that was reported out through the Judiciary Committee in the regular order. If my colleagues have any doubt about this so-called Group of 8, I wish to assure them we are continuing to look for ways to improve the legislation. In fact, I have a couple amendments myself that I believe would help improve the legislation and make it better and stronger.

But the fact is this legislation is absolutely needed. It is needed for a variety of reasons, most of which I will not go into at this time. But right now I hope my colleagues and the American people understand—and I think they do because recent polling overwhelmingly supports this legislation—I hope they understand that the status quo is totally unacceptable. The status quo is de facto amnesty. The status quo is 11 million people living in the shadows, and they are not going home. Anybody who thinks we are going to round up 11 million people and send them back to the country they came from—most of them from south of our border—obviously is unaware of the logistics that would be required.

So if the status quo is unacceptable, don't we all share the same goal of a secure border, of addressing the issue of these 11 million people who are in this country living in the shadows and, by the way, being exploited in incredible fashion because they do not have the rights of citizens. They did break our laws by coming here, and we are making them pay a heavy price for doing so, including a fine, including learning English, including paying back taxes, including waiting 10 years before they would be eligible for a green card. Most important to many Americans, they get in line behind everybody who waited—who waited legally either inside this country or outside it. They have to get in line behind them and they have to be working for those 10 years and they have to pay fees of \$500, another \$500 after 5 years, another \$1,000 as they apply for a green card. They have to undergo a background check. Anyone who has committed crimes in this country is going to be deported. Most important, this legislation dries up the magnet that pulls people into this country where they believe they can find work.

Over 40 percent of the people who are in this country illegally never crossed a single border. They came to this country on a visa and it is expired. So

that is why E-Verify, which we do not hear a lot about in this debate, is so important. Because under the E-Verify system—which means a document that is verifiable which identifies the individual—that employer who hires someone who does not have that documentation can be subject to prosecution and heavy fines and even more if they are repeat offenders.

Once the word gets out all over the world—and especially south of our border, where living conditions are far worse than in the United States of America—then they are going to say: I am not going to come because I can't get a job once I am here.

Today, in the streets of Sonora, Mexico, you can buy a birth certificate for about \$40. So that person comes and shows it to the employer and they are hired. The E-Verify system will make that impossible. That is one of the key elements of this legislation.

I have been on the border in Arizona for the last 30 years. I have seen the Border Patrol grow from 4,000 to 21,000. I have seen the National Guard deployed to the border. I have seen drones flying along the border. I have seen fences built. We have to do more. We have to do a lot more, and those are provisions in this bill. But to somehow say there has not been significant advancements in border security defies the facts on the ground.

The border is still not secure, despite what we might hear the Secretary of Homeland Security say. It is not secure. But the provisions in this bill, I am confident—I can tell my colleagues from 30 years of experience—I am confident it will make this border secure, as much as is humanly possible, remembering that there is an aspect of this issue we do not talk about; that is, the flow of drugs. Because, my friends, as long as there is a demand in this country for drugs, drugs are going to find a way into this country. It is just a fundamental of economics. We have not had nearly the discussion nationally, much less in this body, about the issue of the drugs that flow across our border. Believe me, if there is a demand, they will find a way, whether it is an ultralight, whether it is a tunnel or whether it is a submarine.

But the fact is that we can get this border secured. The answer, my friends, as is proposed in the Cornyn amendment—that we hire 10,000 more Border Patrol—is not a recognition of what we truly need. What we need is technology. We need to use the VADER radar that was developed in Iraq, where we can track people back to where they came from. We need to have more drones. We need to have more sensors on the ground, and I have gotten from the Border Patrol—not from the Department of Homeland Security but from the Border Patrol—a detailed list of every single piece of equipment that they believe is necessary in all nine sectors of our border in order to make our border secure, and it is detailed. It talks about, for example, at the Yuma

and Tucson sectors: 50 fixed towers, 73 fixed camera systems, 28 mobile surveillance systems, 685 unattended ground sensors, 22 hand-held equipment devices.

The list goes on and on. It is detailed. I will be proposing this as an amendment on this bill to let my colleagues know that this is the recommendation of the men and women who are on our border, who are taking this issue on every single day they are at work—in fact, under very difficult conditions. I note that the temperature in southern Arizona is over 110 degrees today. It is very tough on individuals as they are patrolling our border. But we need helicopters. We need VADER radar. We need a whole lot of things. That will be paid for with approximately \$6 billion that we provide in this bill—over \$6 billion. We can purchase a lot of equipment that way. We are going to use the Army. We are going to use the Army to tell us how we can best surveil and enforce this border because of the experience they have had overseas in Iraq and Afghanistan.

I say to my colleagues, I am not apologizing for this legislation we have proposed and as sent through the Judiciary Committee, I am proud of it. I am confident we will secure this border by taking the measures that will be required in this legislation.

I also have to say in all candor, my friends, there are amendments that will be proposed that will assist and make this bill better and improve it. There are also amendments that will be designed to kill it. I intend to do everything I can to reflect the will of the American people. I will be entering into the RECORD poll after poll after poll that shows that over 70 percent of the American people, if they are confident that we are going to secure our borders and if they are confident that these people will be brought out of the shadows, they will have to pay a fine, back taxes, learn English, and get in line behind everybody else, they support this path to citizenship after a 10-year period of having legal status in this country.

Why is it important for them to have a legal status if they have not committed crimes and they qualify? My friends, today on street corners all over America, particularly in the Southwest, there are men and women who are standing on a street corner waiting to be picked up by someone and taken to repair their roof or to cut their grass or to do menial labor. Do you know what they are getting out of that? They are getting below minimum wage because they have no recourse. They have no recourse as to any mistreatment they might suffer. So we want to bring these people out of the shadows.

Yes, they broke our laws. That is why they have to pay such a big penalty. I doubt if there is a Member of this body who at one time or another has not broken a law, but we paid a penalty for it, hopefully, and we moved

on with our lives. These people have broken our laws, and they have to pay a heavy penalty.

There has been pushback, frankly, from our friends in the Hispanic community that this is too tough, this is too hard, this is too demanding. I understand that. I pushed back against them. But to somehow base this opposition on the fact that we cannot get our borders secure—it frankly is in defiance in a belief in what the United States of America can do. There have been significant failures on the border. There was a \$787 million failure called SBI Net—I believe that was the name of it. That was supposed to secure our border. But I am confident that we have the technology and we have the ability and we can get this legislation through with confidence.

I see the Senator from Louisiana is waiting. I am not going to take too much longer.

The other key to this is workers. Frankly, I was not happy—nor were my friends—that we did not raise the cap higher than we did for guest workers to come into this country. But I would remind my colleagues that anybody who graduates from a U.S. college with a science, technology, engineering, or math degree and has an offer of employment will be eligible to have a green card to stay in this country.

Today, in postgraduate schools in STEM—science, technology, engineering and math—the majority of the students are from foreign countries. If they want to stay here and work in this country and they have that degree, which we all know there is a shortage of, we will let them.

High-tech companies will be able to bring in and keep more highly skilled workers through H-1B. The bill would raise the cap to 110,000 a year.

All I am saying is that one of the keys to this is if we secure our borders and we dry up the magnet, then we have to have a way of attracting the workers we need to keep our economy going. Let's be honest. It is pretty tough picking lettuce down in Yuma. There are not a lot of American workers who want to do that. That has been the history of this country. Immigrants have come to this country, they have grabbed the bottom rung, and they have moved up. The bottom rung is pretty tough. We are going to have those people as guest workers. If they want to become citizens, then they apply for a green card, et cetera.

Finally, I just want to say that the Grassley amendment would “prevent anyone currently illegally in the country from earning RPI status until effective control.” Sounds good. Let me give my colleagues the testimony from Michael Fisher, who is the Chief of the U.S. Border Patrol, who testified in February about this very issue.

First of all, 90 percent really would not make sense everywhere. We put 90 percent as a goal, because there are sections along the border where we have not only achieved, we have been able to sustain 90 percent effectiveness.

By the way, that is the case in the Yuma sector on our Arizona border.

So it is a realistic goal, but I wouldn't necessarily and just arbitrarily say 90 percent is across the board, because there are other locations where there is a lot less activity and there won't be a lot of activity simply because of terrain features, for instance.

So where it makes sense, we want to go ahead and start parsing that out within these corridors and within these specific sectors. That is exactly one of the things my amendment does. It has specific provisions of hardware and capabilities that need to be installed in each section.

I thank my friend from Louisiana for her patience. I would like to again say to my colleagues that I have seen this movie before. I have been through it before. We failed in the past. We failed for a variety of reasons. This is our opportunity. If we enact this comprehensive bill now, we will remove a very huge stain on the conscience of the United States of America.

We need to bring these people out of the shadows, but we must also assure all our citizens, especially in the southern part of my State, that they will live in a secure environment. We can do that. We can send a message to employers that they cannot hire someone who is in this country illegally without paying a very heavy price for doing so. That is what this legislation is all about.

I thank the distinguished chairman of the Judiciary Committee for the way he took this bill through his committee and brought it to the floor of the Senate. I am in favor of vigorous debate and discussion. We will have plenty of time for amendments and votes on those amendments. This is not a perfect bill that I am proud of. There are many ways we can improve it. But fundamentally we have the basics of a package that I believe is vitally needed for the good of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. While the distinguished senior Senator from Arizona is still on the floor, I would like to note that during the process of putting this bill together in the committee and having the votes, we had a number of quiet meetings, bipartisan meetings in the President pro tem office. It was extraordinarily helpful to have the senior Senator from Arizona, Mr. MCCAIN, there because I feel very knowledgeable about the northern border, living an hour's drive from it, and we needed the Senator's expertise on the southern border. But more importantly, he and I, Senator Kennedy, and President George W. Bush worked for hours and hours, days and days, weeks and weeks, months and months trying to get a comprehensive immigration reform bill through once before. We now have the possibility of one.

He said something every one of us can echo: It is not exactly the bill any one of us individually might have writ-

ten. But by the time we get done, we can have legislation that will make America better and be true to our principles and be realistic.

I could use a lot of other adjectives, but I want to personally thank the distinguished senior Senator from Arizona.

The distinguished senior Senator from Louisiana is about to speak. Before she does, I would add that she is going to talk about an amendment I strongly support. I mention that support because we have a number of amendments that both Republicans and Democrats will support. I would hope that after the other party has their noon caucus, we can get to the point where we start voting on some of these.

There are a lot of amendments that Republicans and Democrats would vote for together. There are some that will be opposed on one side or the other. But either way, vote on them. Vote them up or vote them down.

Now, as manager of the bill, I can start calling up amendments and move to table. I do not want to do that. We have a lot of good amendments, a lot of good ideas from both Republicans and Democrats, but they cannot be in the bill until we vote on them. The distinguished Senator from Louisiana has one. I hope the other side will let her amendment come up soon.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN.) The Senator from Louisiana.

Ms. LANDRIEU. I thank the chairman and the manager of this bill for his support of this particular amendment, which I hope is going to be non-controversial. It has to do with clarifying some technical parts of the law dealing with adoptees and how they are able to claim citizenship.

It does not have anything really to do with the larger pieces of this bill, but it is an opportunity to provide help and support to thousands of children, young people, and even adults who come to this country through the wonderful process of adoption, to clear up a couple of matters.

I will talk about that in just a minute, but I want to associate myself with the extraordinarily powerful comments of the Senator from Arizona JOHN MCCAIN. Without his leadership and without his strong knowledge of the issue we are dealing with, I do not think the bill would be on the floor of the Senate, and I do not think we would have a chance to be voting on this important piece of legislation.

He particularly—along with Senator RUBIO and Senator GRAHAM but particularly Senator MCCAIN—has spent his adult life on the border in Arizona and has been in public office and has served this country so admirably in so many ways and fashions and understands this issue just about as well if not better than anyone on the floor.

I have had the pleasure of working with him over many years to secure the border, as the chair of the Home-

land Security Appropriations Subcommittee. I can attest that what he says is actually true and factual. The border is not as secure as it could be, but it is significantly stronger and more secure than it was just 5 years ago, let alone 10 years ago.

He is also correct that we can make improvements on border security. Hopefully we will as this bill moves through, but the underlying bill itself takes huge steps in that direction by applying new resources to the technologies that are going to help us secure the border.

Anyone who has been to the border—and I have traveled there to see with my own eyes, at the invitation of Senator MCCAIN, which was a great eye-opener to me. As a Senator from Louisiana, the only borders I am aware of are water borders. We do not have land borders like Arizona and California and Texas and other States, so it was the first time I had seen such a thing. I was absolutely amazed and somewhat taken aback by how quickly a person could scale the fence, how quickly tunnels can be built under the fence.

I do not think some of my friends who are on the Republican side who are really concerned—and we all are, but they talk a lot about it. I am not sure they do as much as they talk about it, but that is my view. But they talk a lot about spending taxpayer money wisely. Putting more agents on the border and building a higher fence is not going to do it. Senator MCCAIN is absolutely correct. What is going to do it is smart technology leveraged with the resources he has written in his bill.

So if we want to secure the border more, which is my intention—and as chair of this committee, I intend to continue leading in that way, both our southern border and our northern border, as well as providing the Coast Guard with the resources they need to interdict drug smugglers who are coming into this country.

I learned the other day—I would like to share this with people who potentially could be listening—that the Coast Guard has intercepted more illegal drugs than the entire land operation last year. They intercept drugs at a wholesale level before they even get to the country. This is about creating a perimeter that secures us against things we don't want to come into this country—illegal workers, illegal drugs, or illegal human trafficking, which is also a concern to many people in Louisiana and around the country.

It is also important to have a border that allows for trade and commerce. We cannot lock ourselves away from the world. What Senator MCCAIN is saying is so true.

We have to be the smartest Nation on the Earth to protect our borders because we are the most open society and a model of what an open society should look like. We have to have that balance of security and trade. This is important for every American.

I say to my colleague how proud I am of the Senator, and I would hope my

colleagues on the other side of the aisle would follow his good and steady advice.

Yes, this bill could be improved on the floor of the Senate, but it should not be undermined with rhetoric that makes no sense. I am hearing that from some colleagues on the other side. I would hope they would have the good judgment to follow the very wise and mature leadership of the Senator from Arizona.

I want to call my colleagues' attention to an amendment Senator COATS and I have filed, and I am very grateful for his leadership. I know of no opposition to this amendment. I am hoping that after lunch the caucuses can meet and we can maybe take up a few non-controversial amendments that seek to clarify some provisions in the law that could be helpful to a few hundred and potentially even a few thousand Americans who desperately need our help. It is one amendment, the Citizenship for Lawful Adoptees amendment, supported by Senator KLOBUCHAR, Senator COATS, and me. We hope there will be many more cosponsors.

It does three simple but important things. First, a couple of years ago I helped lead the fight—with many of my colleagues still serving here—to pass the intercountry adoption act or the Child Citizenship Act of 2000. That was a very significant breakthrough in the adoption community.

As my colleagues know, I am the chair of the adoption caucus. We have Democrats and Republicans who support the idea that every child in the world needs a family. We try to minimize and reduce barriers to children getting the family they need—either staying with the one to whom they were born, trying to help that family or, if they are abandoned, neglected, or grossly abused, by finding them another family.

Governments do a lot of things well, but raising children isn't one of them. Parents raise children, and a responsible, loving adult is necessary for a child's physical, emotional, and spiritual development. Both our faith and the new science tell us that. It is really nondebateable.

A group of us worked on this, and we are proud of the progress we are making. One part of this amendment would make it clear that if a person had been adopted and is now an adult but because of some circumstances never went through the process of citizenship before this law—because when we passed the law 10 years ago, any child now adopted overseas is automatically a citizen. It is as if the child was born to an American. That is what happens if you are overseas and you give birth to a child—the child is automatically American. You don't need to go through the immigration process to bring your child to the United States. We made it the same for adopted children because that truly is what adoption is like. It is like having your own biological child.

So we made a great step forward, and we said that at the time for anybody under 18. Well, what has happened is, before 2000, for people older than 18—and they might be adults now; they are clearly in their thirties, forties, or fifties. They were adopted as infants or young children, but their paperwork never went through. Some of these individuals are being deported.

It would be like deporting a child who came from Korea at 6 months. They have never spoken a word of Korean and have never been to Korea. If they were adopted from Korea, they shouldn't be deported to Korea. If they have committed some misdemeanor or even a felony, they should be penalized under the laws of the United States. They could be put in jail for life. For criminal activity, they should be treated like any other American. Deportation is not and should not be an option for this very small group. This amendment makes that clear.

It also clarifies a residency requirement. The Child Citizenship Act was passed with overwhelming support from Republicans and Democrats. Don Nickles, as I recall, the Senator from Oklahoma, was the lead sponsor on this bill. He was a very strong supporter of many of the things of which I was speaking. He is no longer here, but his work lives on.

The Child Citizenship Act also requires that Americans living abroad for military, diplomatic, and other reasons do not receive automatic citizenship upon entering the United States. When we wrote this bill, we intended for that to be the case, but because we put the word "reside" instead of "permanently physically present," we have to clarify that. With that minor change, it will basically say that if you are a diplomat living overseas and you adopt a child through a lawful, legal adoption process, this act applies to you.

The third thing it will do is what we call the one-parent fix. There are many countries—and we hope Russia one day will again open. We hope Guatemala will one day get its 112 cases that we are still waiting for moved through very quickly.

Some of the countries are requiring—and rightly so—that parents come to the country to adopt the child physically and then bring the child to the United States. In the past things could be done through agents or through adoption agencies, et cetera. I am perfectly fine with that. Many adoption advocates are. Parents should travel to the country.

My sister did an intercountry adoption with Russia, so I am fairly familiar with our family's experience, which was quite a joy—an added expense but a joy to travel to the orphanage. And some Members of Congress have adopted children and gone through that process.

The problem is that our agencies are saying—which is not according to the law, I believe—that if both parents don't travel, that adoption is not auto-

matic. That was never the intention of our law. We are simply saying that if one parent travels and it is a legal adoption, that law still applies. It doesn't have to be both.

There are three minor changes to this bill which have helped so many children come to the United States, and they have been such a joy to their parents. It is a help to the world in providing homes and loving support for kids who need it. It takes another barrier, another headache, and another heartache away from them for us to encourage adoption of all orphaned children and unparented children in the world who need families.

I see the leader of the bill on the other side, the Senator from Utah. I would hope he could also be a cosponsor, if he would, and take a look at this amendment and give his support. I know there are many people in Utah, Minnesota, Louisiana, and Indiana whom this could potentially help. It is not going to touch millions, but it will touch thousands of people who I think could benefit.

I will have several other amendments that I think can tighten the underlying bill, particularly for E-Verify, which Senator MCCAIN spoke about. I wanted to get this hopefully small, uncontroversial amendment out of the way to help this small group and then turn my attention to some other things that are very important in the other underlying parts of the bill.

I ask that whenever this amendment may be considered, the Senator from Utah would ask me personally, through the Chair, if he would consider putting this amendment on the short list to be reconciled potentially today.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

MR. LEE. Madam President, this week we continue a very important discussion about how to fix our broken immigration system.

One of the most important concerns we have is that the border is simply not secure. Despite the fact that this assertion is almost universally held on both the left and on the right, the bill we are debating has very little, if anything, to make the border more secure or at least to guarantee that it will become more secure as a result of its passage. Instead, the bill offers more of what the American people are used to from Washington—plans, promises, commissions, studies, and spending lots and lots of money but requires almost no action on border security.

Many on my side of the aisle have placed heavy emphasis on strengthening the border security provisions to ensure that certain goals are met before granting permanent legal status to illegal immigrants. The reason for this is not merely academic; it is based in common sense. Failing to secure the border is the quickest way to repeat the mistakes we have made in the past. It means we will be back here in another 20 years dealing with a much

larger and far less manageable problem. That is what we are trying to prevent today and why we need to make sure this bill secures the border.

The problem with this bill isn't just the weak border security measures. Even if we can come to some satisfactory conclusion on the security issues, this bill still would fail to reform many of the challenges we face and it makes most of them worse. If all we do is fix the border security portion, this bill is still considerably weak in four major areas and would still be unworthy of support without major changes.

First, there is no congressional oversight of how the executive branch implements these reforms. By passing this bill, Congress would turn over almost all authority to the executive branch to secure or not secure the border, verify or not verify workplace enforcement, and certify or not certify visa reforms.

Of course, the administration will begin the legalization of 11 million illegal immigrants with no input from Congress as soon as possible regardless of how much progress has been made on border security, fencing provisions, and on the other priorities outlined in the bill.

Congress is the branch of government that is most accountable to the American people. If the people don't believe the border is secure or that our visa system actually works or that the country's economic needs are being met, it is Congress that should be held accountable. It is also Congress that can most readily be held accountable through regular elections that occur every 2 years in both Houses, with each Senator being held accountable every 6 years. Therefore, Congress must play a predominant role in approving, overseeing, and verifying these reforms, as well as ensuring that these reforms are being implemented correctly and achieving desired results. This bill, however, leaves Congress and the American people dangerously out of the loop.

Second, the bill surrenders control of immigration law to the Secretary of Homeland Security, as well as to a handful of other unelected, unaccountable bureaucrats in Washington. This is a problem that permeates the Federal Government in general. For example, last year Congress passed and the President signed into law 1,519 pages of legislation. Meanwhile, the Federal Government published 82,349 pages of new and updated rules and regulations in the Federal Register. That is more than 82,000 pages of rules that never came before Congress, never had a chance to be amended, and never received a vote in this body.

This bill will make that problem worse by granting similarly broad discretion to the Secretary of Homeland Security to create the rules and regulations that will determine how the bill is to be implemented as well as authorize the Secretary in hundreds and hundreds of instances to simply ignore im-

migration law as it is enacted by Congress. While I can certainly see why Members of Congress might not want to take responsibility for the consequences of this bill, that is not how our Republic is supposed to function.

Third, this bill is inherently unfair to the countless thousands of people who have tried to navigate our current broken immigration system. Let me cite just one example. I received a letter just a few months ago from a constituent in Utah, from a person who immigrated to this country lawfully, a person who was teaching school at American Fork, UT, and here on a non-immigrant visa. As she explained, she spent years of her life and thousands of dollars making sure that she came to the country legally. But she understands that her visa will expire in a few years, in 2017. She anticipates that she will be unable to get a renewal on that same visa and that she will effectively be deported at that point—voluntarily, but her visa term will expire and she anticipates she will have to go back to her home country. She explained to me it is very difficult for her to accept the fact that she has been here a few years teaching lawfully, developing friendships, developing her career, and because she did it legally she will have to go home. Meanwhile, those who have broken the law by their illegal presence in the United States will not only be allowed to stay where they are, not only be allowed to live where they now live, not only be allowed to work where they now work, but they will be put on a path toward eventual citizenship at the same time she and many others like her will have to go back to their home country.

This policy seems to be rewarding those who have broken our laws while, in relative terms, punishing those who have attempted to abide by our laws in good faith. So this bill must be fair to those who have tried to come to the country the right way.

As my colleague from Iowa Senator GRASSLEY explained in painstaking detail yesterday, the claims of those who say there will be stiff penalties for those who have broken the law have proven to be almost entirely false. There is no requirement to learn English or to pay all back taxes. And it is quite possible many noncitizens will be eligible for our country's generous benefits, or at least a number of them.

That brings me to the final concern that must be addressed before anyone should support this bill: the cost. One study conducted by the Heritage Foundation says the Gang of 8 bill could cost the taxpayers more than \$6 trillion. Some on the right and on the left have criticized that study, and I welcome the debate surrounding that criticism. But the proponents of this bill have so far refused to do their own corresponding cost analysis. If they believe the Heritage Foundation is wrong, that is fine, but they should tell us how much they think it is going to cost the taxpayers. So far we have

heard nothing. So far we don't have a corresponding study replacing the Heritage Foundation study that responds to the same points.

There are reports some Democrats have asked the Congressional Budget Office to evaluate the bill, but the report won't be published until next week. That is unfortunate. If they are concerned about the cost, and if they want it to be part of the debate, this should have been done a long time ago. These are major portions of the bill that need to be addressed, major aspects of the bill I think we need the full opportunity to debate, discuss, and consider. Even if we are able to come to a deal that makes the security portions incrementally better, as long as it still lacks congressional oversight, grants excessive authority to the executive branch, unfairly penalizes those who are trying to follow the law, and costs taxpayers trillions of dollars, we should reject this reform unless major changes have been made.

Some have suggested by pointing out the flaws of the bill we are letting the perfect be the enemy of the good. That vastly understates the problems in this bill. Far from good, this bill repeats the mistakes of the past. It makes our immigration system worse than the one we have today and will only lead to bigger and less manageable problems in the future. I strongly urge my colleagues to oppose it.

There is one more point I wish to make as we continue this debate. I realize this issue is very personal to some. Moments ago, I recounted a story from a constituent who takes this issue to heart. It has affected her family, her employment, and almost every aspect of her life. I understand when Congress is taking on tough challenges sometimes emotions get heated. That is understandable. But let us not forget we are all on the side of immigration reform. I don't know a single Member of this body or the other body of Congress, anyone on the left or on the right, who is not on the side of immigration reform. Perhaps such a person exists, but if that is the case, I have not met him or her.

As I said last week, and as I have said on countless occasions—in interviews, op-ed pieces, newsletters, and online—I stand here today in support of real and comprehensive immigration reform. And I stand here today as someone who supports legal immigration into our country. I understand, as all of my colleagues do, that immigration is necessary to our country's prosperity and to its ultimate success.

There are those who unfairly suggest that I and my fellow Senators who oppose this bill are somehow "anti-immigrant" or "anti-immigration." Unfortunately, those are the voices that are diminishing the prospects of getting real immigration reform done this year. I am well aware if this bill does not pass the Senate we will have an immigration problem that very next day. That is why I have been encouraging

Members of Congress to support a step-by-step approach to immigration reform. Let's not hold hostage the things we can't get done today because we are unable to iron out every contentious issue.

There are more than 40 individual pieces of immigration-related legislation that have been introduced in this Congress alone, half of which I have sponsored, cosponsored, or that I could support. Indeed, the only reason immigration reform is controversial, in my opinion, is because the Senate refuses to take it step by step.

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

We don't need another 1,000-page bill full of unintended consequences. We need, and the American people deserve, real reform.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, a few months ago I met two sisters from my home State. They are Mari and Adriana Barrera. These two sisters were brought here by their parents when Mari was 7 and Adriana was 3 years old. They were raised by a single mother who spoke no English after their father left the family behind.

Growing up, their mother, who worked at a local hotel, did whatever she could to support her family, but Mari and Adriana often had to depend on themselves. Unlike other children her age, Mari told me she grew up the moment her father left. She told me about how she scheduled all of her family's doctors' appointments and how she translated legal documents, and how, at the age of 13, she started working as a hostess at a local restaurant, and not for money, as most teenagers want for their own indulgences, but to support her family.

Mari also told me when she was about to enter high school Adriana had to have life-threatening surgery, and a dream was born within herself. As her sister's life hung in the balance, Mari realized she wanted to become a pediatric cardiothoracic surgeon. She wanted to help others the way she watched doctors help her sister that day, and she decided she would commit herself to getting the education and work toward that dream.

When I talked to Mari that day a few months ago it was just after she had been forced to drop out of the University of Washington because she could no longer afford it. Living in Seattle, she told me about how she had been unable to find a job to support her studies. Why? Because she lacks a Social Security number. Mari's dream, it turns out—the same as for many like her—has been put on hold. It has been

put on hold because our immigration system remains broken. All those dreams have been put on hold because for far too long Congress has failed to act. They have been put on hold because, despite the fact that young women such as the Barrera sisters want to contribute to our Nation, our current system won't let them.

It is not only stories such as those of the Barrera sisters that point to a system badly in need of reform, I see it everywhere in my State. I see it in rural parts of my State, in cities such as Yakima and Moses Lake, where farmers can't get the seasonal agricultural workers they need to support one of our State's largest industries. I see it in big cities such as Seattle and Vancouver and Spokane, where high-tech businesses struggle to hire the world's best and brightest. I see it in neighborhoods throughout my State where families have been ripped apart by a system that forces them to choose between legal immigration and long-term separation from the people they love. I see it along our northern border in Washington State where the need to secure a long, porous border must be balanced with smart enforcement policies that don't use intimidation and fear as a weapon. And I see it in my State's LGBT community—a community that badly lacks fairness and equality under today's broken system.

But these aren't problems that cannot be fixed. Although previous reform efforts have fallen short, this Senate is not incapable of this task, especially now. And that is because today—due to the changing demographics of our Nation, because of the growing political voice of a new generation of Americans, and because of the energy, determination, and hard work of immigration advocates in my home State and across the Nation—we are at a historic moment of opportunity. For the first time in the history of this debate there is broad bipartisan agreement this system must be fixed and that a bipartisan solution is within reach.

No one in this country needs to be reminded it is a rarity here when Senators from different parties and from very different States come together to agree on common solutions to a big issue. So it is truly remarkable that over the course of the past year the bipartisan so-called Gang of 8 has worked to craft this bill that is now before the Senate. The bill we are considering is focused on four bipartisan pillars that have drawn consensus support from Members of Congress and the American people.

First of all, this bill includes a path to citizenship, so that with a lot of hard work many of the immigrants living in this country who are dreaming of citizenship can achieve that goal over time.

Second, the bill provides employers certainty in a system that has often left them without any answers.

Third, this bill will help continue the progress we have made in securing our

borders by focusing on the most serious security threats and by utilizing new technology.

Finally, this bill helps to reform our legal immigration system so it meets the needs of our families and our Nation going forward.

These are all important steps. But this bill is only the beginning of a full, fair, and open public debate over reforming immigration in this country. And while it will be tempting to get caught up in the specifics of one amendment or policy in this debate, we can't forget about the larger questions this bill addresses, because at its heart this is a bill that touches nearly every aspect of American life, from our economy to our security, from our classrooms to our workplaces. It is about what type of country we want to be, what we stand for, and what type of future we all want to build.

These are the questions I have actually posed in meetings with advocates and businesses and leaders in meetings all over my State, both in recent weeks and going back many years. Those conversations have stirred a lot of passion, brought new facts to light, and helped me bring the voices of countless advocates to this debate today. They have also helped me to arrive at the core issues I believe are essential to repairing our broken immigration system—the issues I will fight for as we debate in the weeks to come.

Sitting and talking about the aspiring Americans this bill will affect has made clear that protecting families must be a central priority in comprehensive immigration reform. Immigration reform isn't just about a person's status, it is about sons and daughters and mothers and fathers and families who want to live full, productive lives together in this country. We know when workers have their families nearby they are more likely to be satisfied with their job, they are healthier, they work harder, and they contribute to our economy.

We know families are the building block of strong communities. Yet under today's broken system, family-based immigration has been pitted against employment-based immigration, and far too often immigrant families are being forced to choose between the country they love and the ones they love. I firmly believe it is in our long-term national interest to change this approach. For immigration reform to best meet our national ideals we have to keep our focus on keeping our families together, reducing these backlogs, giving women immigrants access to green cards, and reuniting immigrants with their families.

Immigration reform must also include a pathway to citizenship for the 11 million undocumented immigrants residing in this country. Many of our undocumented immigrants have lived in this country for more than a decade. They are our neighbors, our friends, our colleagues. They go to church with us, they pay their taxes, and they follow our laws.

But our current system creates a permanent underclass of people that are caught between the law and earning a living. While citizenship has to be earned, it is simply not feasible to deport this entire population or expect them to return to their nation of citizenship. We certainly can't make this pathway contingent on enforcement measures that are unachievable or unrealistic. I believe the bill before us lays the foundation for a pathway to citizenship that will bring aspiring Americans out from the shadows.

Immigration reform must also meet the needs of our changing economy. This need is perhaps best on display in my home State where the diversity of our economy creates diverse immigration needs. Washington is home to some of our Nation's largest high-tech, aerospace, and composite manufacturing firms. These are businesses that demand a robust employment-based visa system that attracts the best and brightest from across the world. However, just across the Cascade mountains lie miles and miles of fertile farmlands and orchards that demand a flexible and pragmatic agricultural worker program. I plan to support changes that help meet both of those needs while also working to invest in job opportunities for American workers through the STEM investments that are provided in this bill.

We also need a smart and humane system of securing our Nation's borders, including my State's many land border crossings. But we must balance the necessity of securing our borders and enforcing our laws with the importance of treating everyone with dignity and respect, and that includes ensuring access to due process in our immigration hearings, restrictions on the use of unnecessary restraints on pregnant women, the use of less costly alternatives to detention whenever possible, and humane conditions and strict oversight and reporting requirements at our detention centers.

Our strategy for enforcement and border security should focus on keeping Americans safe, fighting violent crime, reducing smuggling, and stopping terrorists. We should always be doing it in a way that upholds our commitment to civil liberties and the rights of every American.

Finally, I strongly support efforts to craft a system that will unite families by extending immigration sponsorship privileges for married binational LGBT couples. I was very proud of my home State of Washington when it voted last year for marriage equality. However, my heart breaks because each time a binational LGBT married Washingtonian is split apart because their marriage is not recognized by the Federal Government, it is just not right.

The Defense of Marriage Act has long barred equal immigration sponsorship privileges for married binational LGBT couples. While I am hopeful the Supreme Court will strike down the Defense of Marriage Act, I believe we

should also move decisively to include these provisions in this bill.

These are certainly not the only priorities I will be fighting for in the coming days. In fact, I am hoping to offer some amendments that will help open new doors to education for our DREAMers and that will expand investment in our STEM education. But I also know we will see amendments that will attempt to weaken and defeat this bill altogether, because as we saw in the exhaustive and inclusive committee process, there are those who are simply bent on standing in the way of a bill that Americans want and our economy needs—those who will say or do anything to defeat this bill.

But I am confident this is a new day for immigration reform. I am confident of that because more Americans than ever before see the benefits of a modern immigration system that is coupled with the investments that help our families succeed. They see we are stronger when immigrant workers are contributing to our economy, when employers have the resources they need to grow, and when a path to citizenship is available to those who are already here.

Too often in this debate it is difficult for some people to understand that the millions of undocumented families in our country are already an important part of our communities. Immigrants work hard. They send their children to schools throughout this country. They pay their taxes, and they help weave the fabric of our society. In all but name they are Americans.

When John F. Kennedy was serving in this Chamber, he wrote a book about the fact that America is a nation of immigrants. In it, he wrote:

Immigration policy should be generous; it should be fair; it should be flexible. With such a policy we can turn to the world, and to our own past, with clean hands and a clear conscience.

Today, those words continue to ring true. It is not only the world we have to turn to. This effort is about living up to our own ideals. It is about, as then-Senator Kennedy said, living up to our own past.

Our history has long been that of a beacon of hope for people throughout the world, from those who arrived at Ellis Island to start a new life decades ago to the DREAMers who want to contribute to the country they love today.

As we once again take on this very difficult task of reforming our immigration policy, let's make sure our actions reflect our security, our economy, and our future. But let's also never forget the past and the fact that our Nation has long offered generations of immigrants the chance to achieve their dreams.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. Kaine. Madam President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 33,

H. Con. Res. 25; that the amendment which is—and has been—at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate on March 23, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate; that following the authorization, two motions to instruct conferees be in order from each side: a motion to instruct relative to the debt limit and a motion to instruct relative to taxes-revenue; that there be 2 hours of debate equally divided between the two leaders or their designees prior to the votes in relation to the motions; and, further, that no amendments be in order to either of the motions prior to the votes, all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection to the request?

The Senator from Utah.

Mr. LEE. Madam President, reserving the right to object, I would like to explain briefly the overall situation.

We are not objecting to budget. We are not objecting to conference. We just want the debt limit left out. It is a separate issue that warrants its own debate. It is a simple request: no backroom deals on the debt limit.

I would like to focus on one particular argument we have heard from the other side. Critics argue that conference committees are transparent and that they don't involve backroom deals. If this were ever the case, today it is not.

The purpose of conference committees is to reconcile differences in similar bills passed by the House and by the Senate. It is not the only way, but it is one way.

In theory, conference committees are an open, accountable, and trustworthy means of resolving bicameral differences. But in recent years, the conference process—such as so much else in this town and in this Chamber—has become corrupted.

Today, conference committees are just another mechanism to exclude the American people from the legislative process. Secret closed doors, they usually don't even begin until the deal is already completed, as a practical matter.

Speaker BOEHNER himself said recently: We don't typically go to conference until such time that they are well on their way.

A recent example was the conference last year on the highway bill. The Senate passed its bill in March. The House passed its version in April. On May 8, the conference committee met for about 2½ hours on C-SPAN, but no amendments, no substantive legislating. Members mostly gave just opening statements, but that was just the first meeting, after all—plenty of time to get to the real work.

But then at the end of it all, the Chair of the conference thanked everyone for coming and then said something peculiar: We will be back here, if necessary. Maybe we can do this out of this room, but we may be able to agree and get signatures on a conference report. But, if necessary, we will be back here in 20-some days.

A strange thing that the conference—which hadn't done anything yet—would only meet again, if necessary. How else could they do their work if they didn't meet again?

But then, without meeting again, the conference filed its 670-page report in the early morning hours of Thursday, June 28. As if by magic, without any debate or amendments or votes or public meetings, all the differences simply got ironed out. What is more, the highway bill suddenly included major provisions that had nothing to do with highways. Out of thin air the conference committee had added to the highway bill the flood insurance program and the student loan program. We might call it the miraculous deception.

So Thursday morning they presented to Congress their massive bill—intentionally waiting until only hours before the entire highway program was set to expire. It was a classic cliff deal: negotiated in secret, immune from amendment, including unrelated provisions air-dropped into the bill, presented as a take-it-or-leave-it proposition up against a manufactured deadline crisis.

Faced with this situation, the House and Senate passed the report without reading it and patted each other on the back for their bipartisanship.

This, unfortunately, is how Washington too often works, and it is why the American people hold Washington in such low esteem. People don't trust the government because they know the government doesn't trust them.

If my colleagues truly want a backroom deal on the budget, we will give them their chance to have it. We just ask that they leave the debt ceiling out of it.

But make no mistake, my colleagues and I are not objecting because we don't understand how Washington works, as some have suggested. We are objecting because we know exactly how Washington works in this regard, and we mean to change it.

So I ask unanimous consent that the Senator from Virginia modify his request so it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. Is there objection to the request as modified?

The Senator from Virginia.

Mr. KAINE. Madam President, given that no Member of this body made an amendment to request such a provision and offered it for vote either during the Budget Committee deliberation or on the floor of this body when we were debating the budget, I consider the re-

quest basically an effort to modify the budget after the vote is done.

Therefore, I reject the request, and I would ask an opportunity to comment additionally.

The PRESIDING OFFICER. Does the Senator object to the request as modified?

Mr. KAINE. I object to the request as modified.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. LEE. Madam President, in that case, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. KAINE. Madam President, I would like to comment on my colleague's characterization that Members of this body want a backroom deal. Because in that characterization, my colleague neglected to make clear to certainly people in this gallery what happens when there is a conference report.

Since March 23, we have been trying to take a budget passed by this body, in accord with the Budget Act of 1974, into a conference with the House budget that was passed the same week. That is the way, in a bicameral legislature, we resolve differences between the two Houses: to put the two different positions in a conference committee, and we ask people to sit down and debate and listen and dialog and hopefully find a compromise.

There is no guarantee in any conference that a compromise will be found. All we are asking is that Members of this body, instead of exercising a prerogative to block debate and compromise, allow a conference to go forward so we can talk and listen and see whether we can find compromise for the good of the Nation.

The Senator has indicated they are blocking that because they want to stop backroom deals. The Senator has neglected to explain what happens when there is a conference. When there is a conference, if there is a deal, if there is an agreement to find good for the common good of the Nation between a Republican House majority and a Democratic Senate majority, then the conference report gets submitted back to the bodies, we have debate in this Chamber where every Senator—just as they did during the budget—can stand and explain whether they are for it or against it, and then every Senator has the ability to vote yes or no to the conference report.

If the Senator would like to see a conference and see if it works and if he doesn't like it vote against the budget or the budget compromise, he is able to do it. If any Senator allows a conference committee to go forward and when it comes back believes it represents some kind of a backroom deal, at that point they can say that on the floor. But to restrict a budget from even going to conference so we can find

compromise before you know whether compromise will be found, before you know what the compromise might be, and to call it a back-room deal when you are blocking anybody from even entering the room and trying to find compromise I think is an unfair characterization of the procedures of this body.

I have stated before on the floor as I have made the motion—this is the 13th motion we have made since March 23 to begin a budget conference so we can find compromise—when our Framers established a bicameral legislature they knew what they were doing, but they gave us a challenge and the challenge was this: In a bicameral legislature that requires passage in both Houses, if the governmental organism is to be alive, then compromise is the blood of the organism because passage in one House is not enough. There has to be passage in both Houses for the vast majority of items, including a budget.

Blocking a process of compromise from beginning is taking the blood out of the living organism of this Congress and of this government. Efforts to block compromise harm this institution. They are harming the institution every day in the minds of the American public, be they Democratic, Republican, Independent, wherever they live.

I have made the motion. The motion has been objected to. I can assure folks this motion will continue to be made because we passed a budget in this body under regular order. We need to get into a compromise—into a conference with the House so we can do what is expected of us: listen, dialog, exercise efforts to find compromise. Without compromise, there is no Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, to respond to my distinguished colleague and friend from Virginia, in the first place it is important for us to remember, yes, we are a bicameral Congress. Yes, in order to pass legislation you have to have something pass in the House and pass in the Senate and then be signed into law by the President. But the fact is there are a number of ways to accomplish this.

Yes, it is certainly true that one way we reconcile competing versions of legislation passed in the House and Senate respectively is through conference committee. It is not the only way, it is one way.

It is also true that under Article I, Section 5, Clause 2 of the Constitution, each body of Congress has the power to write its own rules for its own operation. The way the rules of the Senate are written it is such that in our current posture, in order to get to a conference committee it requires unanimous consent. That means all of us have to agree it is a good idea to take that particular route. But we don't have to take that route. There are

other ways that, under the rules of the Senate, would allow us to address differences in the House-passed budget and Senate-passed budget without going to conference.

We could, for example, take up the House-passed budget right now. We could debate that and discuss that. That is a way of addressing this that does not require us to go to conference. But going to conference right now under the rules of the Senate as they apply to this set of facts does require unanimous consent.

There are a handful of us who are not willing to grant that consent if in fact the possibility remains that they will use that as a back-room effort to raise the debt limit, a back-room effort that would not require utilization of the Senate's traditional rules, including the 60-vote threshold that often applies.

You are asking us to agree with something with which we fundamentally disagree. My friend from Virginia has also made the argument that it is somehow unreasonable of us to make this objection because of the fact that none of these amendments were brought up in connection with the budget. I actually think the argument goes exactly the opposite way. Because the debt limit was not part of the deliberations in this body on the budget, and because the debt limit was not part of the deliberations or the final text in the other body in connection with the budget, there is no need for the conference committee to address the debt limit. There certainly is no need to circumvent the otherwise applicable rules of the Senate that would govern this in this posture in this context.

Madam President, I ask unanimous consent to engage in a colloquy with my colleague, the junior Senator from Texas.

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

Mr. LEE. I ask my colleague from Texas—who has on occasion expressed similar concerns to those I have just expressed with this kind of posture—so I ask my friend from Texas, is it in fact his interest, his objective to be obstructionist? Is he trying to obstruct here and in fact being unreasonable in raising these objections?

Mr. CRUZ. I thank my friend and note that a number of Senators have raised this objection and we have focused on one thing and one thing only, which is whether the Senate can raise the debt ceiling with just 50 votes or instead whether the Senate can do so with 60 votes. That is the issue.

We are perfectly prepared to go to conference on the budget, right now, today. That is a red herring. That is not what this procedural fight is about. Every time this motion has been asked by the majority, the minority has risen to protect the rights of the minority because ordinarily to raise the debt ceiling it would take 60 votes, and if it takes 60 votes, what that means is that the 54 Democrats are not able to do so

on a straight party-line vote, freezing out Republicans.

Right now the Democrats have stated they believe the debt ceiling should be raised with no preconditions, no negotiations, no structural changes to our out-of-control spending that is bankrupting our country.

What the minority Senators have said is that, at a minimum, if we are going to raise the debt ceiling it should be subject to a 60-vote threshold so that we have a conversation about fixing the deep fiscal and economic challenges in this country. It is indeed the majority that—I will give credit for candor—does not wish to say no, we will take the debt ceiling off the table. Because it is, I believe, the Democrats' intention if this budget process goes to conference committee to use reconciliation as a backdoor procedural trick to raise the debt ceiling on 50 votes. I think that would be a travesty. But I think much of this debate is clouded in smoke and mirrors. Much of this debate is clouded in obfuscation. This is a simple question: Should the debt ceiling be able to be raised with only 50 votes or should it require 60 votes, which will necessitate some compromise, some discussion?

On that question I am quite confident the American people are with my friend from Utah, are with the Members of the minority who believe that if the debt of this country is going to go higher and higher and higher, we need leadership in this body to fix the problem rather than simply putting more and more debt on our kids and grandkids.

Mr. LEE. If I might ask, Madam President, of my friend from Texas, why wouldn't one want the usual rules of the Senate to apply? That is, why would one want to block or prevent the 60-vote threshold from applying with a debt ceiling increase, just as the 60-vote threshold applies to much of the most important, contentious, closely watched legislation that moves through this body?

Mr. CRUZ. The 60-vote threshold, as my friend from Utah knows well, was designed to protect this institution that has been called the world's greatest deliberative body and to ensure that the minority has a role in the discussions. On this issue I think that is critically important. There are few if any issues we will address that are more important than the question of the unsustainable debt that is threatening the future of our kids and grandkids.

The natural reason why the majority would want to get around the 60-vote threshold is because without a 60-vote threshold the majority does not need to listen to this side of the house. President Obama has been very explicit. The President has said he wants the debt ceiling raised with no negotiations, no discussions, no conditions, "no nothin'" to fix the problem.

In the last 4½ years our national debt has gone from \$10 trillion to nearly \$17

trillion. What we are doing is fundamentally irresponsible and the majority wishes to be able to keep doing it without making any prudent decisions to stop the out-of-control spending, stop the out-of-control debt, fix the problem. The only way they can do it is to use a procedural trick to shut down the minority.

I do not believe that is consistent with our obligations to the constituents who elected us, and I don't believe it is consistent with the responsibility of all 100 Senators to take seriously the obligation of protecting the fiscal and economic strength of this Nation for the next generations.

Mr. LEE. The Senator from Texas is a seasoned constitutional scholar, a graduate of Princeton University and of Harvard Law School. He went on to clerk for Judge Michael Ludick on the U.S. Court of Appeals for the Fourth Circuit, now general counsel to Boeing. He later clerked for late Chief Justice William H. Rehnquist on the U.S. Supreme Court.

Having argued a total of nine cases before the U.S. Supreme Court, the Senator from Texas is a seasoned litigator in addition to being a scholar of the Constitution. So I ask my colleague a couple of questions related to that.

It has occurred to me sometimes as a lawyer myself that there are sometimes some similarities between being a Senator and being a lawyer. They are not perfect, but we are retained for a limited period of time, in 6-year increments generally, to represent a group of people. It is our job to do what we can to act in the absence of those people. In my case there are 3 million people from my State, the State of Utah. They cannot all fit inside this Chamber so I am one of the people who is elected to represent them in their absence.

I ask my colleague from Texas, No. 1, how do the people of Texas feel about the idea of raising the debt limit yet again? In particular, how do they feel about the idea of raising the debt limit yet again without any kind of permanent structural reform put in place as condition precedent to that action? And finally, how do the people of Texas feel as their elected representative, representing those people here in this body, you surrender one of your biggest bargaining chips, you abandon one of the tools that allows you to make sure we do not raise the debt limit too casually, too cavalierly, without putting in place the adequate precautions?

Mr. CRUZ. I thank the junior Senator from Utah for his overly generous comments and kind characterizations. I think the analogy he drew is quite apt, that any lawyer, in representing a client, has an obligation to zealously represent that client; that he owes a fiduciary duty to that client.

I suggest all 100 of us owe that same fiduciary duty to the men and women in our States who entrusted us with the obligation of coming here and fighting for them. Because the 3 million citizens of Utah could not all be on

the floor of the Senate fighting, the junior Senator from Utah steps in their shoes to fight on their behalf. I feel confident that the citizens of Utah, like the citizens from Texas, would be horrified at the notion that this body would continue raising the debt ceiling over and over again without even trying to fix the underlying problem.

This Senate floor has a long and storied history. There have been great men and women, great leaders of this country who have walked on this floor. Yet each generation, going back for centuries, has managed to avoid saddling the next generation with crushing debts. I am reminded of the very distinguished late father of the Senator from Utah, Rex Lee, who was the Solicitor General of the United States, who was widely considered one of the finest Supreme Court advocates to have ever lived. He was an individual who took the obligation of zealously representing his client deeply and near and dear to his heart.

Your father's generation, my father's generation, did not leave us with crushing debts, did not leave us with debts from which we could never escape. What has happened in the last 4½ years is qualitatively different, qualitatively different from what has happened in the last 2½ centuries in this country. No other generation has said to their kids, their grandkids, and to their grandkids' grandkids, we are going to rack up so much debt that you are never going to be able to escape.

My wife and I are blessed. We have two little girls at home, 5 and 2. The idea that Caroline and Catherine are going to spend their adult days working to pay the taxes to pay off the debt we are spending recklessly right now I think is profoundly immoral, is profoundly irresponsible. I cannot tell you how many thousands of Texans, men and women across the State, have said the exact same thing: Stop bankrupting the country. Stop bankrupting our kids and grandkids. That is the fiduciary duty we have to fight for, to defend—to stand for the 300 million Americans for whom this body, Congress, has been racking up a massive credit card debt that threatens to imperil the security of this country and the future generations in America.

Mr. LEE. Is my colleague suggesting that we stop altogether the practice of issuing U.S. treasuries to finance the operations of government or is he suggesting that we go without a budget or that we simply halt the issuance of Treasury instruments altogether or is my colleague suggesting something more long term?

Mr. CRUZ. Of course we shouldn't halt the issuance of treasuries, and of course we shouldn't forswear any and all debt. The Constitution provides that the Federal Government can incur debt, and there has been a long history of incurring debt, particularly to meet extraordinary circumstances. In wartime we have had a history of incurring debt and then paying that down.

What is important to emphasize is that there is a qualitative difference in what has happened in the last 4½ years. We have always had some degree of debt in this country, but one of the challenges is that at times \$1 million, \$1 billion, and \$1 trillion can seem like the same number. They all end in "illions," they all sound big, and yet the difference of \$10 trillion, where the national debt was 5 years ago, and just shy of \$17 trillion, where we are now, is fundamental; it is structural. Our national debt exceeds the size of our entire economy.

The nations of Europe are collapsing because their elected officials were not able to be responsible. They spent money they did not have, and they built up so much debt they could not repay. Eventually, there comes a point where every decision to address the debt is an ugly one. There comes a point where the debt hole is so deep—as some of the nations in Europe are discovering—that the answers are either drastic cuts to spending or massive tax increases or massively inflating the currency. Every one of those outcomes is ugly, which is one of the reasons we have seen rioting in the streets of Europe.

Thankfully the United States is not yet in as deep a hole as some of the nations of Europe, and that is why we need leadership now to stop the out-of-control spending by addressing the deep structural problems. If we keep spending money we don't have—if any of us ran our families, our households, our businesses the way the Federal Government is run, we would be bankrupt. We would be sleeping under a bridge.

What it takes, I believe, is responsible leadership, and I hope bipartisan responsible leadership. We need Republicans and Democrats to come together to say: Let's live within our means. That is not a terribly conservative principle. That is a principle that has been common sense in this country for centuries, and it is one, sadly, we have gotten away from in the last 4½ years.

Mr. LEE. We are talking about a procedural strategy. We are not even talking about an outcome here. We are talking about the full utilization of the procedural rights of each and every Member of this body. We have been asked to give our consent and to effectively vote for a procedure that people on both sides of the Capitol have now admitted could and may well be utilized as a mechanism for raising the debt limit in a way that circumvents the 60-vote threshold of the Senate. It seems to me that is troubling, and if we analogize that yet again to other circumstances where we have to represent someone else, that can be troubling.

Let's suppose the Senator from Texas is representing a client in court—let's say in the U.S. Supreme Court. For example, when the Senator is in the position of the petitioner, he has the right, as the petitioner—meaning the person

filing the petition for a writ of certiorari—to seek review by the Supreme Court of the United States, and let's say review is granted.

After review is granted, a briefing schedule kicks in and the petitioner has the opportunity to file the first brief. That is the Senator's prerogative as the petitioner. The other side then has about a month to file its brief, and then the Senator gets something the other side doesn't get to file—the Senator gets a reply brief.

Procedurally, under the rules of the Supreme Court of the United States, that is the Senator's client's right. Once the Senator has a case in front of the Supreme Court and in the middle of the briefing schedule, what would the Senator from Texas say to a client if you came to them and said: My opposing counsel has asked me to waive my right to file a reply brief even though it is my right to do that? The client has asked me to do it. What would the client think if the Senator actually said: I am not going to file a reply brief even though procedurally I have every right to do that?

Mr. CRUZ. My friend from Utah asks a terrific question. It is a question of procedural rules—whether in a courtroom or in the Senate—designed to protect substantive rights. Ultimately, the 60-vote threshold is designed to protect the substantive rights not of the Senators—we are not here in our own stead. We are instead representing the constituents who sent us here.

What the majority is asking us to do by asking for unanimous consent to allow this to go to conference and to set it up for them to raise the debt ceiling with 50 votes—the majority is asking for the 46 Republicans on this side of the aisle to give away our right to speak. They are asking us to say we will cede to the majority the ability to do whatever it wishes on the debt ceiling. In giving away our right to speak, what we are giving away is not anything that belongs to us, it is the right of 26 million Texans to have their voice heard.

For us to agree with the majority and say, yes, we will hand over the ability to make this decision on the debt ceiling without ever again consulting this side of the aisle would be very much like the situation the Senator from Utah asked about. I don't know how the Senator from Utah would answer a constituent in Utah who said: Senator LEE, why did you give away my voice? Why did you simply hand to the Democrats the ability to decide how much debt the United States should have, to raise it? And why did you essentially give away my seat at the table?

It is not the seat of the Senator from Utah; it is not my seat. It is the seat of the millions of constituents in Utah, Texas, and each of our home States that sent us here. The idea that we would willingly give up their right to speak is inconsistent with the obligation we owe the men and women of Utah and the men and women of Texas.

Mr. LEE. I would suspect that in most circumstances a lawyer giving up that procedural right would be committing malpractice. Perhaps a lawyer in that circumstance could say to the client: I am going to do this because opposing counsel has asked it of me, and I want to get along with her. I want to make sure I maximize our chances of settling this litigation perhaps before the litigation has been completely resolved. If that were the argument opposing counsel was making to me, I suspect I would tell the client: If that is the case and our objective is to try to settle the litigation rather than wait until the Court resolves it, then by doing that and giving up that procedural right to file the reply brief, I would be forfeiting a lot of bargaining power that I would otherwise have.

And so too here we would be forfeiting a tremendous amount of bargaining power relative to the budget discussions, relative to the debt limit discussion, a discussion that needs to take place in full sunlight and not under cover of darkness. It needs to take place in the two Chambers and not in some back-room deal. That is what we are talking about. That is why these procedural rights are so important.

People can disagree with the rules of the Senate, and a lot of people do. People can want to change the rules of the Senate, and there are some who do—some even in this body. But the fact is the rules are what they are. We have the power to make those rules under article 1, section 5 of the Constitution, and we have the power to change those rules under article 1, section 5 of the Constitution. But those rules being what they are, those rules being in place as they are today, and those rules having the application they do as of this very moment, people cannot ask someone such as me or my friend from Texas to give our consent to something we think is fundamentally wrong and that we think will substantially diminish the bargaining power we have in undertaking that policy approach we think is most necessary today.

One of the questions I have been asked by some of our friends on the other side of the aisle, and a few of our friends who are even on the same side of the aisle as myself and the Senator from Texas, is: You are a Republican, I am a Republican, so why can't you guys trust that the Republicans who control the House of Representatives will adequately secure your interests? Why don't you therefore feel comfortable effectively forfeiting your right to a 60-vote threshold on the debt ceiling debate?

Mr. CRUZ. I think that is a reasonable question to ask. There are a number of points that are relevant. No. 1, there is a considerable history of the debt ceiling being raised through reconciliation, and, indeed, it has been done in 1986, 1990, 1993, and in 1997. So the danger that we are acting to pre-

vent is not a hypothetical danger, it is a danger that has proven accurate.

Those who say we will simply trust the House—the House Members were elected to represent their constituents, and each of the 435 Members of the House has an obligation to exercise their best judgment to represent their constituents. Whatever they choose to do—and I would note a number of Members of House leadership have publicly on the record suggested they might well be amenable to raising the debt ceiling through reconciliation. So given their public statements, the scenario we are raising is a possibility that the House leadership has suggested may well be on the table.

But more fundamentally, regardless of what the House chooses to do, the Senator from Utah has an obligation to the 3 million citizens of Utah to represent their views. I don't think it would be responsible for him to give up his very eloquent voice or for me to give up my voice or for any of us to give up the voice of the citizens we are representing.

I am reminded of meeting an individual at a gathering of Republican women back in Texas about a month ago, and this individual was a veteran who had fought in World War II. He was there, introduced to everyone, and received a standing ovation. A story was told about how he had been grievously injured in World War II. As a result of that injury, he was in a hospital and two doctors were debating about where to amputate his leg. They were debating whether to amputate the leg above the knee or below the knee.

This soldier was unconscious, and he awakened in the middle of this conversation between the two doctors about where to amputate his leg. This soldier began to participate in that debate. And, unsurprisingly, he had a very strong view that he would very much prefer they not amputate the leg. He expressed that view vociferously to the doctors who were having that debate. As he expressed his view, he ended up prevailing in that argument and they chose not to amputate his leg below or above the knee.

To this day he walks with a limp. He doesn't walk as well as he might if he had not been injured, but he was able to save that leg because he had a voice in that debate, because he spoke up and his interest concerning his leg was acutely different from the two doctors who were debating it without his voice. I think he had every right to participate in that debate because it affected him, it affected his future, and it affected his life. And just so, I think the 3 million citizens of Utah have every right to participate in this debate and not simply to be told to trust the other body of Congress. They have an independent obligation. My friend the Senator from Utah has an obligation to his constituents to make sure their voice is part of this debate.

Mr. LEE. Indeed, we each have an obligation to utilize our own voice and to

make our own judgments with regard to the best course of action to take in any debate and in any discussion.

The problems in this country are significant. There is not one of us in this body who wishes to minimize them. There is not one of us in this body who is not concerned about these problems. Each of us might take, advocate, or firmly believe in a different course of action, but it is precisely because of the diversity of opinion in this Nation that this Nation is great. It is precisely because of the viewpoint and diversity we have in this body that this body has been called the world's greatest deliberative legislative body. We need to make sure that that remains.

In order for that to be the case, it is appropriate that Members of the Senate who have a good-faith, genuine disagreement with an issue as to which a unanimous consent has been made come forward and they object.

On that basis, I object. I will continue to object as long as it remains necessary to ensure that the debate we have surrounding the debt limit occurs under the regular order of the Senate.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MCCASKILL. Madam President, I ask unanimous consent to speak as in morning business.

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

#### SEXUAL ASSAULT IN THE MILITARY

Mrs. MCCASKILL. Madam President, this afternoon the Senate Armed Services Committee—in fact, in less than an hour—will convene and we will begin working on historic changes, unprecedented changes to the Uniform Code of Military Justice in response to the serious and significant problem of sexual assault in our military.

I come to the floor before we convene to explain why I am supporting significant changes as to how we handle sexual assaults in the military but also why I am not supporting completely removing the role senior military commanders play in ordering these kinds of trials to go forward.

The discussion of this issue takes me back many years when I began prosecuting rape and sodomy cases as a young assistant DA in the prosecutor's office in Kansas City. For years, I handled dozens and dozens of these cases in the courtroom, both as an assistant prosecutor and as the elected prosecutor. I have had the opportunity, the blessing, the challenge, and the scarring that comes from holding victims' hands, crying with victims, feeling their pain, the permanency of the injuries they have suffered as a result of these unspeakable crimes. I would

challenge anyone in the Senate to come to this issue with more experience or more understanding of the unique challenges this crime represents in the never-ending quest for true justice.

In my years of experience and the time I have spent with military prosecutors, victims, and civilian prosecutors, I have become convinced that the approach the Armed Services Committee will take today is the right approach to get these predators put in prison.

I believe the provision that I expect will receive a bipartisan majority of the votes in the Armed Services Committee will better empower victims and lead to more reporting. The reason it will empower victims and lead to more reporting is because these changes will lead to more and effective prosecutions.

Ultimately, no woman wants to come forward and talk about this crime, and certainly no man who has been victimized in the military wants to come forward and talk about this crime. It is personal. It is private. It is painful. So it does not matter whether the perpetrator is a member of the military or a civilian; these are difficult cases to bring forward because of the intensely personal nature of the pain involved.

But I believe these reforms will hold the chain of command more accountable and force them to be part of the solution, and it will prevent the unintended consequences of dismantling a system of military justice that has long been a centerpiece of discipline in our military.

Make no mistake about it, the changes we are making are aggressive, historic, victim-oriented, and unforgiving to the predators.

Commanders under these reforms will not have the ability to dismiss a conviction of a jury. That is the first and most important reform that is occurring. Never again will a commander who has not heard the testimony be able to say "never mind" to that victim. Most importantly—and this is very important because the reporting on this issue has not been accurate—most importantly, under these reforms, if the lawyers, the prosecutors, say the case should go forward, and the commander disagrees and says no, that will go straight up, not to a man in uniform, but to the Secretary of the branch of the military where the crime occurred. So no longer will you have the uniforms making the ultimate decision.

I would argue we are taking in many ways the convening authority out of the equation because we are allowing that lawyer, if the commander disagrees with them, that prosecutor, if the commander disagrees with them, to go straight up to the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force for the ultimate decision by a civilian, not by a member of the military.

If the commander decides not to order the court-martial, not to order

the trial, the final decision will go to the civilian Secretary. The ultimate authority is with the civilian.

This is even a greater level of scrutiny than in the reforms proposed by Senator GILLIBRAND because you have another level. We heard of cases where the prosecutors did not want to go forward and the command did. There are instances where prosecutors in the civilian world will not file these cases and the military prosecutors will. I am sure there will be cases where military prosecutors will not want to go forward.

So the good news is there is someone above the prosecutors who is a civilian who can, in fact, pass judgment also. We know that many cases are not filed in the civilian courts when they are "he said, she said" consent defenses in rape cases. I have painfully explained that decision to victims when the evidence simply was not going to meet the burden.

But in the military, we have to make sure that it is not just a line prosecutor who has the ultimate authority. We need that civilian Secretary at the top of this decisionmaking power. We need that ultimate authority, especially in the culture of our military.

The other thing our reform does that Senator GILLIBRAND's proposal does not do—and I think this is key—it creates a crime of retaliation. So if this victim comes back to the unit and retaliation occurs, the people who are committing the retaliation are now subject to the Uniform Code of Military Justice and they can be prosecuted for the crime of retaliation.

I think this is a very important, direct approach. Because, ultimately, that is what most victims who do not come forward say they are afraid of: their loss of privacy and retaliation and the impact on their career.

The bill also makes many other reforms, giving victims better access to legal counsel, improving the skill of personnel working with victims in the sexual assault response system, making sure victims have a voice in the clemency proceedings, and many others.

Ultimately, at the end of the day, if a victim is sexually assaulted, and they come back to their unit, is it more likely the unit will retaliate against them and make their life miserable if outside lawyers have said the case should go forward or if the commander has said the case should go forward? We do not have evidence that this is a problem right now, that commanders are refusing to file these cases. Just the opposite. We heard testimony in committee that they are demanding prosecutions in some instances where the lawyers have said no.

I believe these reforms will do a better job of getting predators behind bars and ultimately creating a more supportive environment for victims to come forward.

We are not done with this, even after we pass these reforms in committee

today, and even after we pass this Defense authorization bill and it goes to the President. But I think we have the best chance of making real progress with a strong bipartisan reform that will get at the heart of the matter, which these reforms do.

I believe we will continue to monitor this, and as we go forward, if more changes are necessary, I will be the first in line to work for them. But do not let anyone say the reforms we are doing today are not what is right for the victims of sexual assault or for the proposition that anybody, any coward who besmirches our fine military by committing these crimes—that they should not belong in prison. They belong in prison, and that is what these reforms are intended to help happen.

I thank the Chair and I assume I should yield the floor for my colleague from Colorado.

**THE PRESIDING OFFICER.** The Senator from Colorado.

**Mr. BENNET.** Madam President, I wish to say, through the Chair, thank you to the Senator from Missouri for her advocacy on behalf of our service men and women. And I think she should have made no assumption about yielding the floor to me, but I am happy to take it, if the Senator is done.

Madam President, I come to the floor today, as I did yesterday, to talk about this incredible opportunity we have before us with this bipartisan immigration bill that we are considering now in the Senate, in regular order in the Senate. I hope we have a process on the floor, now that we are here, that mirrors the one the Judiciary Committee had: an open process where people can offer amendments they care about, one that has a spirited debate on a variety of important issues, so the American people can have the benefit of a fully transparent and deliberative process over these important issues.

In the Judiciary Committee process alone, over 300 amendments were filed, and 200 were considered, and over 140 of them were actually adopted by the committee. That is the way this place ought to work. I think it will strengthen this bipartisan bill to continue to take other people's ideas.

What we did not do in the Judiciary Committee, and what I hope we will not do on the Senate floor, is accept amendments that will disrupt a very carefully negotiated balance in the so-called Gang of 8 or Group of 8—four Democrats and four Republicans—who worked hard together to try to get to a place that could actually work.

Today there has been a lot of talk, and over the past few days, about the border security issues, the border in particular, and preventing future waves of immigration. I did not come down here to negotiate any particular amendments or to litigate any particular amendments. I did want to get a little bit of context of where we arrived in the Group of 8 on this issue.

The bill, as written, makes very serious investments, takes major steps to

secure our borders. I have to say the work was informed most principally by two border Senators, JOHN MCCAIN and JEFF FLAKE, both Republicans representing the great State of Arizona. As they have pointed out and as we have pointed out, we actually, contrary to some of the rhetoric around this place, have made a lot of progress over the last decade. It is not perfect, but we have moved in the right direction.

As you can see from this chart, in 2012 alone our expenditure on border security and immigration enforcement—this is before this bill we are talking about now that makes more investments in border security—our investment exceeded \$17.7 billion. That is what the American people spent on border security, which is 23 percent higher—just on border security. That is 23 percent higher than the \$14 billion we spend on all of the other Federal law enforcement agencies combined.

I think it will surprise the American people to know that. This is what we spent on border security. Here is the Border Patrol. Here is ICE. Together that is \$17 billion, a little more than that. That is more than we spent on the FBI, the DEA, the Secret Service, the U.S. Marshal's Service, the ATF—all of those law enforcement agencies. All of them combined in 2012, before we pass the law that is in front of us, that is what we spent protecting the border.

To hear some people around here talk about it, one would think none of that money made a difference. One would think none of the increased border agents have made a difference. Well, as of January 2013, the U.S. Border Patrol had 21,370 agents in total, 18,000 of whom are on the southwest border. From 1980 that represents a ninefold increase. It is nine times the number of agents we had. We had roughly 2,000 in 1980; today we have roughly 21,000. That might be a reason border crossings are down as much as they are.

In fact, we are at about net zero this year in terms of people coming across our southern border and leaving. Now, there are still areas on the borders where we need to do more, like in Arizona's Tucson sector. Senators MCCAIN and FLAKE were kind enough to take some of us down to the border to see what was really happening, to understand the topography down there, the difficulty of building a fence from one end of our border to the other. There are places where fences have been incredibly effective, like in San Diego. There are other places we are going to need other technology to be able to secure our borders in an efficient and thoughtful manner.

I hope others who have concerns in this area will meet with these border Senators and listen to what they have to say about how we can improve the situation on the southern border. What our bill calls for, in addition to the increases in resources, is that within 6 months of the bill's passage, the Secretary of Homeland Security is required to develop and submit to Con-

gress a comprehensive border strategy and fencing strategy.

We appropriate in this bill \$4.5 billion in addition to this money you saw up here, \$4.5 billion for these strategies. The goal of this plan is to achieve persistent surveillance and a 90-percent effectiveness rate at certain high-traffic border areas. These are places on the border where lots of people try to get into the United States. I can tell the Presiding Officer, I have seen it with my own eyes. When Senator MCCAIN took us down there, we actually saw someone come across the border. We saw somebody climb the fence while we were standing right there. I have a photograph of it on my cell phone. That person was apprehended within about 30 seconds of getting across the border.

It shows it is an issue we need to continue to manage, but it is good news that we have seen the improvement we have. I think these goals will be met. I am convinced by the conversations I have had with Homeland Security and with others that the objectives we have laid out to create this 90-percent effectiveness rate in the high-traffic areas is achievable; that it is achievable with the technologies we propose.

If there are changes that can be made during this discussion to improve that, I am all for them. But if the goals are not met, people will say: Well, you say it is going to happen. What if it does not happen?

Here is what happens: In 5 years, if it has not happened, a southern border security commission will be established to make further recommendations about how it is we can secure the border, with representation from the border States themselves. We appropriate another \$2 billion in this bill for the commission's recommendations, if, in fact, we ever have to get to a commission, which I hope we will not, and I expect that we will not.

I have heard people say one of the big problems with this bill is it is just like 1986 all over. I was not here in 1986, so I cannot take the credit or the blame for what happened in 1986. But it is a serious critique and a reasonable critique of that bill; that it did not do anything to stop the future flow of immigrants and illegal immigration in this country. That is a very fair critique.

It is not a fair critique of our bill because our bill deals with the border security I talked about, as well as internal security measures in the United States of America that were completely absent in the 1986 effort. This bill includes a universal E-Verify system. We crack down on employers who hire undocumented workers. That alone will reduce dramatically the incentive of people to cross the border illegally. If they know all across America that small businesses can run a biometric card or other ID through a database that tells them whether people are here lawfully or not, and in an instant know whether they are here lawfully instead of engaging in this game that

has been played for decades in-country where people with false security cards are able to come in and get a job and then a year or 18 months later, the employer finds out the Social Security is no longer available, that is going to dramatically disincentivize people from crossing the border.

The small business owners I know are very happy with this because they are tired of being the immigration police. They are tired of feeling like they went the extra mile to figure out whether someone was here lawfully, they relied on a Social Security card that looked perfectly valid, with a valid Social Security number, only to find out 18 months later they hired somebody who was undocumented. They are so weary, which is why they are expecting the Congress to finally do its job and fix this broken immigration system.

The comparison to 1986 is unfair in many ways. Mark Everson, who is a former Deputy Commissioner at the Immigration and Naturalization Service who oversaw the implementation of the 1986 law, wrote today in the *Washington Post*:

In contrast, the legislation before the Senate today takes a comprehensive approach. . . . Demand for unauthorized workers can be dampened, but only through adequate attention to the workplace and interior enforcement. If anything, I would accelerate the rollout of the E-Verify system, while helping to secure our borders faster.

I hope we can accelerate the E-Verify system. The reason is I have heard from employers who say: You know what. We are playing by the rules. We are making sure we do not hire undocumented people for our construction business, but there are other people down the road who will pay lower wages to people who are here unlawfully. That is an unfair disadvantage for us.

I agree with that. I think the question about how fast we can implement E-Verify needs to be balanced against the inconvenience we pose to businesses as they get up to speed on the new system. But that is certainly something we can talk about.

Finally, we have among many other broken parts of this system a broken entry-exit visa system in the United States. I think it would shock the American people—it surprised me—to learn that of the 11 million people who are here, 40 percent of them are people who entered the country lawfully. They entered the country on a visa, but they overstayed their visa.

We have to have the ability in this great country of ours, in this 21st century, to somehow detect when people are coming in on a visa, but we have not bothered to figure out when people are leaving, which does not make a lot of sense given the fact that the technology is available.

This bill finally includes a mandatory and operational biographic entry-and-exit system to track those coming to the United States and those living in the United States of America, and,

miraculously, finally, we are going to actually know who is coming in and out of the country.

As we begin to phase in a biometric system, it will build upon the other efforts being taken to track visitors in a way that is cost effective. We are going to become more secure. We will finally know who is in this country and who should be asked to leave the United States of America.

So, in my view, border security is not a reason to obstruct this bill. As I said earlier, we are open to changes, but we already have very strong border measures in this bill. I do not want that to be overlooked. I think when people hear that we need to spend billions and billions and billions of dollars more, they should know that we are already spending billions of dollars down there. Some of it has been effective; some of it has not been effective. I would say let's do what is effective, let's not do what is ineffective, and let's not overspend at a time when we have the budget issues that we are facing.

In conclusion, as the USA Today editorial board has written:

Unlike 1986's political sleight of hand—

There is not a lot of love lost for the 1986 bill, as you can tell.

Unlike 1986's political sleight of hand, this year's legislation is a tough, credible plan for preventing a new surge of illegal immigration. A quest for unattainable perfection should not be allowed to undo the good that it would achieve.

I wish I could say this was a place that did not let the perfect be the enemy of the good. We seldom ever get to the good. But in this case, I think we have gotten to a place that is very good. We should move forward together as we have to this point in a bipartisan way to craft a thoughtful solution to a broken system that continues to be a drag on the economy of the State of Colorado and the economy of the United States of America.

This law, if we pass it, will once again reaffirm what makes the United States so special: One, that we subscribe to the rule of law. There are a lot of countries in the world where that is not true. It is one of the principal reasons that people want to come to the United States: because it is a place where you can live up to your talent, because nobody can take it from you, because we subscribe to the rule of law. People want to come from all over the world—it is a great compliment to our country—to build their businesses here and to help us grow our economy.

It will reaffirm as well the very important notion that we are a nation of immigrants, generation to generation going back to the founding of this great country of ours. That is who we are. If we get this bill passed, if we get this bill passed in the House, I think we will have done something very important for this generation of Americans and also for the people who are coming after.

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

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Mr. VITTER. Mr. President, I come to the Senate floor to strongly urge consideration and passage of the first of several amendments I will be presenting on this so-called comprehensive immigration reform bill.

It is amendment No. 1228 and is about the US-Visit system, the entry-exit system that is supposed to be in place. It has been mandated by Congress many times to guard against visa overstays, which is a serious national security problem.

Why is this important? There is one simple way to underscore it to answer that question, and that is to remind us that the 9/11 terrorists, every single one of them, were visa overstays. They were dangerous people who came into our country on valid visas, overstayed their visas, plotted against us, and ultimately caused horrendous death and destruction on 9/11.

What do we do about that situation? We need a system of tracking visas of the people who come into the country, tracking when they should be leaving the country, and looking to see if they have exited the country. We need a system which has biometric data associated with it which can track those entrances and those exits.

This sort of system is technologically possible. It is definitely possible to fund and put in place. It is primarily a question of political will.

Unfortunately, even after Congress mandated this multiple times to no effect, even after 9/11 and other terrorist attacks, we haven't mustered the political will to demand to put this in place. If 9/11 wasn't enough, the 9/11 Commission—which we appointed, we put into law and asked them to look at the horrible attack of 9/11 and give us recommendations—made this one of their top recommendations. Their specific recommendation was that “the Department of Homeland Security, properly supported by Congress, should complete as quickly as possible a biometric entry-exit screening system.”

Again, Congress had talked about this years before, starting in 1996. Congress passed that mandate, and Congress repeated that mandate many different times over 17 years, with six additional votes. The 9/11 Commission said the tragedy of 9/11 was, in part, due to our not having that system and, Congress, the administration, you need to get this done. Still that important piece of border security is not in place.

This Vitter amendment No. 1228 is very simple. It will prohibit the implementation of any program granting temporary legal status in this bill or adjusting the legal status of anyone who is presently in our country unlaw-

fully until this US-VISIT system has been fully implemented—full implementation. So no change in anybody's legal status happens until we finally, after decades, implement this US-VISIT system; until we finally, after years, heed the recommendation of the 9/11 Commission; until we finally, decades after 9/11, say this will never happen again.

Also, under my amendment, both Houses of Congress must pass a joint resolution of approval stating, yes, this is fully in place. Because, quite frankly, there isn't sufficient trust of just the administration saying so, some certification from any administration—not just this one but any administration. It has to happen and Congress has to say, yes, that is in place, and then that change in legal status can go forward.

We talk a lot about border security, and, of course, usually we focus on the southern border, for obvious reasons. That is where the numbers are. That is where the greatest flow is. But when it comes to national security, this is a vital component of enforcement. This is a vital component of border security, and so we need to get this right. We need to remember 9/11. We need to heed the recommendation of the 9/11 Commission. It has been since 1996 when Congress mandated this, and we need to make it stick. The only way to make it stick, in the context of this bill, is to demand it is done, it is completed, verified, including by Congress, before any change in legal status happens.

In closing, I also wish to express strong concern and opposition to Leahy amendment No. 1183, which is currently on the floor and up for consideration. That amendment would grant exceptional priority and exceptional favor to particular O and P visa applications, which are generally for renowned professors, researchers, doctors, Oscar winners, entertainers, and performers. It would specifically waive a fee associated with this visa.

I think that is problematic because we depend on all of these fees to fund this system and this enforcement system which we are trying to improve. I find it ironic we would waive this fee for that class of individuals, who are absolutely the most well-heeled and the most capable of paying it. We would give that class of individuals special status and a waiver of a relatively modest fee and, in the process, hurt the funding for the entire enforcement system.

I think that is misguided when we are trying to build up enforcement, when we are trying to get this done and pay for all that enforcement. I think it is misguided to waive this fee for exactly the sort of visa applicants who are most in a position to pay it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, one of the things I have found intriguing, and was glad to hear, was the bill sponsors of S. 744—the comprehensive immigration bill—indicated they had a plan that would move us to a more merit-based system of immigration. They made that promise.

It is something I advocated in 2007. I had the opportunity to meet with the chairman of the Canadian system while in Canada and we talked about their merit-based system. It is a very significant system, a major change in how they handle immigration in Canada. He was very pleased with it. Fundamentally, they sought to admit people into Canada who would have the best chance of being successful in Canada. They can't admit everybody into Canada. No other country I know of has no limit on the number of people who enter. But they wanted to say who could be the most successful, who would do the best, and who should flourish in Canada, so they gave points for people with more education, people who already spoke English, people who had the job skills Canada needs, younger people, and matters such as that. It was designed to serve the Canadian national interest. It has been in place for a number of years now, it actually works, and they are very happy with it.

So when I heard this might be a part of the immigration reform bill, I was pleased. It is important to emphasize, first, that merit-based immigration is separate from the doubling of the guest workers who come in under the bill. Because guest workers come in under other categories. I am referring now to immigrants—people who come to the country with plans to stay permanently. The merit-based system, as I understood it, was to focus on that group and rightly so. The merit-based provisions don't include the temporary workers. They have their own category.

But when I actually review the bill, it is clear this promise of a merit-based system is not met. The promise is not met to any significant degree. It is another example of the promoters of the legislation overpromoting and selling something that is popular, but when one reads the bill, it is not there. So I wish to talk about the legislation and go through it on this particular subject.

The bill is 1,000 pages and deals with quite a lot of issues and each one of them are very important. The merit-based system has had almost no discussion in the process so far and it needs to be discussed. It is the reason, I believe, we would be better off to have brought up pieces of legislation that deal with the characteristics of the people we would like to have enter the

country in the future, to deal with border security, to deal with the visa system, to deal with workplace enforcement, and to deal with internal enforcement, individually and separately.

But, no, we have this monumental 1,000-page bill, with all kinds of things in it. The sponsors say: We have taken care of this problem. We have taken care of border security. We have taken care of the visa system, and, by the way, we have a great plan. The system is going to be merit based now.

The proponents of the legislation have said the bill decreases annual family-based immigration by reducing the cap on family-based visa systems. These are immigrants who come to the country based on relationships with people here. They say: We will reduce that from 226,000 to 161,000. However, the bill actually increases overall family-based immigration by allowing an unlimited number of visas each year for children and spouses of green card holders. It grows the number further by allowing the visas that would have gone to them under the old system to be used by other family-based visa applicants.

The bill also does not change current law, which allows an unlimited number of family-based visas for parents of U.S. citizens each year. One of the largest and fastest growing chain migration categories is parents. According to the Department of Homeland Security yearbook statistics in 2012, 124,210 parents adjusted their status to legal permanent resident through this category.

Canada does the opposite. Canada says it benefits more if they have young people come. They have a full working life, they pay into the pension plans, and that is fine. That works well. But they give less points for older people for the very same reason.

This is a big increase we are seeing there. And the number of merit-based visas pales in comparison to the family-based visas under the bill. So the total number of merit-based visas in this category is much smaller than the family-based visas in this legislation.

For example, the new merits section allows for up to 250,000 a year. These are people who would apply and claim they have certain merit qualities that justify being ranked higher on the list. That is almost exactly the number of petitions that the U.S. Citizenship and Immigration Services currently receives every year in just sibling and married sons and daughters family-based visa category. So the 250,000—the maximum number under the merit system—is almost exactly the same as the number of brothers and sisters and married sons and daughters in the family-based category.

According to the liberal group the Center for American Progress, the annual flow of family-based immigrants will be over 800,000—three times higher than the number of merit-based visas offered each year.

The Migration Policy Institute notes this:

The Senate bill would lift numerical limits and increase the number of permanent visas issued on the basis of nuclear family ties.

The Migration Policy Institute effectively and correctly notes this:

The Senate bill would dramatically expand options for low- and middle-skilled foreign workers to fill year-round longer term jobs and ultimately qualify for permanent residence.

So this is a serious matter. Does the bill move to a merit-based system or does it dramatically expand immigration of low- and middle-skilled foreign workers to fill long-term jobs and move to qualify for permanent residence? I think there is no doubt about it. The Migration Policy Institute is correct in that analysis. It would be so good if we had moved a lot further in the merit-based system, but the bill just doesn't.

The bill's proponents also suggest that the bill reduces chain migration by eliminating siblings—brothers and sisters—and married children categories from the family-based visa system. However, the bill awards points in the new merit-based system to siblings and married children, allowing the same chain migrants to receive merit-based visas ahead of many highly skilled and educated merit-based visa applicants. So what I am saying is that the merit-based system gives points, but it also gives points if you have family here—a lot of points.

Proponents of the bill argue that the merit-based system will ensure that more highly skilled and educated aliens will receive visas because the point system favors education, employment, and English proficiency. However, points are also allocated for nonmerit-based factors, such as family ties, civic involvement, and by virtue of being an alien from a country from which few aliens have emigrated. That is sort of like the former diversity visa. The merit-based visa system favors chain migrants over highly skilled and educated applicants by allocating more points to nonmerit-based factors.

Let's look at it. For example, an alien who wants to apply to the United States who has a college degree, a 4-year bachelor's degree, is given 5 points because they have more education. However, an alien who wants to come to the United States can also receive 5 points for simply being a national of a country from which few aliens have been admitted. Also, an alien who is a sibling of a citizen of the United States would receive the same amount of points as an alien with a master's degree—10 points—and 5 more points than an alien with a college degree. So this brother or sister would also receive more points than an alien with 3 years of experience in an occupation requiring extensive preparation, such as a surgeon.

So what I am saying is that through a backdoor way they claim they have a merit system, but, again, vast advantages are given based on family connections. So we could have two people from Honduras apply to come to the

United States. One was valedictorian of his high school class, has a 4-year college degree, speaks English, and is anxious to come to America and go to work, and the other one dropped out of high school, doesn't speak English, and doesn't even have a high school degree. Well, if that one had a brother in the United States, he would be accepted before the more educated student graduate. I think that is wrong.

In tier 2, a brother or sister of a citizen would receive the same amount of points as an alien lawfully present and employed in the United States in an occupation that requires medium preparation, which can include air traffic controllers, commercial pilots, and registered nurses.

But this is only a fraction of the chain family-based migration that will occur over the next 10 years under this legislation because the 11 million illegal immigrants who are given green cards and even citizenship will be able to bring in their families as well over time, and they can be approved on an expedited basis.

For example, there are an estimated 2.5 million who would benefit under the DREAM Act provisions of the legislation. If they came here as children, they get accelerated process; they will be eligible for citizenship in 5 years. Again, that 2.5 million will be able to bring their parents also. DREAM Act beneficiaries will also be able to bring in an unlimited number—without any count—of parents, spouses, and children, and those spouses, children, and parents will get permanent legal status in an additional 5 years and will be eligible for citizenship in 10.

An estimated 800,000 illegal agricultural workers today would become legal permanent residents, green card holders, in 5 years and will then be eligible to bring in an unlimited number of spouses and children. An estimated 8 million additional illegal immigrants who are here today would be given legal status, including recent arrivals from as late as December of 2011. Millions of visa overstay persons will receive legal status and work authorizations.

These 8 million will be able to bring in their relatives as soon as 10 years from now, and those relatives, over time, will be able to bring in spouses, children, and parents. None of those will come in on a merit-based system. They are not depending on their education. They are not depending on their health. They will just be able to come under the rules that will be set forth in this bill.

There are an estimated 4.5 million aliens awaiting employment and family-based visas under current cap limitations. We have 4.5 million who have applied to come, but there are limits on how many people can come per year under the current law. But large parts of those caps and limits will be completely eliminated under the legislation. So an estimated 4.5 million who are waiting now outside of America for their time to come will be cleared over a period of years, not subject to the

family-based annual cap, thus freeing room for more family-based migration that would be subject to an annual cap.

Over the next decade the bill would legalize well over 30 million applicants. Colleagues, we need to understand that. Under current law, our processes call for the legalization of 1 million people a year. We are the most generous Nation in the world, but you have to know that if this bill passes, we will be giving permanent legal status to 30 million people in the next 10 years. Over 2.5 million of those people would be through the new merit-based system. So out of 30 million, only 2.5 million would be admitted under the merit-based system, and even among those 2.5 million, many will be admitted because they get extra points for being family members.

But there is a larger issue as well. Median income has declined in America since Congress last considered immigration reform. Income in America for working Americans has been declining. I hate to say it, but it is true. I have seen recent statistics. From 1999 to today we have seen an 8-percent reduction in real take-home pay of working Americans. Some say that for the last 30 years we have had a basic erosion of the salary base of working Americans. That is very serious. Yet this bill roughly triples the annual flow of legal immigrants—largely low-skilled legal immigrants, not high-skilled college graduates—and doubles the flow of temporary guest workers, which is an entirely separate group from the one I have been talking about.

Do my colleagues have any concerns about how this will impact the falling incomes of our middle-class American citizens? Has any thought been given to that? Has anybody considered that if we bring in more people than the economy can absorb, this will create unemployment, place people on welfare and dependency, deny men and women the ability to produce an income sufficient to take care of their families, make them dependent on the State because we simply don't have enough jobs? Well, we don't have enough jobs now. That is an absolute fact. We had an increase in unemployment this last month. We had a decline of 8,000 jobs in manufacturing. The bulk of the increases in jobs was in service industries, such as restaurants and bars, and part-time workers.

We have a serious problem, and our colleagues need to be asking themselves, can I justify this kind of huge increase in immigration when we can't find jobs for current Americans? And what about the millions living in poverty today and chronically unemployed? What about the nearly one in two African American teenagers who are unemployed today? They need to get started in the workforce, but if they have to compete against somebody who came here under a work visa program who is 30 years of age who would be glad to work for minimum wage or lower, they don't have a chance to get started.

Can one of the sponsors explain to me the economic justification for adding

four times more guest workers than proposed in the bill in 2007 at a time when more than 4.6 million more Americans are out of work today than in 2007? Can one of the sponsors answer this basic question: How will this legislation protect struggling American workers? How will it help them? Oh, it may help some meatpacker or some large agribusiness. They may get a gain from it. But will it help the millions of middle-class working Americans who need jobs, need pay raises, need to be able to have health care and retirement benefits? I am worried about that. We need to talk about that. Some people are talking about it on the outside, but it is almost not discussed within this Chamber.

Will the flowing of this many new workers raise wages or reduce wages? Will it make it harder for a husband or a wife, a son or a daughter, a grandchild or a granddaughter to get a job at a decent wage? Wages have been going down, unemployment is up—the lowest percentage of people in the workforce in America today since the 1970s. How can we justify this? Somebody needs to talk about it.

We have people who are optimistic. They think we will just bring in millions of people and somehow jobs will accrue, but it doesn't appear to be so.

To whom do we owe our loyalty? To some business that would like to have more labor? Or to the American people who fight our wars, obey our laws, raise their children and pay their taxes to this country—when they are working and can pay taxes? To whom is our loyalty owed? We need to ask those questions.

I appreciate the fact that the Gang of 8 has stated they believe in a merit-based kind of program that would bring in more people and convert our system from low-skilled immigration to a higher skilled immigration. Unfortunately, it makes far too little advancement in that regard. We cannot accept such a meager alteration in our system. Canada went much further toward a merit-based system than we did, and that is what we need to do.

There are a lot of statistics out there that show that an immigrant who comes to America with 2 years of college or more, speaking English, does very well in our country. They tend to flourish, tend to do well financially. They tend to pay more in taxes than they take out. But for those who are less skilled, the opposite is true. It is obvious the Nation should seek to advance its national interest by welcoming more people who have the ability to be successful and flourish in our great country.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Mississippi.

**MR. WICKER.** Mr. President, I rise to continue this debate on one of the great issues of our time, immigration, the bill that is before us. I thank the ranking member Mr. GRASSLEY for allowing me to jump ahead of him in the

schedule. I have a markup in the Armed Services Committee, and I need to get back.

Let me say that in the next few weeks the Senate will have an opportunity to discuss, clearly and resolutely, America's broken immigration system. Part of that means seeking policy solutions that will not only make our country stronger for decades to come but make our country safer going forward. Partisan politics should not derail the pursuit of an honest and good-faith approach to solving national problems, problems such as our broken immigration system. Americans are right to demand better from their elected representatives, and there is merit in allowing this legislation to proceed in an open and transparent manner.

In doing so, we rightfully recognize that there is widespread and bipartisan consensus for lasting immigration reform. That consensus exists in this Chamber and it exists across the country. For that reason yesterday I voted in favor of cloture on this bill and in favor of the motion to proceed. So here we are, about to consider, I hope, amendments that would improve the bill.

We cannot ignore the reality that there are 11 million undocumented immigrants in America today. We cannot dismiss the economic implications of a failed immigration system. Disagreements are part of the legislative process, and we will have disagreements over the next several weeks on this issue. I do not expect our work on this issue to be seamless, I do not expect it to be easy, but robust debate has always been central to the Senate's function and purpose. We would do well to uphold that proud tradition now. Lasting and effective immigration reform requires a willingness to work on issues collaboratively and constructively—and in a bipartisan manner. An issue of this magnitude that touches on so many aspects of our society and economy cannot be done on a solely partisan basis. We must have a wide, large, bipartisan majority for anything that moves out of this body and down to the House.

I am a long-time supporter of reinforcing our borders, of increasing the number of Border Patrol agents and using surveillance technology to prevent illegal immigrants from crossing into our country. I support policies that come with enforcement and accountability, where those who have broken the law face consequences for their wrongdoing. I believe measures to strengthen employment verification are important to making sure American jobs are held by American citizens and by those who live and work in our country legally.

In my view the immigration bill, prepared by a bipartisan Group of 8 and supported by the Judiciary Committee, is a start but it is lacking in many ways, and I cannot support it in its current form. More should be done to

ensure, first and foremost, that our borders are secure. Without this fundamental first step, true reform remains elusive and the problem of illegal immigration will persist.

As we proceed with this bill, I look forward to amendments that would implement a stronger border security strategy, interior security protections, and processes for honest employers to assess employee work rights. A responsible way forward must recognize past failures, and we have certainly seen that—past failures, for example, to secure the border and unfulfilled promises for better enforcement. We need to recognize those failures of the past. A comprehensive plan must include mechanisms to track those who unlawfully overstay their visas just as it seeks to remedy gaps in border security.

Over the course of the past few weeks, Mississippians have contacted my office and spoken to me directly regarding their concerns about whether the bill will offer amnesty; whether it will offer Federal benefits to illegal immigrants. Let me be clear that I will oppose legislation if it grants legal status without penalties or if it issues welfare benefits to individuals who have broken the law to live and work in this country. These individuals should not go to the front of the line, ahead of those who have patiently waited to become Americans.

We are a country of immigrants. Throughout American history people of all nations have recognized the promise of opportunity and freedom in the United States. Legal immigration has sustained and advanced our communities in a positive way. Whether our immigration system is going forward in a way that benefits our society depends on how we act in the coming weeks. I hope we can do so thoughtfully and meaningfully as we seek solutions to a flawed system.

This bill in its current form does not contain the reforms we need. Efforts to amend it should be seen as an opportunity to get a bipartisan consensus of Senators to a "yes" vote. They should not be seen as poison pills or as efforts to hurt the process. This bill serves as a vehicle for continued discussion about the future of U.S. immigration policy. We should welcome this debate, and I do welcome this debate. We should confront the challenges of our day in a way that is deliberative and principled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I suppose when some of us raise a lot of questions about this legislation and point out shortcomings in it that some question our sincerity. When we say we need a piece of legislation, we might be questioned by a lot of people who are listening. That may also sound like we question the sincerity of the Group of 8 when we raise questions about this bill that they worked hard to put together.

I don't question their sincerity, and I do believe that legislation must pass the Senate.

There are those of us who have said for such a long time that the system we have is not satisfactory, we cannot maintain the status quo, and we have to be working for a product. All of us in the Senate are working toward a product. There is a difference of what that product should be in the final analysis.

I continue to come to the floor to raise some questions about, not the intent of the authors, but what I think is the practical effect of the legislation by these authors. I come to the floor today to respond to what my friend, the senior Senator from Arizona, said earlier today on this legislation. He is one of those hard-working Senators who have worked hard, hours I am sure I cannot comprehend, to put together this piece of legislation.

Today that Senator argued that poll after poll shows Americans support a legalization process if—and that is a very important "if"—people pay back taxes, pay a fine, and get at the end of the line, and if we secure the border. I pointed out before that the problem with the legislation before us, as well intended, is that people do not really have to pay back taxes, or a fine, or go to the end of the line, and secure the border. So these polls are being misused if the practical effect of the language in the bill makes it possible that those things may never happen, even though it is well intended that they ought to happen. Nobody disagrees they ought to happen.

I will probably be somewhat repetitive, but I want to remind my colleagues, as I take a few minutes to discuss this, how the authors have tried to sell this particular immigration bill and what I see as false advertising. You see, the American people are being sold a product. In fact that is what politics is, it is a sale of ideas. A political party does not have any reason to exist if it does not have good ideas. Then the idea is to get in a position to put those ideas into effect.

This product is being sold, and I wish it comes out the way they say it does, but I have some questions about that. The American people are being asked to accept a legalization program. In exchange, they would be assured that the laws were going to be enforced. Normally, consumers are able to read the labels of things they are about to purchase. They have to read 1,175 pages to really know what is truly in this bill. Even a quick read of the bill would have many shaking their heads in confusion.

This bill is full of delegations of authority to the Secretary, possibilities for waivers, things of that nature—that really would be well down the road after the President signs legislation that you are really going to know how it is being carried out.

We have all heard the phrase "the devil is in the details." At first the proposal the bipartisan group put forward

sounded reasonable, but we need to examine the fine print and take a closer look at what the bill really does. As I noted yesterday, I thought the framework held hope, but I realize the assurances the Group of 8 made did not really translate when the language of the bill emerged.

They professed that the border would be secured and that people would “earn” their legal status. However, the bill as drafted is legalization first and enforcement later, if at all. So I would like to dive into these details and give a little reality check to those who expect this bill to do exactly what the authors promise.

I have on this chart four points that I would like to make and statements that have been made about this legislation.

No. 1, they say “people will have to pay a penalty” to obtain legal status. The reality is the bill lays out the application procedures, and on page 972 a penalty is imposed on those who apply for registered provisional immigration status. Those are the words in the bill for legalization. We refer to that as RPI. It says those who apply must pay \$1,000 to the Department of Homeland Security.

What is the certainty of getting that \$1,000? For instance, it waives the penalty for anyone under the age of 21. Yet, on the next page, it allows the applicant to pay the penalty in installments. The bill says:

The Secretary shall establish a process for collecting payments . . . that permit the penalty to be paid in periodic installments that shall be completed before the alien may be granted an extension of status.

In effect, this says the applicants have 6 years to pay the penalty. Six years is how long it takes to get RPI status, and at the end of 6 years, they have to extend it.

In addition to the penalty, applicants would pay a processing fee. That level is set by the Secretary. So here we have two instances of excessive delegation of authority to the Secretary. The bill says the Secretary has a discretion to waive the processing fee for any “classes of individuals” she chooses and may limit the maximum fee paid by a family.

The bill doesn’t require everyone to pay a penalty. It doesn’t require anyone to pay it when they apply for legal status. In fact, they may never have to pay a penalty.

No. 2, they say “people have to pay back taxes.” Who is going to argue with the fact that people have to pay back taxes to receive legal status? The reality: Members of the Group of 8 stated over and over again their bill would require undocumented individuals to pay back taxes prior to being granted legal status. However, the bill before us fails to make good on that promise. Proponents of the bill point to a provision of the bill that prohibits people from filing for legal status “unless the applicant has satisfied any applicable federal tax liability.” Doesn’t

that sound right? Absolutely it sounds right. As always, the devil is in the details.

There are two important weaknesses with how the bill defines “applicable federal tax liability.” The first one is: The bill limits the definition to exclude employment taxes, such as for Social Security and Medicare. For a lot of people, that may be the only taxes they pay, but they don’t have to pay Social Security and Medicare taxes.

Second, the bill does not require the payment of all back taxes legally owed. What it requires is the payment of taxes previously assessed by the Internal Revenue Service. Well, there are a lot of problems with the IRS assessing somebody for taxes if they have been in the underground, as an example. In order to assess taxes, it is quite obvious the IRS must first have information on which to base its assessment.

Our tax system is largely a voluntary system, relying on everybody to self-report their income on their tax return. But it also relies on certain third-party reporting, such as wage reporting by employers. That is why we get a W-2 form at the end of every year, so we and the IRS know exactly what we owe and what we paid and so they can figure out what more we might owe or how much we might get back.

If someone has been working unlawfully in this country and working off the books, it is likely that neither an individual return nor a third-party return will even exist; thus, no assessment will exist and no taxes will be paid. Similarly, it is very unlikely any assessment will exist for those who have worked under a false Social Security number and have never filed a tax return. A legal obligation exists to pay taxes on all income from whatever source derived, and nothing in this bill provides a requirement or a mechanism to accomplish this prior to granting legal status.

One of the Group of 8 members in January said:

Shouldn’t citizens have to pay back taxes? We can trace their employment back. It doesn’t take a genius.

While it may be a well-intended statement, it obviously meets the test of common sense, but I showed how difficult it is to make that happen. The other side of the aisle, for instance, is going to argue that establishing a requirement for back taxes owed rather than taxes assessed is unworkable and costly. They will also claim imposing additional tax barriers on this population could prevent undocumented workers and their families from coming forward in the first place.

But the sales pitch has been clear: To get legal status, one has to pay their back taxes. So let me provide a reality check. This bill doesn’t make good on the promises made.

Let’s go to the third item on the chart. “People will have to learn English.” The reality: The bill, as drafted, is supposed to ensure that new

Americans speak a common language. Learning English is a way for new residents to assimilate. This is an issue that is very important to Americans. Immigrants before us made a concerted effort to learn English. The proponents are claiming their bill fulfills this wish.

However, the bill does not require people here unlawfully to learn English before receiving legal status or even a green card. Under section 2101, a person with RPI status who applies for a green card only has to pursue a course of study to achieve an understanding of English and knowledge and understanding of civics.

If the people who gain legal status ever apply for citizenship—and some doubt this will happen to a majority of the undocumented population—they would also have to pass an English proficiency exam, as required under current law. So, yes, after 13 years, one would have to pass an exam, but the bill does very little to ensure that those who come out of the shadows will cherish or use the English language. The reality is English is not as much of a priority for the proponents of this bill as they claim it is.

The fourth thing on the chart: They say “people won’t get public benefits” if they choose to apply for legal status.

The reality: Americans are very compassionate and generous people. Many people can understand providing some legal status to people here illegally, but one major sticking point for those who question the legalization program is the fact that lawbreakers could become eligible for public benefits and taxpayer subsidies.

The authors of the bill understood this. In an attempt to show that those who receive RPI status would not receive taxpayer benefits, they included a provision that prohibited the population from receiving certain benefits. There are two major problems with this point in the bill.

First, those who receive RPI status will be immediately eligible for State and local welfare benefits. For instance, many States offer cash, medical, and food assistance through State-only programs to “lawfully present” individuals.

Second, the bill contains a welfare waiver loophole that could allow those with RPI status to receive Federal welfare dollars. The Obama administration has pushed the envelope by waiving the welfare laws. If this loophole is not closed, they could waive existing law and allow funds provided under the welfare block grant known as Temporary Assistance for Needy Families to be provided to noncitizens.

Senator HATCH had an amendment during committee markup that would prohibit the U.S. Department of HHS from waiving various requirements and the Temporary Assistance for Needy Families Program. His amendment would also prohibit any Federal agency from waiving restrictions on eligibility of immigrants for future public benefits. But the reality check for the

American people is there are loopholes and the potential for public benefits to go to those who are legalized under the bill.

Again, the devil is in the details, and I hope this reality check will encourage proponents of this bill to fix these problems before the bill is passed by the Senate. The American people deserve truth in advertising.

I want to speak about the provision that deals with the commission. Aside from the claims I just gave on the promises to pay taxes, et cetera, one of the authors of the immigration bill before us stated early on that if the Department of Homeland Security has not reached 100 percent awareness and 90 percent apprehension at the southern border within 5 years, the Secretary would lose control of the responsibility and it will be turned over to the border governors to get the job done.

The fact is the border governors and the commission they serve with are not going to have any power, and that is the point I am going to make. There was a lot of talk about how the Secretary would be pushed to fulfill the congressional mandate to secure the border. I pointed out yesterday how this Secretary said: We don't need to secure the border. It is already secured. But at the end of the day, as far as this bill is concerned, the legislative text doesn't match up with the rhetoric.

The border commission created is not made up primarily of border governors, doesn't have any real power, and the Secretary is not held accountable for not getting the job done. Again, it is false advertising.

The bill states that effective control—and those words “effective control” are the legal language in the bill—of the border is the ability to achieve and maintain “persistent surveillance and an effectiveness rate of 90 percent or higher.” It defines the effectiveness rate as “the percentage calculated by dividing the number of apprehensions and turn backs in the sector during a fiscal year by the total number of illegal entries in the sector during such fiscal year.”

First, the bill only states that effective control requires “persistent surveillance.” It does not require 100 percent awareness.

Second, there is nothing in the bill that turns over the issue of border security to border governors if the Department here in Washington, DC, is unable to secure the border. The bill provides for a commission to be created if the Secretary of Homeland Security tells Congress she has not achieved effective control in all border sections during any fiscal year within 5 years. The southern border security commission is then created with the primary responsibility to make recommendations to the Secretary. There will be 10 members of the commission. While border States have a seat at the table, only 4 of the 10 members need to be southern border Governors or ap-

pointed by them. The members are allowed travel expenses and administrative support. They have to have some knowledge and experience in border security.

The commission is required to submit a report to the President, the Secretary, and the Congress with specific recommendations for achieving and maintaining the border security goals established in the bill. The members have 6 months to come up with a plan to achieve what the Secretary failed to do in 5 years.

The bill does not grant the commission any grand or impressive authorities. The bill simply states that the commission shall make recommendations. Nothing in the bill requires that the recommendations be acted upon or implemented by the administration.

The bill provides \$2 billion to the Secretary to carry out the recommendations made by the commission. But, again, there is nothing in this bill requiring the Secretary to take any further action on those recommendations. Why not then give the commission actual authority to enforce border security? Then, if we don't do that, why create the commission at all?

In recent years, we in Congress have become accustomed to outsourcing our work. We have a responsibility to legislate. The executive branch has a responsibility to enact. These are basic tenets of government.

The commission called for in this bill is kind of irrelevant. This administration and any future administration must get the job done, no outsourcing the job to some commission, no excuses. This is so important because we quote these polls, and I refer to the polls the senior Senator from Arizona referenced before he made his remarks. They are all based upon certain propositions. They are well intended, but they do not provide the certainty they are going to be carried out, and legalization is based on that—the same for the polls that say people want the borders secure.

So this commission ought to have some power if the Secretary isn't going to act. But already the Secretary has the responsibility to see that the border is secure. She has testified it is secure, more secure than it has ever been, but I think the facts are that it has not been and we need to do better. For us to sell this bill to the American people, it must be based upon the proposition that the border be secured first and then legalization.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Nevada.

Mr. HELLER. Mr. President, there is very little disagreement about the fact that America's immigration system is broken and in need of reform. For far too long, our immigration system has punished those who come to this country to pursue the American dream and play by the rules while rewarding those who do not respect our laws. As a re-

sult, our Nation is suffering. That is why it is important for this body to have an open and transparent amendment process as we move forward on this immigration reform legislation and try to fix what is broken with our immigration system.

No State feels the impact of this broken immigration system more than my home State of Nevada. Nevada is a top destination for travelers all over the world, and it is an international hub through which tens of millions of people pass each year. Our State benefits from the cultural diversity of Filipino, Cuban, Chinese, and Armenian communities, just to name a few, and we are couched between two States that border the country of Mexico.

Las Vegas is known for McCarran International Airport, which sees tens of millions of international tourists each year and is merely a short drive away from Los Angeles, San Diego, and Phoenix. Nevada's unique location leaves it highly vulnerable to our flawed immigration system and open to the exact same problems faced by other southwestern border States such as Arizona, Texas, California, and New Mexico.

Despite the fact that Nevada is, in many respects, a border State that copes with the exact same immigration problems facing a State such as California, this bill in its current form excludes Nevada from the list of States that are eligible to join the southern border security commission. So my amendment No. 1227 would include Nevada with other southwestern border States whose Governors would comprise the southern border security commission.

This amendment ensures the commission created in the underlying bill is fully representative of issues affecting southern border and Southwestern States. Although Nevada does not touch the southern border, its current demographics and State issues are reflective of other southern border States, and Nevada should have a voice on this commission.

The problems of our immigration system are not simply geographic problems of latitude and longitude. They impact my home State in profound ways. I encourage my colleagues to support this commonsense amendment.

As I have said, this immigration reform legislation is important, and we have an opportunity to provide much needed solutions to the problems with our immigration system. But we must also ensure the bill does not make matters worse by creating more confusion and placing heavier burdens on the economy and on the American people.

My home State of Nevada continues to lead the Nation in high unemployment, bankruptcies, and foreclosures. It is absolutely critical that this immigration bill does not hinder Nevada's already struggling economy.

That is why I filed two amendments, amendment No. 1234 and amendment No. 1235, which will help to safeguard

Nevada's recovering tourism industry in a way that meets our Nation's border security needs.

The bill before us mandates the implementation of an entry-exit system that will include a biometric data system for all ports of entry, including the 10 highest volume airports. The implementation of such a system is long overdue in order to comply with current law, but we can take steps to make sure it does not negatively impact international travel.

While I firmly believe we need to process our visitors both in and out of this country safely and securely, it is also essential that this mandatory exit system not cause increased travel delays for international passengers at high-volume airports such as McCarran International Airport in Las Vegas. So I filed an amendment that will require DHS to submit a report to the Homeland Security and Government Reform Committee within 60 days of the enactment of the underlying bill detailing how DHS intends to implement this biometric exit system.

Requiring DHS to outline its implementation plan will provide the necessary guidance and clarity to airports that will first be required to comply with the system as well as ensuring they provide the necessary staffing at these airports in an effort to minimize the impact on the flow of travelers. Additionally, my amendment No. 1235 will require DHS to create a wait-time reduction goal and increase, as deemed necessary by the Department, the number of Customs and Border Protection officers so airports with high volumes of international travelers can process them in a timely manner.

Under this amendment, DHS will be required to develop a viable plan to reduce wait times by 50 percent at airports with the highest volumes of international travelers. Wait times for international visitors at McCarran International Airport in Las Vegas are already significantly high, largely due to a lack of Customs and Border Protection officers. This amendment will help to alleviate these wait times and to reduce the congestion that is discouraging travel and ultimately hurting our economy.

The underlying bill is far from perfect, but as GEN George Patton famously said, "A good plan executed today is better than a perfect plan executed next week." The amendments I am filing today will increase government transparency and help to make sure this bill does not add more confusion to the immigration process, which would only make the problems with our immigration system worse.

I urge my colleagues to join me in that effort by supporting these amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me start by complimenting the Senator from Nevada on his concerns with re-

gard to staffing at our ports of entry, airports, and seaports. We have similar challenges, even at our land ports in Texas where legitimate commerce and tourism is taking place but which is being inhibited because of hardship or inconvenience on travelers because of a lack of staffing and infrastructure at those ports of entry.

I have come to the floor to talk about an amendment I intend to offer, which I have discussed over the last couple of days, which uses many of the same standards the underlying Gang of 8 bill does. Let me explain.

Of course, the Gang of 8 represents the Republicans and Democrats who came up with the original framework that then was adopted, by and large, by the Judiciary Committee, which is the base bill we are talking about today. But both the Gang of 8 bill and the results amendment which I will introduce call for the Department of Homeland Security to achieve 100 percent situational awareness of the southern border in 10 years. Both the Gang of 8 bill and the RESULTS amendment that I will offer call for the Department of Homeland Security to achieve full operational control of the border, which is defined as a 90-percent apprehension rate of illegal traffic. Both the Gang of 8 bill and the RESULTS amendment which I will offer call for a nationwide E-Verify system or a system of employer verification so we don't have our employers, small and large alike, having to be the police. We can give them a system that will be easily implemented—cards swiped and the like—which will allow them to determine and satisfy themselves that the worker who presents himself or herself for work is legally qualified to work in the United States.

Both the Gang of 8 bill—the underlying bill—and the RESULTS amendment which I will offer call for a biometric entry-exit system at America's largest airports. In other words, rather than a poison pill—if my amendment is a poison pill as some have suggested—then the Gang of 8 bill itself is a poison pill. But neither is true.

The most important difference between my amendment and the Gang of 8 bill is that my amendment has real border security triggers in place while the Gang of 8 bill has no effective trigger that will guarantee implementation of border security standards that reach the gang's own standards of 100 percent situational awareness and a 90-percent apprehension rate.

The Gang of 8 bill endorses many of the same border security standards that my amendment does, but it also authorizes a permanent legalization program for illegal immigrants regardless of whether the United States-Mexico border is ever secured. In other words, it is another promise Congress is making to the American people, but the American people have no way of knowing whether that promise will ever be kept.

As further indication that truly what I am trying to do in my amendment is

consistent with what the Gang of 8 has proposed, here is a quote from the majority whip, Senator DURBIN from Illinois, in January of 2013. He said their bipartisan framework for comprehensive immigration reform—in that bill—a pathway to citizenship needs to be "contingent upon securing the border."

But yesterday, as reported in the National Journal on June 11, Senator DURBIN said the gang has "de-linked the pathway to citizenship and border enforcement."

What my amendment does is restore this contingency which, if the gang's own standards are met—and I believe they will be—will allow people to transition from RPI status—registered provisional immigrant status—to legal permanent residency if they comply with the other requirements of the law.

My amendment would delay permanent legal status until after we have that 100-percent situational awareness along the border and full operational control and nationwide E-Verify and a national biometric entry-exit system at all airports and seaports where Customs and Border Protection are currently deployed.

Some have said my amendment and the standards in my amendment are unattainable or some say it is just too expensive. Let me answer both of those criticisms. If the standards the Gang of 8 has set itself for situational awareness and operational security are unattainable, then why did they embrace those standards in their own bill? Again, the only difference between my amendment and their initial proposal is that my amendment creates a trigger or a contingency requiring that standard to be met before immigrants who qualify for registered provisional immigrant status can transition into a legal permanent residency status.

It has also been claimed by some of our colleagues, who interestingly were speaking without having actually seen language in the bill, that somehow the cost of my amendment is just too high. The fact is this bill appropriates \$8.3 billion to pay into a trust fund that is created by the underlying legislation. On page 872 of the bill, it is called the comprehensive immigration reform trust fund. The initial funding is \$8.3 billion.

If my colleagues will simply read the legislation in my proposal, my amendment, the funding for my amendment comes from that same trust fund and does not appropriate any other additional funds. So I am satisfied by merely reallocating those funds in a way that I believe will help the Department of Homeland Security, help Congress, help the U.S. Government make sure we keep our promises to the American people.

Well, you do not need to take my word for it. The Washington Post recently asked a number of immigration experts whether the goals set out in the Gang of 8 bill and in my amendment are, in fact, attainable. One of them, Asa Hutchinson—a name that is

familiar to many of us because he has served as a Member of Congress, a member of the Drug Enforcement Administration, and as Under Secretary for Border and Transportation Security at the Department of Homeland Security—told the Washington Post that the border security requirements in my amendment are both “reasonable and attainable.” In fact, Hutchinson said my amendment “only requires security measures that are attainable in the near future.”

Another expert, Cato Institute scholar Alex Nowrasteh, who is a strong supporter of the underlying Gang of 8 bill, said my amendment is “very much in the vein of the rest of the bill.” He also affirmed that it would be, indeed, possible for the Federal Government to attain that 90 percent apprehension rate along the southern border.

As for the biometric entry-exit system and the E-Verify requirements, if a nationwide biometric entry-exit system at our airports and seaports is unrealistic, then somebody should have told President Clinton in 1996 when he signed such a requirement into law.

That is really the problem that my amendment is designed to solve. It has been the law of the land that Congress and the Federal Government implement a biometric entry-exit system for people entering our country and leaving our country since 1996, but do you know what. It has never been done.

After the tragedy of 9/11 where 3,000 Americans lost their lives on that terrible day, the 9/11 Commission itself undertook a comprehensive study of how to stop such a terrible tragedy from occurring again. What they recommended, again, is a biometric entry-exit system. But while the biometric entry system is in place—it is just fingerprints on a fingerprint reader; pretty quick, easy technology, relatively cheap—there has been no implementation at the airports and seaports of an exit system, which would tell us when people have entered legally but then have illegally overstayed their visa, which is 40 percent of illegal immigration.

I would just close on this: On the E-Verify component—this, of course, is the employment verification system—if that is unrealistic, than somebody should have told our friends on the Gang of 8 because the E-Verify language in their bill is identical with my amendment.

But here is the bottom line and the reality: Without a border security trigger, immigration reform will be dead on arrival in the House of Representatives. My amendment provides such a trigger. The Gang of 8 bill does not. That does not mean my amendment is a full-scale alternative to the Gang of 8 bill. But it does mean my amendment is essential to moving this legislation forward and to getting an outcome that ultimately will end up on the President's desk.

I believe we should try to do our best to improve this underlying bill. My

amendment is in that spirit because I do believe that the status quo is simply unacceptable, as I believe almost virtually all of our colleagues do. If we do not guarantee results on border security, particularly at a time when skepticism about Washington is at an all-time high, we guarantee the failure of bipartisan immigration reform, and that would be a tragedy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, thank you, and I thank my colleague from Texas for his specifics there, and I know he is trying to make the bill a better bill. I have to say, as I understand it, this is the very same amendment that was defeated in committee. It was defeated by a bipartisan vote of 12 to 6. It was defeated for two reasons.

Let me take a step back. The two reasons are, one, its cost goes through the roof, and there is no way to pay for it in the Cornyn amendment. It is estimated it could be, in the original amendment, as much as \$25 billion. Now, maybe the number of border agents was reduced. I do not know if my colleague has done that, but that is a huge expense, and an unnecessary expense because our bill, the proposal that is before us, does a huge amount on border security for much lower cost. Mr. President, \$25 billion is a lot of money.

Second, we do have triggers in our bill, but they are achievable and specific because this bill is a careful compromise. We want to do two things. We want to have border security, absolutely. I have always said a watch word of this bill is that the American people will be fair and have a commonsense approach to both future legal immigration and the 11 million who are living here in the shadows provided, and only provided, we prevent future waves of illegal immigration.

We do that in three ways. One is the E-Verify system. We both agree that should be in place before there is a path to citizenship. One is fixing up exit-entry. The way my colleague has fixed up exit-entry, it could take 20 or 25 years before it is in place. We cannot, should not, and will not tell those who have waited in the shadows for so long that they should wait for 25 years. Those are the estimates. We can do this on the ports and in the air, but we need a better system, which we have worked on, for land entry.

Finally, at the border itself, we have put a large amount of money in there. We have been guided by Senators MCCAIN and FLAKE—because the Arizona border has more people passing through it than any other—as to what we should do.

We emphasized the ability to put in new technologies—drones that can track everybody who crosses the border and track them on land. We do it for a lot less money. But, unfortunately, one of the triggers that my colleague, my good friend from Texas, has put in

place would make a path to citizenship—even if all the other metrics were put in place—iffy, possibly yes, possibly no. That is unacceptable. We need to do both.

Should there be a new person who comes into office, should there be a different Senate, a different House, under the proposal of my colleague from Texas, not one single person could achieve citizenship, even if we had improved the border in many different ways.

So I would say to my colleagues, we certainly want to improve the border, but we cannot improve that border and put in place triggers that are not specific and achievable. We can measure whether there are 20 drones at the border. We can measure whether we have X miles of fence. But if we say, then, that it has to be at this certain rate every year, we are taking away that path to citizenship, through no fault of those who have tried to implement tougher border security.

So I say to my colleague, we cannot accept his amendment, plain and simple. We welcome proposals on border security. I know there are many on the other side. I have spoken to four or five who are working on those proposals, but the very same amendment, the very same proposal that was defeated in committee by a bipartisan vote of 12 to 6 is not going to revitalize an immigration bill, which has plenty of life already. It is not going to strengthen a bill. It could indeed kill it.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. So I would urge that we go back to the drawing boards. If the Senator from Texas has a different proposal, obviously, I would look at it. This one is, unfortunately, one that we have tried, rejected, and will not lead to either comprehensive immigration reform in the broader sense or a path to citizenship in the most immediate sense.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am happy to allow a colloquy between the two Senators—questions or otherwise—but I have a consent request that Senator GRASSLEY and I have been waiting to do for some time. So when we complete our work, I would hope the two Senators would engage in whatever conversation they want. I have also been told that perhaps Senator LEAHY, the manager of this bill, may want to say something.

So, Mr. President, I ask unanimous consent that the following amendments be in order to be called up before the Senate: Thune No. 1197, Vitter No. 1228, Landrieu No. 1222, and Tester No. 1198; that the time until 4:30 p.m. be equally divided between the two managers or their designees for debate on these amendments and the Grassley amendment No. 1195; that at 4:30 p.m.

the Senate proceed to vote in relation to the Grassley amendment; that upon disposition of the Grassley amendment, the Senate proceed to vote on the four amendments in this agreement in the order listed; that there be no second-degree amendments in order prior to the votes; that all five amendments be subject to a 60-affirmative vote threshold; that there be 2 minutes equally divided in between the votes, and all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Is there objection to this request?

Mr. GRASSLEY. I object.

Mr. REID. It is my understanding—

Mr. GRASSLEY. Will the Senator yield?

Mr. REID. Yes. My friend has a consent request I understand he wants to propose.

Mr. GRASSLEY. I ask unanimous consent that the pending Grassley amendment be set aside and the following amendments be in order to be called up: Thune No. 1197, Vitter No. 1228, Landrieu No. 1222, and Tester No. 1198; that the time until 4 p.m. be equally divided between the managers or their designees for debate in relation to the pending Grassley amendment No. 1195 and the pending Leahy amendment No. 1183; further, I ask that at 4 p.m. the Senate proceed to vote in relation to the Grassley amendment; that upon disposition of the Grassley amendment, the Senate proceed to vote in relation to the Leahy amendment; that there be no second-degree amendments in order prior to the votes; that there be 2 minutes equally divided in between the votes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I am somewhat surprised at this request. How many times have we heard the Republican leader say on this floor and publicly that the new reality in the Senate is 60? So I just thought I was following the direction of the Republican leader. This is what he said. That is why we are having 60 votes on virtually everything. And with this bill—with this bill—no one can in any way suggest this bill is not important and these amendments are not important.

So I care a great deal about my friend, the ranking member of this committee, but I object.

The PRESIDING OFFICER. Objection is heard to both requests.

Mr. LEAHY. Mr. President, will the Senator from Nevada yield to me?

Mr. GRASSLEY. Will the Senator yield to me?

Mr. REID. Yes.

Mr. GRASSLEY. Well, it is amazing to me that the majority has touted this immigration bill process as one that is open and regular order. But right out of the box, right now, just on the third day, they want to subject our amendments to a filibuster-like 60-vote threshold. So I have to ask, who is obstructing now?

There is no reason, particularly in this first week at the beginning of the

process, to be blocking our amendments with a 60-vote margin as required when you suppose there is a filibuster.

Let's at least start out with regular order; otherwise, it really looks as if the fix is in and the bill is rigged to pass basically as it is.

Bottom line: You should have seen how the 18 members of the Judiciary Committee operated for 5 or 6 days over a 2-week period of time. Everything was open. Everything was transparent. There was complete cooperation between the majority and the minority. There is no reason we cannot do that out here in the Senate right now, particularly at the beginning. This is a very provocative act.

Mr. REID. Mr. President, a provocative act? If my friend is so interested in regular order, why have we waited 3 months to go to conference on the budget? On the budget. That is regular order. Now, suddenly, when it works to their advantage, I guess, they want to do away with the McConnell rule. What is the McConnell rule? Sixty votes on everything.

Mr. LEAHY. Mr. President, if the Senator would yield on that point, I was privileged in my capacity as President pro tempore to speak to the graduating class of pages, the group of pages who graduated just ahead of the distinguished group we have here now. There had been discussion about immigration coming up. Then the distinguished Republican leader spoke and went on at great length to the pages about how these important issues must have 60 votes on everything, must have 60 votes on amendments and so forth. I am sure the distinguished Senator from Kentucky would confirm that is what he said. There were 100-and-some-odd people in the room who heard him say it. And here we have offered—the distinguished majority leader has offered to have three Republican votes and two votes by Democratic Senators, all under exactly the same rule, the rule Senator McConnell proposed.

We have talked and given great speeches that we have all given time and time again both in the committee and on the floor. I would like to have votes on something so we can finish this because, frankly, given my choice of spending the Fourth of July week in Washington—salubrious as the weather is—or being in Vermont for the Fourth of July, I would much rather be in Vermont.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I still have the floor. I am sorry we have had this disagreement, but I would say to everybody that there are other ways of having simple-majority votes. If there is an objection to this, we will have to go to that.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would note that Senator GRASSLEY just offered in a few minutes to commence voting on two

amendments in the normal way we proceed. I think that was a very reasonable request. We have to be careful. These amendments represent important changes to a historic piece of legislation. We cannot just throw up a bunch of amendments here at the beginning, when people have not had time to digest them. So I think that as we proceed, we are going to need to be sure that it is not some situation where people are bringing up an amendment and it has to be voted on an hour or so later. People have not had time to fully digest it. I think the offer by Senator GRASSLEY is very reasonable.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, while the Senator from New York is still here, I would like to respond briefly and in a nonconfrontational way. But I would hope that on something as important as this, we are all operating from the same facts and not based on erroneous information or erroneous assumptions.

First of all, my understanding is the Congressional Budget Office has not scored the underlying bill. As I said earlier, on page 872 of this bill, a comprehensive immigration reform trust fund is created, and \$8.3 billion is transferred into that trust fund. My amendment uses the same money the underlying bill does to fund the requirements of my amendment.

This notion that somehow having a biometric entry-exit system costs \$25 billion is completely detached from any factual information I am aware of. My staff informs me, based on our best estimate, that a biometric entry-exit system at airports and at seaports would cost roughly \$80 million a year. We are more than happy to share that information with our colleagues and have them take a look at it.

Further, I know there has been an assumption that somehow there has been a figure of 10,000 new Border Patrol agents mandated in my amendment. That is an incorrect reading of it. The underlying bill calls for 3,500. We plus that up, we do, by not only Border Patrol but also customs and border agents to help facilitate the flow of legal commerce across Arizona, Texas borders, and elsewhere, which creates about 6 million jobs in America.

So I do not mind us having a disagreement about policy. We are used to that. That is fine. I think some of these claims about extravagant expenses are not borne out by the facts. We would actually rely upon the same money that the trust fund created by the underlying bill does.

I would yield to my friend from Arizona.

Mr. MCCAIN. I would ask my friend from Texas, if you are adding additional either Border Patrol or Customs agents in addition to what is already in the underlying bill, where does your money come from? We are talking about personnel costs that are incredibly expensive. So I would ask him

where the money comes from if there is not additional cost. He would have to take it from someplace else.

Mr. CORNYN. If I can respond to my friend, it comes from the same trust fund the underlying bill uses. It reallocates the money and does put some more money toward personnel. One of the problems is that there is so much that technology can do. I am excited about the prospects of technology when it comes to 100-percent situational awareness and allowing the Border Patrol to do a good job. But you have to have border patrol who show up and detain people when they come across illegally. My State has the longest border with Mexico—1,200 miles. Arizona has its own challenges. We have our challenges as well. So we do need more personnel.

But the part that I would think is sort of baked into the underlying bill is that we also need to separate the legal commerce and tourism that is beneficial to both sides of the border. That is part of why the Customs agents who are included in my amendment are also there as well, the theory being—I think it is a good one—if you identify legitimate commerce and beneficial tourism and separate that from the bad guys, then law enforcement can focus more on the bad guys. That is what my amendment attempts to do. It is no additional money.

Mr. MCCAIN. You are adding personnel into your version of the bill. The money has to come from somewhere. Where is it coming from? You are saying it is “reallocated.” From where is it reallocated?

Mr. CORNYN. It comes in the same trust fund that is created on page 872 of the bill.

Mr. MCCAIN. There is a finite amount of money that is authorized. If the Senator takes money from one and adds money one place, it has to come from someplace else. That is simply first grade mathematics. I think it is incredible that the Senator should stand there and say: Yeah, we are adding these thousands of personnel, but there is no additional cost. That is not possible.

Mr. CORNYN. If I can explain to the Senator from Arizona, this is the trust fund created by the underlying bill on page 872.

Mr. MCCAIN. With a finite amount of money in it.

Mr. CORNYN. It is \$8.3 billion. They allocate some of that money for the purposes set out in the underlying bill. My amendment reallocates some of that same trust fund for other purposes, including additional personnel. There is no additional money. This is an appropriation made in the underlying bill. So I think it is a misunderstanding of what my amendment is.

Mr. SCHUMER. How many extra personnel does he ask for in his amendment?

Mr. CORNYN. The underlying bill calls for 3,500. We ask for a plus-up of another 6,500.

Mr. SCHUMER. Mr. President, it is quite arguable that the entire trust fund is used up by those 6,500. That would mean no drones. That would mean no helicopters. That would mean none of the other things. It may mean no fencing that we add to the border. So my colleague from Arizona is exactly correct.

The cost here—my good friend from his side of the aisle, Senator GRAHAM, estimated this morning that the total cost would be \$18 billion. I think if you add a type of land-based exit-entry, it goes up another \$7, \$8 billion. We do not have that kind of money.

So I would suggest to my colleague that if he wants to add 10,000 Border Patrol—which most experts have told us will not do close to as good a job as the drones and the helicopters and the more mobile assets. And the reason is very simple. He knows as well as I do. He knows the border better than I do. We do not have roads on most of the border. What is Border Patrol going to do? There are no roads. They are impassable. A drone flying 10,000 feet above can see every person who crosses the border, track them inland, and if they go to a gathering point 25 miles inland, they pick them up there.

So the bottom line is that not only is the cost of this amendment probably exceeding the trust fund by itself, but it will take a highly efficient way of preventing people from crossing the border and replace it with an inefficient way that no experts I have talked to—again, maybe my colleague has—no expert I have talked to says the best way to control people from crossing the border illegally—which I desperately want to do—works better with a huge amount of personnel, unallocated. We do not even know—if I ask my colleague where they are going to be assigned, which sector, where they are going to work, I bet there is no answer to that.

The bottom line is very simple. We have carefully thought this through. We think we have maximized the effectiveness for about one-third of the money our colleague is talking about. It is only one of many reasons this amendment was defeated by a bipartisan group, a majority in committee.

So let's move on. Let's move on. Let's look at how we can make the border more secure. I am open to that. But this amendment, as I said, for a variety of reasons is a nonstarter.

Mr. CORNYN. Mr. President, what is this—the third day this bill has been on the floor? There has been no scoring of the bill by the Congressional Budget Office, so no one knows what the official scorekeeper of the Congress has to say about this bill. But I would say that my amendment does not appropriate any additional money other than the money in the bill. Indeed, this leaves it up to the Department of Homeland Security within 120 days to render a plan, and then under the underlying bill, you can transition after 10 years from RPI status—registered

provisional immigrant—to legal permanent resident by substantial completion of a plan we do not know anything about.

I mean, I do not think we are the experts in how exactly this should be done. I would hope that technology, which I think is fantastic—what answers that may provide to us 10 years hence in terms of how to accomplish the goals. But to suggest that somehow this legislation, which I have complimented on numerous occasions that it represents a substantial step in the right direction—to say that we cannot touch it, we cannot change it because eight Senators got together and decided what it should be, is preposterous. That is exactly what we are supposed to do. We ought to have a regular process to debate it and vote on it. But we should not be sort of suggesting “been there, done that; you had your shot in committee” and then not allow this process to move forward.

I do not think we are all that far apart if we will stick to the facts and stick to the text of the bill. But we should not make things up, particularly on the order of \$25 billion. I do not know where that came from. I know there was a suggestion that my amendment called for 10,000 new Border Patrol agents. That is not in the bill. So let's stick to the facts.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I would just say this: No, 1, this amendment—we are only on the third day of the bill. I have said over and over that I welcome suggestions on how to improve the bill. No one says the bill by the Gang of 8 is exactly right. In fact, as Senator LEAHY well knows—our chairman of the Judiciary Committee—we accepted a large number of amendments, many of which came from the other side, in committee. We will do the same thing here. But this particular amendment is not 3 days old.

Mr. MCCAIN. Will the Senator yield? Is it not true that whether or not it has been scored by CBO, the legislation calls for the expenditure of certain amounts of money—in other words, about \$6.2 billion, I believe? So if it calls for the expenditure of a certain amount of money and it designates what that money is for, and if you are going to add thousands of Border Patrol agents onto it, then it seems logical that is going to cost more money.

Mr. SCHUMER. It is hard to refute the logic of my friend from Arizona.

Mr. MCCAIN. May I finish my question? Is it not true that we have said: Look, we welcome any suggestion to improve the bill.

I would say respectfully to my friend from Texas it is not true that this is written in golden tablets. In fact, the Senator from Ohio, who is coming here, is going to have some suggestions for improvements on the exit-entry visa, which I think will make the bill much better.

Isn't it true that somehow to allege that we said there could be no changes is patently false?

Third, isn't it true this amendment would break the agreement that was a hard-fought agreement? We are willing to compromise and make agreements in certain areas but not to a bill that billions and billions of dollars are added to, especially in the area of personnel, when we have gone from 4,000 members of the Border Patrol several years ago to 21,000. We are adding National Guard to the border.

Personnel is not the challenge, whether it be the Texas border or the Arizona border, what the challenge is, is to use the technology that is existing so we can surveil and intercept. That is what this bill is all about; is that true?

Mr. SCHUMER. I thank my colleague for those questions, and they are all pretty obvious.

No. 1, we have costed this out. CBO will judge whether we are correct. We have made the bill revenue neutral. In fact, we have a slight surplus. The huge cost of 6,500 border agents without any allocation where they would go—do you know what. If this were another bill, my colleague from Texas and all of his colleagues would say we are wasting billions of dollars with no plan. He is exactly right on that point.

On the second point, I have said, until I am blue in the face, sometimes from some criticism from some of the people who are my allies out there, that I am willing to look at changes in this bill. It is so unfair and patently false to say any one of the Group of 8 said we can't change the bill. We welcome changes to improve it. What happened in committee proves that.

The third point, I would say to my colleague, the way the Senator from Texas constructs the trigger, there will be no one who will ever achieve a path to citizenship because he leaves out turnbacks. If we don't have turnbacks—the 90 percent causes us trouble even with the way it was done in other areas, with other suggestions. If we leave out turnbacks, people who are turned back or caught, and we say go home, we will never get to 90 percent.

To say the proposal of the Senator from Texas allows a path to citizenship—it makes it virtually impossible. Therefore, again, I would say I wish to improve border security. I am open to suggestions. I wish to improve this bill in every area. I know my colleague from Arizona, my colleague from Colorado, my colleague from Illinois, the rest of us welcome that, and we have shown it time and time again.

This amendment, I don't think, advances moving the bill forward. It doesn't work on border security because of its expense, its lack of specificity, and it is taking away the very technology we need. It doesn't create a path to citizenship in any way. It doesn't allow one.

Finally, its cost is through the roof. Whatever CBO says, 6,500 new border

agents is a multibillion-dollar proposition, unpaid for. I know my colleagues on the other side rue the day when we vote for unpaid-for obligations.

Mr. LEAHY. Will the Senator yield for a question?

Mr. SCHUMER. I yield to the Senator from Vermont.

Mr. LEAHY. There has been some discussion about whether this might be a closed thing, and the eight Senators came together on this and did a tremendous job. There were four Democrats and four Republicans putting it together. They were saying it was closed. Isn't it true that when the bill came to the Judiciary Committee, isn't it true there were 301 amendments filed in the committee?

Mr. SCHUMER. That is exactly the right number, as I recall.

Mr. LEAHY. Isn't it true that 136 of those amendments were then adopted?

Mr. SCHUMER. My count is exactly the same.

Mr. LEAHY. Forty-nine of those amendments were proposed by Republicans; is that not correct?

Mr. SCHUMER. We are so proud of that fact, Mr. Chairman.

Mr. LEAHY. Isn't it possible to say that of the eight Senators we have talked about, four of them, two Democrats and two Republicans, serve on the Judiciary Committee? They were helpful in voting for most of these changes that were changes to the original; is that not correct?

Mr. SCHUMER. I agree. That is the right count. There were four of us there, and we did just as the chairman said.

Mr. SESSIONS. Would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from New York controls the floor.

Mr. LEAHY. To finish putting my question to the Senator from New York, I wish to make sure, because I thought I heard some comment that this was a closed process, and I appreciate that the Senator from New York agreed it was anything but.

Mr. MCCAIN. May I be recognized.

Mr. SCHUMER. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. The Senator from Ohio is working on E-Verify. I think he has come up with some very good ideas on how we can improve a vital part of the bill; that is, verification of someone who applies for a job. That is the magnet that draws people across the border.

Again, we look forward to those kinds of improvements and many other suggestions that have been made.

How you can manufacture 3,500 new personnel and say it doesn't add to the cost and it will be reallocated, I want to know where it has been reallocated from.

Mr. SCHUMER. I thank my colleague, and I agree with the sentiments.

I reiterate one final point. The Cornyn amendment, as proposed, asks for a 90-percent success rate in terms of effectiveness on the border, but it eliminates the turnback part of it.

That would mean now that it would be virtually impossible to get to that 90 percent 1 year from now, 5 years from now, 10 years from now, because one of the most effective things we do on the border is turn people back. We don't catch them after they cross the border. They get up to the border, we find them when they get to the border and say go home.

It fails on both counts. It has been debated. It has been studied.

I would plead with my colleagues who want more border security: Let's move on.

The Senator from Utah has amendments on taxes and on benefits. The Senator from Ohio has amendments on E-Verify. Many of my colleagues have amendments on many other issues. We are open to debate and discussion on the core principles that the eight of us agreed to. That is an agreement among the eight of us, and the rest of you can disagree with that—we think most of you will agree with those core principles. So be it. Aside from the basic core of the bill, we welcome changes, suggestions, and improvements. We look forward to a healthy debate.

To bring up an amendment that has been rejected and basically turns things on its head, because there will be no path to citizenship for anybody, and because you are just sort of, if you will, with all due respect, throwing money at a problem without specificity as to where the money goes, that doesn't move the debate forward.

Mr. MCCAIN. Will the Senator yield for one more question?

Mr. SCHUMER. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I hope the Senator from New York understands what the Chief of the Border Patrol said on this issue of 90 percent effectiveness. We are going to hear this over and over.

In a hearing on February 26, 2013, at a House Homeland Security Committee hearing, the Chief of the Border Patrol—not the Secretary of Homeland Security—said:

First of all, 90 percent wouldn't really make sense everywhere. . . . We put 90 percent as a goal because there are sections along the border where we have not only achieved, we've been able to sustain 90 percent effectiveness. So it's a realistic goal but I wouldn't necessarily and just arbitrarily say 90 percent is across the board because there are other locations where there is a lot less activity and there won't be a lot of activity because of terrain features, for instance.

So where it makes sense we want to go ahead and start parsing that out within those corridors and within those specific sectors.

That is why we think that what we came up with in this legislation is effective control, 100 percent surveillance, and the use of technology, which

I am confident will give us a border that all Americans can be happy with. No border is ever going to be sealed. Anybody who stands in this body and says if you want to hire 10,000, 20,000 or 50,000 more Border Patrol agents, you still aren't going to secure the border completely.

We can have effective control of that border, we can have 100 percent surveillance, and we can get the border to the point where American people can have confidence in it while we move forward with the rest of the legislation.

I thank my colleague.

Mr. SCHUMER. I thank my colleague.

Reclaiming the floor for a brief minute, I know my colleague from Utah has been offered time to speak on his proposal, so I don't want to take too much more time.

I wish to say once again that we welcome suggestions. The Senator from Arizona is right. We carefully looked at the border. This wasn't fly-by-night. Every one of us, certainly not only myself, wants to see that border as secure as possible.

It so happens that 6,500 more Border Patrol agents, if you asked the experts, they wouldn't know what to do with them. Large sections of the border have no roads, have no way to station Border Patrol agents there; whereas, helicopters, drones, and mobile forces work.

It was my colleague from Arizona who actually taught me that on a trip to the border. He used his military expertise to help us figure out the most effective way to seal the border effectively.

When I hear of the amendment from my colleague from Texas, I don't get what the logic is behind it, frankly. I certainly don't get the logic on his trigger.

It is fair if we want to make sure the border is secure, but if we use triggers—as some might, and I am not saying that my colleague from Texas intended that—but if triggers become a way to avoid a path to citizenship—without saying directly I want to avoid a path to citizenship because I don't want to vote for it—that is not going to work and we will not move forward.

This Nation desperately needs us to move forward as Democrats and Republicans together. Let's continue the bipartisan spirit we have had. Let us move forward together to make this bill better, make our country proud of us, and keep America the leading power economically and every other way.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. May I ask unanimous consent to ask that the Senator from Ohio, without losing my right to the floor, if he has something he wanted to do—I didn't mean to jump in front of him, but I was told I could appear here at 4 o'clock.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. The ranking member of the Finance Committee, member of the Judiciary Committee, I was told I could speak even before that, but then the majority leader came out to the floor to do some important business, and I was put back. I have about 5 or 10 minutes in which I would like to talk about E-Verify, as indicated earlier, and border security.

I would defer to my colleague as long as my other colleagues would allow me to speak after that.

Mr. HATCH. I thank my friend from Ohio. I am happy to proceed. I appreciate that.

I would ask unanimous consent that the Senator from Ohio may speak and give his remarks immediately following mine.

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

The Senator from Utah.

Mr. HATCH. Mr. President, I wish to take some time today to talk about immigration before us, its flaws, and what needs to be done to fix it.

I first wish to note that I voted in favor of reporting this legislation out of the Senate Judiciary Committee. I worked in good faith with my colleagues to secure the inclusion of provisions addressing things such as high-skilled immigration and a new agricultural visa program. Indeed, throughout the Judiciary Committee process, I was a willing negotiator on many important issues surrounding this bill. In general, I am in favor of immigration reform, and I wish to see this bill succeed.

I also wish to commend my colleagues for their work on this legislation so far. Up to now, I think that process has been fair. It has been transparent, and, I believe, bipartisan. I hope that will continue now that the bill is on the floor.

It is important we continue to work on a bipartisan basis because the bill is far from perfect. One can't look at it without knowing that. In my view, there are a number of issues that need to be addressed before this legislation is ready for final passage.

During the Judiciary Committee's consideration of S. 744, I introduced four amendments on issues that fall under the jurisdiction of the Senate Finance Committee. At that time I stated that my continued support for the bill is contingent on whether those issues were addressed before final passage. Today I will file similar amendments here on the floor, with the hope I can work with my colleagues to address these concerns.

I want to say upfront that, despite what will likely be several claims to the contrary, these are not poison pill amendments. I have no desire to weaken the bill or to threaten its prospects for final passage. Indeed, I think my four amendments will make it easier to pass the bill with strong bipartisan support, not only here but in the House.

Senator RUBIO, a member of the Gang of 8, is a cosponsor on these amend-

ments. I appreciate his willingness to work with me on these important issues. He has been the one singular person, in my opinion, who has had an open mind and has been willing to work on these issues with both sides. He deserves a lot of credit for this bill, but he knows it is not perfect, he knows it is not there yet. I know he wants to do the right thing. I can only hope other proponents of this legislation will be willing to do the same.

Each of my amendments is designed to ensure illegal immigrants applying for a change in status are not awarded special privileges and benefits under the law. I don't want to punish these immigrants, I simply want to make sure they are treated no better or worse than U.S. citizens and resident aliens with respect to Federal benefits and taxes.

Let me take a few minutes to describe each of my amendments.

My first amendment is designed to ensure compliance with Federal welfare and public benefits law. As we all know, last July, during the height of the Presidential campaign, the Department of Health and Human Services issued an information memo to States allowing them to waive Federal welfare work requirements. We now know that HHS attorneys have concluded the HHS Secretary has the authority to waive almost any prohibitions on Federal welfare spending that exist under current law—certainly a false interpretation.

Under a longstanding provision of Federal welfare law, noncitizens are banned from receiving cash welfare assistance for their first 5 years in this country. Under S. 744, that 5-year ban is extended to registered provisional immigrants, or RPIs, and blue card holders. However, under current interpretations of the law by HHS, the Department could choose at any time to ignore this restriction and offer welfare benefits to these groups of noncitizens. My amendment would simply clarify the law to make clear the Obama administration does not have the authority to allow States to waive these longstanding restrictions and ensures welfare benefits are not offered to noncitizens as a result of this bill.

As I stated, this is not punitive. This is not designed to punish any illegal immigrant seeking a change in status. It is, instead, designed to preserve the balance that exists under current welfare law.

Some critics of the underlying bill have claimed it will allow illegal immigrants to receive welfare benefits, and when you couple the bill with HHS's recently claimed waiver authority, these critics actually have a point. My amendment would protect the bill from this type of criticism. That is a step in the right direction. I think it will bring people onto the bill.

Let me make one thing clear: No one who is currently eligible to receive welfare benefits will be denied them as a result of this amendment. Instead,

this amendment does something we should have done long ago, which is to assert the prerogatives of the Congress in the face of executive overreach. There is no question that with its information memo permitting States to waive Federal welfare work requirements the Obama administration overstepped its statutory authority. We now know officials in the administration were working through ways to circumvent key features of welfare reform for years, including how and on whom Federal welfare dollars can be spent. So we know they believe they can allow States to spend Federal welfare dollars on noncitizens, and I don't think it is far-fetched to conclude that at some point they will allow States to spend Federal welfare dollars on noncitizens.

Congress needs to act to prevent this and future administrations from engaging in this type of overreach. That is the purpose of my amendment.

My second amendment would apply a 5-year waiting period for immigrants to become eligible for tax credits and cost-sharing subsidies under the Affordable Care Act—or the so-called Affordable Care Act. Under current Federal law, most lawful permanent residents or green card holders must wait 5 years before they are eligible for most means-tested benefits, including Medicaid and TANF—the Temporary Assistance for Needy Families. However, the bill does not apply this 5-year waiting period to the premium credits and subsidies offered under the Affordable Care Act.

True enough, the bill does not allow RPIs and blue card holders to access these benefits. But once they become lawful permanent residents, they can access them immediately. This is a serious oversight that essentially creates a carve-out for the Affordable Care Act and a huge expense to this government. My amendment would correct this oversight and put the Affordable Care Act subsidies in the same class as other Federal benefits.

This is only fair. After all, even those who were U.S. citizens at the time the health law was passed have had to wait nearly 5 years for the law to go into effect so they could access these credits and subsidies. Those who would, under this bill, be placed on a path to citizenship should be required to do the same.

The amendment also prevents nonimmigrants who are not on any path to citizenship from accessing these benefits. My gosh, anybody in this body should want that. Under the bill, a ban on Affordable Care Act benefits is applied only to RPIs and blue card holders but not to nonimmigrants. My amendment would extend the ban to nonimmigrants.

Let me repeat that. Under the bill, a ban on Affordable Care Act benefits is applied to only RPIs and blue card holders but not to nonimmigrants. My amendment would extend the ban to nonimmigrants.

Once again, my goal with this amendment is not to punish any immi-

grant applicants or deny them benefits they might be entitled to under the law. I simply want to ensure we are not creating a new class of people with special access to Federal benefits. We can prevent that by imposing the same waiting period on Affordable Care Act subsidies we place on other federally means-tested benefits.

My third amendment would help to preserve the Social Security system. Under current law, for a worker to be eligible for Social Security benefits they must be classified as “fully insured” or “permanently insured.” To be become insured, a worker accrues quarters of coverage during the years they work in the United States. S. 744 is unclear as to whether it would allow an illegal immigrant who obtains a change in status to claim years of unauthorized employment to determine their eligibility for Social Security benefits.

Indeed, this bill is entirely silent on this matter. Once again, this is a glaring oversight in the legislation that needs to be rectified in order to preserve the integrity of the Social Security system. My amendment makes it clear no periods of unauthorized employment can be counted in an employee's quarters of coverage and, thus, they cannot be used to determine eligibility for Social Security.

This is not a matter that can be simply overlooked. If someone was not authorized to work in this country but made the calculated decision to work anyway, using a made-up or stolen Social Security number or if someone overstayed their visa and worked anyway, they should not have been working and paying into the Social Security system. Consequently, they are ineligible for benefits until they become citizens.

Once again, there is nothing punitive involved with this amendment. It only ensures we do not reward past unlawful activities. Once they are lawful, under this bill, they can participate but not for past unlawful activities. That is like rewarding people for doing wrong and disobeying our laws and ignoring the obligations that come with living in the United States of America. And it is a punch in the face to every law-abiding citizen who has been making these payments. The amendment provides the fairest and most workable path forward.

My fourth and final amendment is the one that has garnered the most attention, as it should, in some ways. I think all three of these amendments have been very important and will be very important in this debate, and I am certainly hoping my colleagues on the other side will recognize that and help to pass them. But this fourth amendment would modify provisions in the bill relating to back taxes to include all income and employment taxes owed by immigrant applicants.

For the past few months, proponents of this legislation, including members of the so-called Gang of 8, have been

claiming that, as a condition of being put on a path to citizenship, illegal immigrants will be required to pay back taxes. This claim was repeated in the Halls of Congress, on Sunday morning talk shows, and in casual conversation. This was a promise made as a chief response to arguments the bill would provide amnesty for illegal immigrants. However, under the current draft of the legislation, this promise goes largely unfulfilled.

The bill currently states illegal immigrants cannot apply for a change in status unless they have “satisfied any applicable Federal tax liability.” While that is all well and good, under this standard immigrant applicants will not be required to pay any portion of their back taxes owed to any part of their U.S. residency unless the IRS has already made a tax assessment. This will only occur in the very rare case where the IRS has already audited an immigrant applicant and found a tax deficiency. Put simply, very few people will be required to pay back taxes under this provision.

My amendment would require RPI applicants to demonstrate they either have no obligation to pay back taxes or to actually pay the back taxes they lawfully owe. It also requires them to remain current on their tax obligations once they obtain the change in status.

Once again, this is only fair. Some may claim it is punitive, but that is absurd. Is it punitive to ask immigrant applicants to live up to the same standards and requirements imposed on citizens and legal residents? No.

When a citizen decides to leave the United States and renounce their citizenship, they often face taxes on income earned in the United States and on any gains from appreciated assets. Is it punitive to apply a similar standard for those seeking U.S. citizenship? Think about that: When a U.S. citizen decides to leave the United States and renounce their citizenship, they often face taxes on income earned in the United States and on any gains from appreciated assets. That is not punitive. The answer, of course, is that it is not punitive.

My amendment would not punish any immigrant applicants. It would simply ensure they pay no more and no less than U.S. citizens and resident aliens in the same economic position.

In addition to claims that requiring the payment of back taxes is punitive, some have already claimed it would be impossible to enforce because the applicants won't be able to determine what they owe in back taxes. This too is extremely misguided. The IRS is well experienced at estimating the tax liabilities for people who, for whatever reason, lack the records that normally support a tax return. They do it for U.S. citizens. Why can't we do it for people who now want to be on a path for citizenship but who haven't played by the rules? It just makes sense. Using bank records, credit card statements, housing records, and other evidence of an individual's lifestyle, the

IRS is able to construct returns and estimate tax liabilities for nonfilers who are U.S. citizens and resident aliens. The same process can be used for immigrants looking to certify they no longer owe any Federal taxes. That is not a tough thing to do. It is something they do every day at the IRS.

It may very well be that a number of these people didn't make enough money to pay any taxes anyway. But they should at least have to be honest about where they stand, and they should at least have to do what regular citizens in this country have to do. We are not asking anything more or less than that.

In the end, the only way proponents of this bill can escape the label of amnesty is to ensure immigrant applicants fulfill all their legal obligations and they are not accorded any special treatment. We are talking about amnesty here. This is the way to get rid of amnesty and to pass this bill. You simply cannot do that without requiring they pay any taxes they still owe for income they earned during their U.S. residency.

I think the authors of the bill know this because, once again, they have been claiming the bill requires the payment of back taxes for months now. My amendment would simply fulfill the promise they have already been making. Let's get it right. Let's not play games.

What is more, if we put this amendment into effect, we would be reducing the tax gap. As you know, the tax gap is the difference between what is actually paid to the IRS and what taxpayers owe under the law. The most recent tax gap estimate we have is from 2006, when the tax gap was approximately \$385 billion for a single year. A number of my colleagues on both sides of the floor talk a lot about closing the tax gap. My amendment would take significant steps toward doing just that.

As I said at the outset, my amendments are not designed to punish immigrants who come forward out of the shadows, and they are not designed to poison the well for immigration reform. My aim throughout this process has been to improve the bill.

I believe we are engaged in an important effort, but we have to do things the right way. I made that effort during the markup of this bill. I didn't bring these four amendments up because they were Finance Committee amendments and probably would have been ruled out of order in the Judiciary Committee, and I agreed with my colleagues on the other side of the aisle to defer until the floor. Now, all of a sudden, I am finding there are roadblocks being put up on these very simple amendments.

Too often over the past few years the Senate majority has opted to ignore opportunities for bipartisan cooperation on issues of great importance. When the Senate first took up immigration reform, proponents of the bill

said they were hoping to get at least 70 votes in the Senate. I said at the time that was an important goal, that we needed to get at least that many votes to send the right message to the House of Representatives. However, this week there are indications from the Democratic leadership that they are willing to set these goals aside if they just get 60 votes. Well, guess where that is going to go with the House. If we get 70 votes, that puts pressure on everybody involved in this matter. And I think we can get 70 votes.

According to news reports out just today, two members of the majority leadership have indicated that they don't want to make too many concessions to conservatives in order to get Republicans on board. Instead, they just want to focus on getting to 60 votes. Needless to say, I think that would be a serious mistake. I think there are a lot of people on this side who would like to vote for a final bill, but they are going to need amendments like these that are basically simple, nonpunitive amendments that make sense, that basically show we are not for amnesty.

Immigration reform is too big to be done by just one party, and it can't be done with the support of just a small handful of Republicans. As courageous as those Republicans have been, as far as I am concerned, it is going to take Members of both parties to put together something that can not only pass but also something that will work once it becomes law.

We do have an opportunity to come together here on something that will make a real difference for a lot of people; something that, if done correctly, can do a lot of good. I hope we don't waste this opportunity in favor of yet another political exercise.

Once again, I want to support this legislation, but I am not going to if we don't do commonsense things like this, and I am laying down the gauntlet. I want immigration reform to succeed. These amendments will help it to succeed not only here but in the House of Representatives as well. But unless we address these four issues I have outlined today—and there are others, but these are the ones I have decided to bend my plow over—unless we address these four issues, I believe the bill is designed to fail, if not here in the Senate then in the House of Representatives. And it will deserve to fail, as far as I am concerned.

Most importantly, if we don't address these issues, the bill will not be able to be implemented in a fair and equitable way, and I think the American people would be justly outraged.

I know there are some who don't really care about these important issues. I just urge my colleagues on both sides of the aisle to support my amendments—I think it is critical that these amendments pass—or work with me to find ways that I can please both sides. But I believe they are pretty straightforward amendments.

I was promised by leaders in the Gang of 8 that they would work with me, that they would help me get these things done. I consider those promises to be very important. Yet I have had some indication over the last few days that maybe they are not going to work with me. I don't think anybody has acted in better good faith than I have. As I have said, I would like to support the bill.

And make no mistake about it, I don't want people stiffing me on things that I consider to be important without even talking, without even working with me to resolve any problems they may have. I am not the kind of guy who takes that lightly. I think there is too much partisanship around here anyway.

Frankly, if you could pass this bill with these amendments, I think it would go a long way to showing not just four Republicans on our side who are courageous, as I think are the four Democrats in the Gang of 8. But they are not the only ones who should support this bill if it is done right.

If this is going to be a political exercise, count me out. If this is an exercise to really try to resolve the amnesty issues, if it is an exercise to really try to resolve these critical issues, I can be counted in. Maybe I don't mean that much in this debate, but if you look at some of the major sections in this bill, I have worked them out, and I will help work out this bill not only with colleagues on this side but with colleagues on the other side of Capitol Hill. But I don't want to be stiffed at this time, and I am not the kind of guy who takes stiffing lightly.

I see some real politics at work here rather than the kind of fair working together that we have to have and that we have to start working toward if we want to really accomplish things that need to be accomplished during these next 3½ years.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Ohio is recognized.

Mr. PORTMAN. Mr. President, I would like to join in the debate on immigration reform, and I think my colleague from Utah who just spoke makes a couple good points—one on the substance of the legislation and the need for us to be concerned about what the eligibility is, particularly as it relates to Federal benefits, to go to a legal status, but second about the process. I do hope the process can be an open one.

Not all of us are in the Gang of 8. Not all of us are on the Judiciary Committee. A number of us have what we think are improvements to this legislation to make sure that it does work and hope that there will be an openness to that over the next couple of weeks as we take up this legislation. It is my hope that, working constructively in a bipartisan fashion, we can address some of what I see as shortcomings in this legislation.

I do believe our current immigration system is broken. I think it is far too easy for people to cross our borders illegally and too easy for folks to find work without authorization. I think it is also too difficult for those who seek to come here in accordance with the law. So both the legal and the illegal part of our immigration system need fixing. It can't keep up with the demand for legal immigration or stem the tide of illegal immigration. So I think reform is essential.

As it stands now, however, I am concerned that the legislation will not provide the country with a lasting workable solution. Like a lot of my colleagues we just heard from today—Senator CORNYN talked about this, Senator HATCH talked about it, and others have talked about it today on the floor—I remain concerned about a few things. One is the eligibility for Federal benefits. Senator HATCH talked about that. But for me, a lot of it comes down to meaningful enforcement of our laws, including on the border, which is very important, also entry-exit, as Senator MCCAIN talked about, but significantly workplace enforcement. This is one area in particular that I believe must be addressed in order for us to have a successful implementation of the bill. Particularly, I would like to focus my comments today on what is called employment verification, or the E-Verify system.

When we talk about strong enforcement measures, we hear a lot of talk about the border, and we heard a lot of discussion about it earlier today, and that is important. It is important to have a secure border for a lot of reasons, including the movement of guns, drugs, certainly terrorism, as well as immigration. But I don't believe that border security alone will address the problem. Why? Because so many people enter here legally but then overstay their visas. It is estimated that 40 percent of those who are here illegally are here because they overstayed their visas. So we are not going to solve that problem at the border.

Second, I believe that no matter how many miles of fence we build or how many Border Patrol agents we put side by side along the border, as long as there are people wanting to come here for economic reasons—and I believe economic incentives are the primary reason people come to this great country—I think it is going to be very difficult to stop illegal immigration just at the border. We have to deal with the jobs magnet, which is why people are coming here.

This, by the way, has been a discussion over the years going back to the 1980s. The 1986 act talked about the jobs magnet and the need for us to have an effective—at that point it was called the employer sanctions system. It was never put in place. That is one reason the 1986 act did not work. It has been in the debate for decades, and yet we haven't fixed it yet.

My belief is that the underlying bill still needs to be improved in this re-

gard. Our current employer verification system has simply failed to address some of the very fundamental problems of having unauthorized workers. So effective employment verification is essential to the successful completion of this legislative process and to having a successful comprehensive immigration reform bill that prevents future illegal immigration.

Simply put, whatever reform we may adopt in this Congress will fail in the long run, in my view, if we don't eliminate the enticement to come to our country to work. I believe we must have a strong and workable E-Verify system that can help solve this basic problem.

Ideally, E-Verify would enable all employers to be able to, first, verify accurately and efficiently the identity of new employees and, second, ensure their work eligibility. By ensuring that only authorized job seekers get hired, we can begin to remove the jobs magnet that, frankly, as I said earlier, undermined the 1986 reform effort and left us in the situation we face today where we have over 10 million people working and living in the shadows here in this country.

Ultimately, I believe the E-Verify system contemplated by this legislation falls short but could be improved. While no verification system is perfect, the bill we are now considering mandates nationwide E-Verify implementation while doing little to address the fundamental flaws we have seen in E-Verify. There is a recent study that estimates that E-Verify has an error rate for unauthorized workers of 54 percent. That means half of the folks who are not authorized to work who go through E-Verify are able to be qualified anyway. In other words, the E-Verify system is not working to detect more than half of the unauthorized workers.

In implementing the mandatory E-Verify system, we have to do more to strengthen the protections against the fraudulent use of identifiers—particularly the Social Security cards and Social Security numbers in the employment authorization process—and we need to improve individuals' data privacy protections in that process. The proposal before us attempts to address some of these problems through what is called a photo-matching tool. This tool is designed to allow employers to compare a digital photograph from the E-Verify system with the photo on a new hire's passport, immigration document, or driver's license.

Unfortunately, the verification system doesn't have access to photos for more than 60 percent of U.S. residents who do not have a U.S. passport or an immigration document, making the photo-matching ineffective. The current legislation therefore relies on the States to give the Department of Homeland Security access to driver's license records on a voluntary basis. There is no assurance that all or even most States will choose to participate in this. Past experience with what is

called the REAL ID Act would indicate that fewer than half of the States would comply. Some say only 13 States would comply, some say 18 States would comply. The fact is, fewer than half of the States are complying with REAL ID, which would mean that on a voluntary basis it is unlikely we are going to get those driver's licenses or get those photos to be able to have photo-match work effectively for the 60 percent or fewer residents who don't have a passport or immigration document.

So I think more can be done to make this bill work better, and I am committed to trying to do that through legislation, amendments, and working with my colleagues on both sides of the aisle.

American citizenship is precious, and there are millions around the world who dream of attaining it. Our Nation deserves an immigration system that works. We can get there but only if we demand reform that recognizes the mistakes of the past—including the lack of promised enforcement from the 1986 law—and take steps to remedy those mistakes.

I am committed to addressing the deficiencies in the present legislation, and I will work on the Senate floor to help strengthen border security, deal with the eligibility issues Senator HATCH talked about, and eliminate this magnet of illegal employment. In particular, I am committed to helping ensure that E-Verify is implemented in a manner that does curtail the employment of unauthorized workers, protects privacy, and minimizes the burdens on employers, particularly small businesses. I sincerely hope we can get there.

I am confident that if this process is indeed open, as was discussed earlier, if it is an open process where amendments are able to be accepted, where people of good faith on both sides of the aisle are trying to get to a solution for a broken immigration system—broken both in terms of legal immigration and illegal immigration—we can in the end pass good legislation out of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I have come to the floor several times to discuss border security. Border security is so essential to people approving the legislation that we pass because most every poll shows when people want an immigration bill, it is premised on the assumption that we are going to have a secured border.

I talked yesterday about my amendment, and that amendment tends to be pending. I tried to improve upon the

Group of 8 legislation on border security. I will take a few minutes right now—not very long—to discuss why I think my amendment is a good first step at restoring the faith of the American people—in this legislation, but in turn in our government.

I would like to mention why it is so important, not just for public confidence—because that is what I have spoken about in the past—but for national security and the defense of the homeland. Being a U.S. Border Patrol agent is a very dangerous job. A former agent said in an interview in the *El Paso Times*:

I was attacked one time by a group of seven men with rocks and I was pretty severely injured. Being assaulted is not really that uncommon. Whether it is rocks being thrown at you or a hand-to-hand combat situation or being shot at, it is not particularly uncommon.

We need a bill that will protect our Border Patrol agents who put their lives on the line every day and do their job of patrolling the border. They face threats and violence, and many, such as Brian Terry, have been killed because of gang violence or drug cartels. Not only do our Border Patrol agents face danger, but ranchers face daily encounters of drug smugglers and illegal border crossers.

Robert Krentz from Arizona, a rancher, was killed in 2010. His family expressed frustration with the Federal Government, stating:

The disregard of our repeated pleas and warnings of impending violence towards our community fell on deaf ears, shrouded in political correctness. As a result, we have paid the ultimate price for their negligence in credibly securing our borderlands.

No one can fault someone for wanting to improve their lot in life. Husbands and wives trek across the border to make a better life for them and for their families. People yearn to be free and to make life full of liberty and happiness. But people who cross the border illegally risk their own lives. They spend days walking through desert. They fall prey to smugglers and become victims of rape and abuse. Securing the border is one of the most humane things we can do to protect the lives of those who will venture into the United States, not caring about our laws but for the sole purpose of improving their lives. That is the goal of America, a better life for all of us who were born here as well as those who immigrate here.

It is dangerous crossing the border illegally for those people. We can give them legal avenues to enter this country to live, work, and raise a family. If we do not deter illegal border crossings, people's lives will remain at risk as they are at this very hour.

Nonetheless, proponents of legalization hold to the belief that the vast majority of people who cross our border are people seeking employment. Most times that is true; however, not everyone who crosses the southern border is a resident of Mexico who seeks to be reunited with family and do the jobs

Americans will not do. The number of individuals from noncontiguous countries, otherwise known as “other than Mexicans,” should be a concern.

As of April 2, 2013, the “other than Mexican” numbers on the southwest border were up 67 percent from fiscal year 2012 to fiscal year 2013. We know some of the “other than Mexicans” include terrorists who enter the United States via the southern border. Secretary Napolitano has testified before Congress to that very fact.

We also know a majority of “other than Mexicans” fails to appear for their immigration proceedings and simply disappears, lost here in this great country, the United States. Increasing bonds for these nationals would deter absconders, assist ICE and custom border police in covering detention and removal costs or, at a minimum, provide a disincentive to cross. Unfortunately, an amendment during the Judiciary Committee markup to raise the bonds for “other than Mexicans” failed.

Many commonsense amendments were defeated during the committee process and many amendments to beef up the border will be considered in the days ahead.

As I have said before, the bill before us only requires the Secretary of Homeland Security submit a plan to Congress before millions of people are legalized. There is little regard for the need to better secure our border. In other words, when a plan is presented, make sure the plan works. Some of them say we have done enough. The Secretary says the border is more secure than ever before. They say border security shouldn't stand in the way of legalization.

My amendment is a good first step to stopping the flow of illegal immigration. It sends a clear signal that we are serious about getting the job done. For the Secretary to simply submit a plan to Congress is only worth the paper upon which it is printed. We need to take action and we need to make it a priority.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as if in morning business for up to 20 minutes.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise today for the 35th time to again bring the message to my colleagues that it is time to wake up to the threat of climate change. There is simply too much credible evidence that climate change is occurring, and there is too much at risk for us to continue sleepwalking.

Our oceans face unprecedented challenges from climate change and carbon pollution. Oceans have absorbed more than 550 billion tons of our carbon pol-

lution. As a result, they have become 30 percent more acidic. That is a measurement, not a theory.

Ocean temperatures are also changing dramatically, again driven by carbon pollution. Sea surface temperatures in 2012, from the Gulf of Maine down to Cape Hatteras, were the highest recorded in 150 years. That is another measurement. Fish stocks are shifting northward with some disappearing from U.S. waters as they move farther offshore. Fishermen who have come here to talk to Senator REED and myself have noted anomalies, and “things are not making sense out there” is the way they have described it.

In my home State of Rhode Island, the Ocean State, we put our lives and hearts into our relationship with the ocean. The day-to-day life on the coast is a proud and rewarding tradition, but it is one that is now threatened by climate change.

The waters of Narragansett Bay are getting warmer—4 degrees Fahrenheit warmer in the winter since the 1960s. Long-term data from the tide gauges in Newport, RI, show an increase in the average sea level of nearly 10 inches since 1930, and the rate of increase is accelerating. Sea level rise is contributing to erosion and allows storm surges and waves to wash farther and farther inland. Last year Hurricane Sandy really sped up that erosion, driving down beaches and dunes and tearing up coastal homes and roads.

The ecosystem damage, erosion, and storms are just part of the price Rhode Islanders pay for unchecked greenhouse gas pollution. We are not alone. Every region of the United States is facing similar costs.

Economists are working to calculate the costs of carbon pollution by adding up those damages of climate change. It is called “the social cost of carbon” because it is the cost of pollution the big polluters offload onto the rest of society. When consumers and taxpayers are forced to shoulder those costs, that is a market failure, and it is flat out unfair.

The Obama administration recently revised its estimates of the social cost of carbon. The new calculation does a better job at capturing the most recent projections for sea level rise and agricultural productivity. This is a good step toward recognizing the magnitude of the harms of climate change, and I hope it is an indication that the President is going to do more to address this problem.

Economists and administration officials are not the only ones looking at the cost of carbon pollution. Among those weighing the evidence that our climate is changing are the cold-eyed professionals of the property casualty insurance industry—insurers and the reinsurers. Their industry depends on getting this right. Politics has no place in their calculations. This is how they make their living.

The insurance sector has created a complete data set for natural catastrophes worldwide from 1980 up to 2011, and here is what they see: The annual number of natural disasters is going steadily up. The top three colors of each of these bars show the number of events that are related to weather. On the bottom, this set in red shows the events that are not related to weather. Volcanoes, earthquakes, and so forth, are not climate related.

While the overall number of catastrophes is increasing, we can see the number of these nonclimate catastrophes is constant. It is the climate-driven catastrophes that are increasing.

Here is the chart without those non-climate catastrophes. These are the catastrophes that are related to climate-driven weather. Insurers and reinsurers are looking more closely at the increase in weather-related catastrophes and are now starting to include climate-change costs in their risk models.

Pricing carbon properly is necessary. Representative HENRY WAXMAN, Representative EARL BLUMENAUER, Senator BRIAN SCHATZ, and I have released a discussion draft of legislation to make the big carbon polluters pay a fee to cover the costs of dumping their waste carbon into our atmosphere and oceans—a cost they now push off onto the rest of us—and return all of that revenue to the American people.

At present the political conditions in Congress are stacked against us. The big polluters and their allies hold sway and Congress refuses to wake up. While Congress sleepwalks through history, States such as my home State of Rhode Island are acting to mitigate and adapt for climate change.

This week I welcomed dozens of Rhode Islanders to Washington for our annual Rhode Island Energy and Environmental Leaders Day. This event brings together Rhode Island renewable energy and sustainable development businesses, community development nonprofits, State and local officials, environmentalists, experts, and academics, to share ideas with national leaders and Federal agencies on promoting green energy, improving resiliency, and combating climate change.

We were joined by my terrific Rhode Island delegation, JACK REED, JIM LANGEVIN, and DAVID CICILLINE. The highlight of the event was hearing from Vice President Al Gore, who is a world leader on environmental protection and alternative energy. Vice President Gore declared that “We are on the cusp of a fantastic revolution” in green energy. “But there is still ferocious resistance,” he warned, from “legacy industries that have built up wealth and power in a previous age”—that is what stops Congress. That is what keeps us sleepwalking, and that is why we don’t wake up.

We were also joined by Energy Secretary Ernest Moniz, who asserted the Obama administration’s dedication to doubling renewable generation by the end of this decade.

Congressman HENRY WAXMAN, the ranking member on the House Energy and Commerce Committee and my fellow cochair of our Bicameral Task Force on Climate Change, also came to address the group, as did our colleague Senator ELIZABETH WARREN of Massachusetts. New Englanders, of course, know Senator WARREN as a tireless advocate for everyday Americans, who is unafraid to challenge powerful special interests, and my friend HENRY WAXMAN has carved out a unique role for himself as one of the leading legislators in the House of Representatives on this and a great number of other public health issues. I am so proud to be working with Representative WAXMAN.

The innovation that is taking place in my Ocean State was on full display at the Rhode Island Energy and Environmental Leaders Day. We are a leader in the development of offshore wind energy. This month the Federal Bureau of Ocean Energy Management announced the first-ever auction for renewable energy leases off the coast of Rhode Island and Massachusetts.

Our State’s Special Area Management Plan, or SAMP, has balanced environmental, commercial, and military marine interests through a first-of-its-kind marine spatial planning process. This cooperation has protected rich fishing grounds and sped up wind energy development.

Rhode Island is part of the Regional Greenhouse Gas Initiative, nicknamed “Reggie,” along with eight other northeastern States, including the State of the Presiding Officer, I believe. Our region caps carbon emissions and sells permits to powerplants to emit greenhouse gases, creating economic incentives for both States and utilities to invest in energy efficiency and renewable energy development.

Rhode Island’s Climate Change Commission identifies risks to important State infrastructure and reports on the effects of catastrophic events such as Hurricane Sandy and the 2010 flood.

In places such as North Kingstown, RI, the city planners have taken the best elevation data available, and they have modeled various levels of sea level rise and storm surge. By combining these models with maps showing roads, emergency routes, water treatment plants, and estuaries, the town can better plan its infrastructure and its conservation projects.

The Rhode Island Department of Health is using a \$250,000 grant from the Centers for Disease Control and Prevention to help the State prepare for and address health effects associated with climate change.

Most of all, Rhode Islanders are calling for action, especially young Rhode Islanders. When I spoke at a climate change rally on the National Mall earlier this year, busloads of Rhode Islanders had driven down to show support for action on climate change. Right now students at Brown University and the Rhode Island School of Design are pushing their great univer-

sities to divest their endowments of coal holdings.

I am proud of the effort we are making in Rhode Island, and I know a lot of States are working just as hard. But I say to my colleagues: Our home States are hampered in these efforts by inaction in Congress. Even the Government Accountability Office, known as Congress’s watchdog, has pointed out repeatedly that the Federal Government should be a better partner to States that are trying to adapt to and plan for climate change.

Sadly, Congress seems determined to be the last holdout against good sense. Some in this body choose to ignore the science and put special interests before national interests. They stifle policies that would be economically inconvenient to their special interests. The obstruction may be well funded by the polluters and their allies, but the majority of the American people understand that climate change is a problem, and they want their leaders to take action.

Many in Washington do recognize the need for climate action and ocean stewardship. President Obama declared this June to be National Oceans Month, saying:

All of us have a stake in keeping the oceans, coasts, and Great Lakes clean and productive—which is why we must manage them wisely not just in our time, but for generations to come. Rising to meet that test means addressing threats like overfishing, pollution, and climate change.

Last week, the National Marine Sanctuary Foundation hosted the 12th Capitol Hill Ocean Week, bringing marine professionals, government officials, and ocean advocates to Washington to discuss strategies for keeping our oceans and coasts healthy.

Also, last week, Secretary of State John Kerry hosted a roundtable discussion about the challenges of and opportunities for ocean sustainability under climate change.

Responsible people are calling for action, such as Rhode Island’s energy and environmental leaders, the insurance and reinsurance sector, and virtually every major reputable scientific organization, such as NASA, whose scientists sent a buggy the size of an SUV to Mars and are driving it around right now on the surface of Mars. They may know something when they can do that. Major U.S. corporations are calling for action, including Apple and Ford and Nike and Coca-Cola and organizations such as the U.S. Conference of Catholic Bishops. Heather Zichal, President Obama’s Deputy Assistant for Energy and Climate Change, made it clear to the crowd at Rhode Island Energy and Environmental Leaders Day:

Congress has not yet delivered a common-sense, market-based solution. . . . [I]f Congress will not act, then [the President] will.

It is time to wake up and to meet the challenge of our time. There is a lot at stake for every State and there is a lot at stake for every generation. It is time to wake up and to take action.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I come to the floor because I have been listening to some of the discussions of my colleagues about the immigration reform bill that is before the Senate.

As I have said before, everyone is entitled to their own opinion, but they are not entitled to their own facts. I have heard references, time and time again, to 1986, the last time immigration reform legislation was passed. This is not 1986. Selective memory loss seems to be at work in the Senate today, so I wish to respond to some of these claims made by my colleagues.

On one hand, critics of the immigration bill keep harking back to the Immigration Control Act of 1986, commonly known as IRCA, arguing we haven't learned the lessons of 1986. On the other hand, they insist on their slogan of securing the border first, before a legalization process can begin. But if there are lessons to be learned from 1986, there are just as many to be learned from the last 10 years in which "enforcement first" has been the mantra of Congress's immigration policy, with disastrous results.

First, with respect to 1986, the overriding lesson learned from that bill was that if we don't deal with the reasons people come to the United States, we don't solve the problem. A promise to end illegal immigration ultimately could not be fulfilled because the 1986 law did not address the question of future immigration flows.

The Migration Policy Institute and the Immigration Policy Center have identified one cause of future illegal immigration after IRCA to be not legalization—not legalization—but the failure of legislation to address future flows of immigration. S. 744, the bill we are debating, however, does not follow in the failed footsteps of the 1986 act and addresses future flow in real and meaningful ways.

But we have learned other lessons in the intervening years, most notably that the enforcement-first policy does not serve our country well. Despite an extraordinary allocation of resources and personnel, the flow of illegal immigrants has steadfastly been affected more by the economy than by enforcement efforts. As deportations have gone up, the tragic impact on families and children has been well documented and the impact on the economy continues to grow.

So if one of the pull factors is the opportunity to earn money to send back to families, S. 744 undermines that opportunity by mandating a universal—a universal—employment verification system and provides for a reasonable implementation schedule. What that basically means is that virtually every employer in America is going to have to make sure that regardless of who a person is, when they come forth and seek to be employed by an employer that has a job available, they are going

to go through the system and verify whether the person has the legal status to be able to work in the United States. That undermines that factor of drawing people to this country for employment opportunities much more than anything else about interdiction.

If anything, the growing outrage over a broken immigration system helped to change the political dynamic last year. It was a rejection of both the enforcement-only strategy and the idea that we must secure the border first.

Finally, the Migration Policy Institute explained that the 1986 limited legalization program left many people in the shadows, which led to substantial backlogs in family-based immigration categories. Illegal immigration did not decrease dramatically until after the passage of enforcement-only bills starting in 1996 that trapped many in an undocumented status despite their family or employment ties. So our legislation learns from the mistakes of the past and creates a balanced 21st century immigration system.

Despite what many have said, our legislation, in moving forward with legalization, does not abandon border security but, rather, addresses it in tandem with the significant problems that face our immigration system. We can, for example, reap enormous benefits from legalizing the undocumented, both in terms of their economic and social contributions—making sure they fully pay taxes and are law abiding in every other respect—and in terms of creating a more secure and accountable system, as we will know who is in the United States and who can lawfully work here, but we can't do it if we have to wait years—years—under some of the amendments our colleagues are offering to begin the process of transitioning undocumented people into a legal status.

I have heard a lot about national security. I would prefer to know who is in the United States. Let them come forth, register with the government, go through a criminal background check, and those who can't pass that background check—maybe they don't think their background is going to come up—get deported. Then I know who is here to do harm to America versus who is here to pursue the American dream. But my colleagues would continue through their amendments to keep these people in the shadows—millions—and, therefore, I don't know how we promote national security if we don't know who is here and for what purposes. So we reap enormous benefits, both in terms of economic benefits as well as security, by bringing those people out of the shadows and into the light—registering with the government, going through a criminal background check, paying taxes, learning English, and earning their way to make their situation right in the United States.

Certain impossible border security standards must be seen for what they are, which, in my view, is a cynical at-

tempt to deny a pathway to legalization. My colleagues can flower it all they want, they can cover it up all they want, they can put all the lipstick on it they want, but it is still what it is. It is a cynical attempt to ultimately undermine a pathway to legalization. The standards some of my colleagues are trying to propose have not been met by the Federal Government in virtually any other responsibility the government has. Pretty amazing. Tying the two together, as so many have tried to do, is simply institutionalizing the status quo.

What does the status quo do? The status quo allows millions to be in this country without knowing what their purpose is here. The status quo allows families to be divided. The status quo allows U.S. citizens and permanent residents—legal permanent residents of the United States—to be unlawfully detained in immigration raids, treated as second-class citizens of this country because of the happenstance of where they live, who they are, what they look like. Who among us is willing to be a second-class citizen in America?

The status quo permits an underclass to be exploited and creates downward pressures on the wages of all Americans, and that exploitation takes place. The status quo doesn't allow for the challenges, even in a tough job economy, to be fulfilled so our economy can grow. I listen to all different sectors of our economy, including the agricultural sector. I listen to the seafood industry. I listen to the hospitality industry. I listen to the restaurant industry. I listen to the high-tech industry. They all clamor for individuals to do these critical jobs that very often support the high-paying jobs above them but are essential in order to be able to produce that product or deliver that service. Yet we would have the status quo be preserved because that is, in essence, what the amendments being offered include, which are unattainable standards that my colleagues know simply cannot be met. They are not about border security but about undermining the pathway to legalization.

So let's look at what this bill does do, however, about border security, among many other provisions. It includes \$6.5 billion in addition to the greatest amount of resources, including money, border patrol, customs enforcement, physical impediments on the border, aerial surveillance that already exists. It adds \$6.5 billion to bolster our border security efforts, and that is in addition to the annual appropriations for border security.

Effective border controls? Yes. As a matter of fact, these provisions of the Gang of 8 were largely drafted by the Senators who came from border States and who had a real sense and a real conversation with those who secure the border every day about what is needed.

It requires all employers to verify their workers are authorized to work in this country, which cuts off the job magnet—another effective control, perhaps the most effective control. It has

a whole entry-exit system that is far more advanced than that which exists today, and before any legalization can begin—before any legalization can begin—the Secretary of Homeland Security is designated to come up with a plan for how to deploy \$4.5 billion of those resources on infrastructure, technology, fencing, and personnel such as the Border Patrol, so it will be able to catch 9 out of every 10 undocumented immigrants who might attempt to cross the border. So there is more border control.

Only after this plan has been presented to the Congress and the E-Verify system—which is that employment check—is ready for nationwide implementation and the deployment of the resources has commenced, may the legalization program begin to adjust undocumented individuals to that provisional status. Before anyone in that provisional status can ever be granted a green card, which basically means permanent residency, all of the resources in the plan must be deployed on the ground and be working.

That is not enough for some of my colleagues because they create standards for which we, in essence, could never, ever have even a provisional status in the country.

Some Senators have also claimed our bill allows immigrants to receive welfare and other public benefits. That is just simply not true. S. 744, the bill before us, bars individuals granted even provisional status and blue card status—which are agriculture workers and V nonimmigrant visas—they will not be eligible for the following Federal means-tested public benefit programs for the duration of their provisional status: nonemergency Medicaid, Supplemental Nutrition Assistance Program, otherwise known as SNAP or food stamps, Temporary Assistance for Needy Families, TANF, and Supplemental Security Income.

In fact, when most of these individuals adjust to LPR/green card status, they will be forced to wait at least 5 additional years before becoming eligible for these programs, and all the while they are paying taxes, which is a prerequisite. As a result, an individual with RPI status, who is otherwise eligible for public benefits, would not be able to enroll in programs such as Medicaid and SNAP for 15 years.

Now, during the duration of their provisional status, individuals will not be eligible for the Affordable Care Act's premium tax credits and cost-sharing reductions that help make health insurance affordable for low- and middle-income working families. They will not be eligible for that. Individuals granted RPI—the provisional status—blue card or V nonimmigrant visa status will be able to purchase private health insurance at full cost—at full cost—without subsidies, without tax credits through the insurance marketplaces created under the Affordable Care Act.

We want to give them the opportunity out of their own pocket and

with full cost to be able to do so if they can because that means we lessen the burden on our health care system, particularly in an emergency room setting, which is what happens right now.

This does not give tax credits, it does not give subsidies, but it does say to the individual: If you have the wherewithal, go buy insurance and protect yourself.

This bill denies benefits to legalized immigrants. It is a tough bill and, frankly, for many of us, some of these provisions, because we say to someone: Come forth, register, pay fines, pay fees, pay your taxes, and, by the way, for a decade or more, even though you are paying taxes like anybody else, you have absolutely no right to anything—that is virtually what we are saying. So I wanted to clarify the record so the American people understand the truth about this bill. It is a tough and fair compromise that respects the American taxpayer.

Finally, I would like to clarify the record about taxes and the economic benefits of this bill. This bill increases the gross domestic product of the United States by a cumulative \$832 billion over 10 years—\$832 billion over 10 years—and that is only by virtue of looking at the legalization aspect. If we look at the totality of all the elements of the bill, it exceeds \$1 trillion. It increases the wages of all Americans by \$470 billion, and it creates an average of 121,000 new jobs each year for the next 10 years. That is an additional 1.2 million jobs over the next decade.

The Senate bill says individuals who do not pay their taxes cannot—cannot—renew their legal status or obtain green cards. Legalizing immigrants can be required to pay assessed taxes going back as far as 10 years before legalization.

This requirement is tougher than the back tax requirements in the 2006 and 2007 bipartisan Senate immigration bills, which only required legalizing workers to pay back taxes when they obtained their green cards. Under this bill, workers are held responsible for back taxes at three points: when first transitioning to legal status, when renewing their status, and when obtaining a green card. On top of the back tax requirement, legalizing workers will have to pay significant penalties and fees at registration and renewal and when obtaining their green cards.

Everyone who works, regardless of their immigration status, is liable for the payment of taxes. "Assessed liability" simply means legalizing workers will be held responsible for all of the back taxes the IRS says they owe—all the back taxes the IRS says they owe—going back as far as 10 years before legalization.

The back tax requirement is written in the way that is most straightforward for the IRS to implement and enforce, saving resources and making sure that individuals with past-due liability can actually be blocked from adjusting their status.

It provides an efficient way for the Department of Homeland Security to confirm that individuals have satisfied their tax liabilities. It is much easier for the Department of Homeland Security to work with IRS to confirm that individuals have paid all their assessed liabilities instead of sifting through tens of millions of tax returns, which would not reflect taxes that may have been assessed by the IRS.

I look at the Congressional Budget Office. We will await their score, but they and other experts in the past have found that undocumented workers will pay billions of dollars more in taxes—more in taxes—once they come out of the shadows and work legally.

I had thought, with poll after poll after poll where Democrats and Republicans and Independents said they wanted to see this broken immigration system fixed, where, in fact, we had a national election last November for the Presidency, for the Congress, in which this debate raged on quite a bit—and ultimately a new demographic in the country showed, in those election results, as they marched to the polls, that they were looking at how this Congress would deal with the question of reforming our broken immigration system—that, in fact, we would have a different day in the Senate, that instead of voices that are seeking to undermine the very essence of reform—that includes border security, that includes a pathway to legalization, that includes provisions in our economy that are incredibly important both to grow and not suppress the wages of Americans, that improves the protections to make sure American workers have the first shot at getting any job that exists in America first and foremost, that looks at the future in terms of flows and says: This is how we are going to deal with this to ensure that our economic vitality grows by virtue of who we allow in this country but that still preserves a very core value, an American value, a value I often hear my colleagues talk about, which is about family values and the family unit—well, that still preserves the very essence of that value, even as it reduces it somewhat, and at the same time preserves our history as a nation of immigrants, the greatest experiment in the history of mankind, which has made us the greatest country on the face of the Earth—that we would hear a different approach by some of our colleagues.

But I have heard the same tired refrain, and it may sound good, but when you read what the amendments are all about, you understand what they are really trying to do. I believe those efforts will be rejected. Legitimate efforts to improve this bill, as it was improved in the Senate Judiciary Committee, in which 136 amendments were offered and passed—many of them were Republican amendments, many of them were bipartisan amendments that were

passed, and they, in fact, refined, improved, and made more specific elements of the bill that were great additions—those opportunities exist here as well.

But what we cannot allow is to nullify the hopes and dreams and aspirations of millions of people in our country who are waiting for this moment. We cannot nullify the opportunity to really move toward securing our country in a way far beyond the status quo. We cannot lose the opportunity to grow our economy, get more taxpayers into our system, and strengthen our overall revenue sources. That is what this bill is all about. That is why I believe at the end of the day it will prevail and receive the votes necessary to move forward and be sent to the House so we can finally get this broken immigration system fixed.

Mr. LEAHY. Mr. President, I understand Senator VITTER, the Senator from Louisiana was on the floor earlier discussing the amendment Senator HATCH and I have proposed, Amendment No. 1183. I have read the remarks the Senator from Louisiana made, and I wish he had read our amendment more carefully. His remarks seem to be describing a different amendment than the one Senator HATCH and I have proposed.

Our amendment is very simple. Under current law, foreign performing artists who come to the United States must get either an "O" or "P" visa. The Immigration Statute requires that U.S. Citizenship and Immigration Services, USCIS process these visas in 14 days. This statutory requirement is a reflection of the time sensitivity involved with scheduling these artists for engagements in the United States, and permitting them to meet their obligations, which of course benefit the American organizations that hire them. Our amendment, which is limited to non-profit organizations, provides that if the 14-day statutory requirement for processing is not met, then the foreign artist's petition would automatically be given expedited processing, and the associated additional fee is waived. But let me be clear, the visiting artist is already paying a fee of several hundred dollars for the petition. All our amendment would do is provide the petitioner with free expedited processing if the deadline were not met by the agency.

Senator VITTER expressed concern that providing expedited processing in a case where the immigration agency does not adhere to its statutory deadline would take funding away from the enforcement of immigration law. Surely Senator VITTER knows that U.S. Citizenship and Immigration Services is a fully fee-funded agency, and has no enforcement responsibilities. When Congress reorganized the former Immigration and Naturalization Service and created the Department of Homeland Security, the visa adjudication and immigration enforcement functions were separated. So let me be clear—the

waiver of an expedited processing fee has absolutely no effect on the funding that goes to immigration enforcement. Moreover, as I discussed this morning, the bill we debate provides \$6.5 billion to border security and enforcement. Our amendment is not some giveaway to, as Senator VITTER described, "well-heeled" individuals. Rather, it is an incentive for USCIS to process these petitions in a timely way as they are required under the law.

But the most important distinction that the Senator from Louisiana failed to explain to the Senate was that our amendment applies only to non-profit organizations. Organizations like the Greater New Orleans Youth Orchestra, the Louisiana Philharmonic Orchestra, Louisiana State University Opera, and the New Orleans Ballet Association. I suspect that these are not the "well-heeled" individuals the Senator from Louisiana is describing. In fact, I would ask unanimous consent to have printed in the RECORD a list of 83 Louisiana Arts Organizations and supporters of the amendment Senator HATCH and I have offered.

The Senator from Louisiana called our amendment misguided. Again, I wish he had read the amendment more carefully. I suspect the dozens of non-profit performing arts organizations across Louisiana that are enriching their communities with performances from international musicians and dancers would not think it is misguided to help them continue their important work. With such an incredibly rich musical history and tradition, I suspect the people of Louisiana, like Americans across the country, place a very high value on the performing arts.

So with that clarification, I hope I have addressed the concern of the Senator from Louisiana and that he will reconsider his opposition.

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

#### PERFORMING ARTS ALLIANCE

##### MEMBERS AND SUPPORTERS IN LOUISIANA ORGANIZATION AND CITY

Acadiana Center for the Arts, Lafayette; Acadiana Symphony Orchestra, Lafayette; Alligator Mike Promotions LLC, New Orleans; Ark-La-Tex Youth Symphony Orchestra, Shreveport; ArteFuturo Productions, New Orleans; Arts Council of Greater Baton Rouge, Baton Rouge; ArtSpot Productions, New Orleans; Ashé Cultural Center/Efforts of Grace, Inc., New Orleans; Atlantic Brass Quintet, Baton Rouge; Backbeat Foundation Inc., New Orleans; Baton Rouge Symphony, Baton Rouge; BREC Independence Park Theatre, Baton Rouge; Cindy Scott, New Orleans; Columbia Theatre for the Performing Arts, Hammond; Contemporary Arts Center, New Orleans; Coughlin-Saunders Performing Arts Center, Alexandria; Cripple Creek Theatre Company, NEW ORLEANS; CubaNOLA Arts Collective, New Orleans; Dillard, New Orleans; Downsview High School, Downsview; DUKES of Dixieland, The, New Orleans.

Festival International de Louisiane, Lafayette; FMBC—Liturgical/Spiritual Dance Ministry, New Orleans; Goat in the Road Productions, NEW ORLEANS; Graduate Pro-

gram in Arts Administration—UNO, New Orleans; Grand Opera House of the South, Crowley; Greater New Orleans Youth Orchestras, New Orleans; HMS Architects, New Orleans; Hot 8 Brass Band, New Orleans; Houma Terrebonne Civic Center Development Corporation, Houma; Independence Park Theatre, Baton Rouge; Isidore Newman School, New Orleans; Jefferson Performing Arts Society, Metairie; Junebug Productions, New Orleans; Kors Entertainment, Baton Rouge; Lake Charles Symphony Orchestra, Lake Charles; Little Theater Shreveport, Shreveport; Louis Armstrong Society Jazz Band, The, New Orleans; Louisiana Alliance for Dance, Baton Rouge; Louisiana Division of the Arts, Baton Rouge; Louisiana Philharmonic Orchestra, New Orleans.

Louisiana State University, Baton Rouge; Louisiana State University Opera, Baton Rouge; Louisiana State University Student Union Theater, Baton Rouge; Louisiana Youth Orchestra, Baton Rouge; Loyola University, New Orleans; Maculele Cultural Project, Inc., New Orleans; Manship Theatre, Baton Rouge; Mondo Bizarro, NEW ORLEANS; Monroe Symphony Orchestra, Monroe; Moving Forward Gulf Coast, SLIDELL; Musaica Chamber Music Ensemble, Metairie; Musicians for Music, New Orleans; National Performance Network, New Orleans; NEW NOISE, NEW ORLEANS; New Orleans Ballet Association, New Orleans; New Orleans Center for Creative Arts Institute, New Orleans; New Orleans Friends of Music, New Orleans; New Orleans Opera, New Orleans; New Orleans Shakespeare Festival at Tulane, New Orleans; Night Light Collective, NEW ORLEANS; North Star Theatre, Mandeville; Opera Louisiane, Baton Rouge.

Oportunidades Nola, New Orleans; PearlDamour, NEW ORLEANS; Performing Arts Society of Acadiana, Lafayette; Playmakers of Baton Rouge, Baton Rouge; Rapides Symphony Orchestra, Alexandria; Salvatore Liberto Music, River Ridge; Shreveport Opera, Shreveport; Shreveport Symphony Orchestra, Shreveport; Southern Rep, New Orleans; Strand Theatre of Shreveport, Shreveport; Swine Palace Productions, Baton Rouge; Terrance Simien & The Zydeco Experience, Lafayette; Terrance Simien & The Zydeco Experience, Lafayette; The Shakespeare Festival, New Orleans; Tsunami Dance, new orleans; Tutti Dynamics, New Orleans; University of Louisiana, Lafayette; University of Louisiana—Monroe, Monroe; VIEUX CARRE ARTISTS, New Orleans.

With that, I yield the floor and 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. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARPER. I wish to start tonight by saluting our Gang of 8. I won't call them by name; you know their names, but four Democrats and four Republicans. I wish to thank them for their tireless efforts to bring this bipartisan legislation to the floor.

I also wish to commend Senator LEAHY and the Judiciary Committee that he leads for their efforts to bring the committee together and for bringing to the floor what I think most of us agree is very important legislation.

Delaware celebrated the 375th anniversary of the arrival of the first

Swedes and Finns who came to America and came right through what is now Wilmington, DE. South of that spot, about 5 miles to the south, William Penn first came to America as well.

Those immigrants came to our country all those years ago for a lot of the same reasons people come here today. They came to live what we now call the American dream, the remarkable idea that regardless of our background or station in life, people can still come to this country, work hard, build a better life for themselves and for their families. Today, some 400 years later after those first immigrants settled in my own State, we are blessed to live in a thriving and prosperous Nation in no small part because of millions of immigrants who came together to build this Nation. We can all be proud of that history.

As a Nation of immigrants, we in Congress have a special responsibility to ensure our immigration system is effective and it reflects our values. Those values were what inspired brave, hard-working, and committed people to take great chances to come to this Nation. They are often seeking to escape violence, to lift themselves out of poverty, or to simply live a better life.

These immigrants renew and enrich our communities. They enhance our economy, but we cannot and should not open our doors indiscriminately to everybody who wants to come here. We need an immigration system that is practical, is effective and, in the end, is fair—fair to us, fair to the people who want to be here, and fair to the people who have been in line to become citizens in this country sometime down the road.

Today, however, our immigration system is, by most standards, broken. It is not effective in bringing in the talent we need and maintaining a strong and vibrant economy. Our immigration system does not give employers the assurances that someone they want to hire is actually here legally and eligible to do some work. That system does not always focus our security efforts on the real risks and on those who come here with the intent to do us harm.

Finally, our immigration system does not address in a pragmatic or fair way the fate of 11 million undocumented people living in our country right now, many of whom came here as children and, like us, know no home other than America.

With that said, how do we modernize our immigration laws in a way that is fair, practicable, and makes our Nation more secure, physically and also economically? I have always said the key to immigration reform is border security.

You will recall the last major comprehensive effort this body made to reform our broken immigration system about 6 years ago fell apart because a number of my colleagues here claimed, with some justification, that our bor-

ders were not secure enough. Many of my colleagues claim, justly or not, that the border is still too porous, and we would be having the same debate 20 years later because of border control, the lack of it.

People ask themselves are our borders secure enough to ensure we don't end up having this same debate 20 or 30 years down the line. The answer, for many of my colleagues and for a lot of Americans was, no, they are not. That was then; this is now.

Six years later, a number of people will still argue our borders are not secure enough to even try to move forward with these reforms. I disagree. When I hear our colleagues ask are our borders more secure, I am often reminded of a friend who says, when you ask him how he is doing: Compared to what?

Some say our borders won't be secure until we stop every single person who tries to get across illegally. I think it is clear this is not a realistic goal or expectation.

Let's go back a little bit in time. Take, for example, the border between East Germany and West Germany, most famously the Berlin Wall. This was perhaps the most secure border our world has ever seen, with roughly 100 miles of concrete, electrified razor wire, and a 100-yard-wide kill zone guarded by some 30,000 soldiers. Still people made it safely across this highly secured border every year. In fact, a recent report by the Council of Foreign Relations concluded that East Germany only stopped about 95 percent of those who tried to cross the border and enter West Germany. Even a ruthless regime willing to kill its citizens couldn't stop desperate people in search of a better life. I don't think any reasonable person believes we should try to replicate the East German border strategy.

What is the right comparison? I suggest the right comparison is what our borders looked like in 2007. Are our borders more secure today than they were then? Are they a lot more secure or just a little bit? I think they are a lot more secure.

How do I know? I have the privilege of chairing the Senate Committee on Homeland Security and Government Affairs. We held a number of hearings this year on border security. Even more importantly I have had the opportunity to visit our borders with Mexico and actually up in Canada, along with Senator JOHN MCCAIN, Congressman MICHAEL MCCAUL of Texas, Secretary Janet Napolitano, all kinds of local officials, sheriffs, police, mayors, and other folks. About 3 years ago, I visited the California border and earlier this year Arizona and Texas and up in Michigan. My goal was to get a firsthand look at what is working, what is not, and what more we ought to do to secure the border further—and we can.

Based on what I have seen, there is overwhelming success, though, that our borders are more secure than they

have been—probably have ever been—and certainly more secure than they were in 2007. I saw parts of our border that were overrun with undocumented immigrants as recently as 2006, when the Border Patrol agents I met with told me they used to arrest more than 1,000 people every single day trying to get into this country illegally. Think about that, 1,000 people a day. Today those same agents told me they have a busy day if they arrest as many as 50 people. Is 50 too many? Yes, it is, but it is not 1,000 people a day.

In fact, arrests at the border have reached their lowest levels since the early 1970s. With our putting massive investments in personnel and technology along the border, we are arresting significantly fewer people, and it is not because we are not on the lookout or trying to get those who are coming here.

I have a slide of our southern border, from the Pacific to the Gulf of Mexico; from California into Arizona, to parts of New Mexico and Texas, all the way to the Gulf of Mexico. So four States are divided into about nine different quadrants. We have some interesting numbers. If we look at 1992, the number of people who were arrested was about 565,000 just south of San Diego. In 2000, in the El Centro area of California, we had about 238,000. Initially, the numbers here in the West were huge. In the Navy, I used to be stationed in San Diego. These numbers were huge. It has sort of drifted this way. I used to go across the border south of San Diego into Mexico, but it is remarkably secure. The challenge now lies way over here and other places as well, but really it lies over here. We have not just Mexicans trying to get across. Maybe the majority of people trying to get across in South Texas today are from Central American countries—Guatemala, Honduras, and El Salvador.

In 2005, a year or two before we debated the last immigration reform proposal, Border Patrol was arresting, in this Yuma section right here, 138,000 people. Today, the number is 6,500. Think about that, from 138,000 down to 6,500.

Let's look at the Tucson sector. In the year 2000, we were arresting over 600,000, today about 120,000. In the El Paso sector in 1993 we were arresting close to 300,000; now it is right around 10,000, and it is not because we are not trying. It is not because we don't have a lot more people there, a lot better technology. It is just that the number of folks coming across has just significantly diminished.

Over here in Texas though, in 1997, there were about one-quarter million coming across and getting arrested and today still about 97,000. So there is still a good number—too high a number trying to get across—and we are arresting a number of those.

But the change in these numbers—the dramatic reductions from 1997 to today—is not an accident. This precipitous drop in arrests is the direct result

of the unprecedented investments we have made in securing our borders over the past decade.

You don't have to take my word for it. Here is what several of our border officials and residents who are true experts have to say about the progress we have made in securing our borders. I will just quote a few. I talked to a whole lot more. Some of my colleagues have been down there and talked to a bunch of local officials in those States too. Here is what the mayor of San Antonio said earlier this year before the House Judiciary Committee. Mayor Julian Castro of San Antonio said:

In Texas, we know firsthand that this administration has put more boots on the ground along the border than at any other time in our history, which has led to unprecedented success in removing dangerous individuals with criminal records.

The mayor of Nogales, AZ, one of the places we visited earlier this year with Secretary Napolitano, said:

We used to have street chases all the time. . . . Now all those things are gone, something you don't even hear about.

That was about 2 or 3 months ago.

A woman named Veronica Escobar, a county judge in El Paso, said this near the end of 2011:

Those of us who actually live along the border know otherwise. El Paso, the largest city along the United States-Mexico border, is also one of the country's safest cities and the heart of a vibrant bi-national community.

So the truth is we spend more on border security each year—about \$18 billion—according to a recent Migration Policy Institute report—about \$18 billion a year—than we spend on the rest of Federal law enforcement activities combined. Think about that for a moment. We spend more on border enforcement, border security, than we spend on the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the U.S. Marshals combined—combined.

Since 2000, the Border Patrol alone has more than doubled in size. Its funding has almost quadrupled. We have built 650 miles more of fencing along the border. That is roughly one-third of our Mexican border. To better secure parts of our border where a fence might not be as effective, we deployed a number of what I like to call force multipliers, and I will talk about some of those later on.

When I am talking about technology that will help the Border Patrol do their job more effectively, in some parts of the border it might be radar, it might be drones, in others it might be cameras, towers or hand-held systems. For example, in the past couple of years, we have deployed roughly 350 land-based towers, vehicle-based towers with advanced cameras and radar. We fly more than 270 aircraft and helicopters to monitor a 2,000-mile border, and we are also using drones and the lighter-than-air assets—blimps.

But you don't have to take my word for it. I think a picture is worth a thou-

sand words, and I have a couple of pictures here of some slides I wish to show to take a look at what the border looked like 7 years ago, in 2006, and what it looks like today.

This is one of my favorite pictures. It is a picture of a ranch. I believe this is a ranch in Arizona. Look at this. It looks almost like a junkyard, almost like a place where people come to drop their trash, and that is what happened, because every day hundreds of people would come through here, through this ranch, to cross the border, and this is what they left behind. Here is the same place today.

This is not because the folks trying to get into our country have somehow gotten an environmental conscience and they do not litter as much. That is not what is going on here. They are not coming through as much. So if you ever hear: Is our border more secure? Does it make a difference? I would say go to that ranch and take a look. We have spent a lot of money on infrastructure.

This is Douglas, AZ. We were there, along the southern border of Arizona, and this is a before shot. This is the same landscape and what we see today. Actually, it looks like we have a couple of fences, a road in between, and all kinds of detectors. This is what it looked like before. So we have made huge investments for miles and miles and miles.

We have something from the Yuma sector in Arizona. The Yuma sector was out of control. Border-wise, I think we had the most illegal border crossings than at any stretch of the border in 2006. Starting in 2006, they built more than 100 miles of fencing, just in this one sector alone—in the Yuma sector—where it made a lot of sense. There is an access road so the Border Patrol agents can get where they need to go quickly. We have deployed a bunch of cameras as well. Today, Yuma is the most controlled part of our border, as I reported those numbers earlier. There is a dramatic reduction in the numbers of folks coming through.

This is another place in Arizona, in Nogales. We met with a bunch of local officials there as well. This is a lovely piece of landscape right here. This may not be as lovely, but what is different here is an access road. We can't put a Border Patrol agent every 100 feet along the border, but what we can do is get them where they need to go more quickly. One of the ways to do that is with access roads, and this is one of those near Nogales, AZ.

This is another shot. This is Deming, NM. What it shows is what the area looked like in 2007 along the border. It doesn't look too hard to get across, and it wasn't. This is what it looks like today: lighting, the walls, ways for the Border Patrol to move quickly if they need to. It is just a different place today, and the numbers will demonstrate that has made a difference.

Here we are in Del Rio, TX. There is a lot of water here. In 2008, there was

literally no infrastructure whatsoever in Del Rio, TX. That was about 2008, and this is a couple of years later. You could literally walk across the border and you didn't know it. You didn't know if you were in the United States or Mexico. Today you know it, and we built significant fencing and all those all-important access roads and now have a far more secure border.

This is a place called Marfa, TX. This is a border in the western part of Texas, actually near Big Bend National Park. In 2006, the border was wide open. This is lovely, isn't it? There were some people, particularly some of the locals, who were opposed to fencing. The reason why is because this now looks like this. But the problem with this is people were able to literally walk across, wade across, in substantial numbers. They do not do that anymore. We gave up some scenic beauty, but at the same time we have a whole lot of security we never had before.

Here is Harlingen, TX. We were there a month or two ago. This is the eastern part of Texas, closer to the Gulf of Mexico, but we see a part of the border that as recently as 4 years ago, right here, you could literally walk across it and you wouldn't know it. You could walk right across, and a lot of people walked right across it. This is what it looks like now, with fencing and access roads. They don't walk across it without them knowing it and, frankly, oftentimes without us knowing it.

This is one of my favorite pictures. This is a fence, and this is a fence, in this case, that at least stopped this vehicle. A friend of mine likes to say let me build a 20-foot fence and someone will come along and build a 21-foot ladder. Someone tried to be very clever and find a way to get this vehicle over this fence. I don't know if that is a Jeep, but they tried to get it across and they didn't quite make it. So people trying to get across are pretty ingenious, and they will try to build that 21-foot ladder or in this case a different type of ladder. Sometimes it works and sometimes it doesn't. In this case it worked to stop them.

I also wish to show some of the force multipliers that are helping to enhance security efforts at our borders and ports of entry. These are pictures of just a small sample of the massive improvements we have made along the southern border from California to Texas. It shows what any fairminded person who has been to the border in recent years can tell us; that is, the investments we have made are actually paying off. I hope so. As much money as we have spent, I would hate to think we spent it without getting any kind of result.

One of the investments we have made are the drones. We don't have a huge number, but I think we have four of them in Arizona, a couple in Texas, and I think they have a couple up along the northern border, maybe North Dakota, and a couple over in Florida. But we will talk a little more about these.

Let me just say, if you put up a drone and you put a VADER system on it, they can fly at high altitudes, they can fly day or night, they can see in the rain, they can see in the dark, they can see when the Sun is shining. They are an incredibly effective asset when they fly. We will talk later about the problem that they don't always fly. They do not fly when the wind is more than 15 knots. We have four of these in Arizona, with only one that has a VADER system. Of the four we have, only about two of them are flying most of the time. They only fly 5 days a week. So one of the keys, if we are going to use the drones, let's make sure we have VADER on all of them and let's make sure they are able to fly more than 5 days a week, more than 16 hours a day, and let's properly resource these aircraft.

Old technology. The drone is pretty new. This is old technology. Blimps and dirigibles have been around forever. Some of you may recall seeing a video of blimps such as this from Kabul, Afghanistan. I talked on the phone this week with a fellow who is now Ambassador to Mexico. His name is Tony Wayne. He used to be the No. 2 guy in our Embassy in Afghanistan.

I asked him: How do we use blimps in Kabul? We use them in Kabul very effectively. He said: The great thing about blimps is you can put them up in bad weather, when it is windy. You can't fly more than 15 knots, but these stay up and don't run out of gas. You can have more surveillance systems with pods on these than you can on a lot of the other aircraft we are flying. We use them with great effect in Kabul, Kandahar, Afghanistan, and other places, and we ought to be able to do better with them on the border with Mexico. They can be a great force multiplier as well.

This is a little plane called a Cessna C-206, and it has enough room to carry two people. I think we have about 17 of them. We saw one in Arizona, and we saw a bunch more in Texas. It is really not cutting-edge technology; it is just cost-effective. You can put these planes out for a while, and they don't use much gas. They are a good platform for surveillance.

Unfortunately, out of the 16 or 17 that we have, only 1 of them has a surveillance system that enables us to look down and find out what is going on on the ground. It is sort of like sending out an airplane doing maritime surveillance when occasionally we do search and rescue missions over the vast ocean with binoculars, looking for somebody in a little skiff or in a life preserver. It is like looking for a needle in the haystack. When we fly these planes, we ought to have them fully resourced with modern surveillance equipment and people operating them.

We have boats, and we have helicopters. We have boats that go fast along the Rio Grande River. We need boats that go fast. We need the same thing off the coast of California. Fortunately, we have them.

We don't have enough helicopters. We talked to some folks in East Texas. They basically are flying three different kinds of helicopters—one is fairly modern, and a couple others are not. The only one the Border Patrol is really interested in is the one that is fairly modern. It is reliable, has good surveillance equipment.

What we were told by some people is this: If you are going to send us the older, less reliable helicopters without the technology, don't send them. What we need to have is more of the successful helicopters, the ones in demand, where it will actually be a real force multiplier.

I thought this was an interesting slide. This is with night vision goggles. We also have the ability to use the VADERS, the systems we put in our drones. In the C-206s we fly, our ground-mounted cameras are along the border. This is nighttime, but this is what we can see today, and it is pretty easy to pick people up. If we are going to ever be able to figure out how many are getting across, not getting across, we need this; we don't need this. Fortunately we have this, and it is a force multiplier. We need to make sure we use it well.

This shows a different series. Some are cameras, some are radar, but they are ground-based. In this case they have an operator. Again, this is one that is mounted on a truck bed. It can be moved around. Some are more permanent. Here is one that is more permanent. You have the Border Patrol here right at the fence and the ability to look north, south, east, and west.

These are just a couple examples of force multipliers. We have all these men and women on the border. We have basically doubled the border patrol. How do we make them more effective without just adding more and more bodies between the ports of entry? We can do it with this kind of technology. We can do it effectively, and I think we can do it in a cost-effective way. That is what we ought to do.

The bill we are going to be debating over the next couple of weeks sets aside an additional \$6.5 billion for border security on top of the \$18 billion we already spend today, every year. The \$6.5 billion in the bill will be used to add another 3,500 officers—not between the ports of entry, these big ports. We are not talking about water ports. We are talking about land-based ports of entry where a lot of commerce—cars, trucks, pedestrians—is getting in, and big commerce is going through those ports of entry as well.

But the legislation wisely could use some of that extra \$6.5 billion to hire another 3,500 officers to work in our ports of entry, to build new infrastructure at the ports of entry and make them better, to secure new surveillance systems, and for the aerial support for the Border Patrol.

For the first time in our Nation's history, we have set a statutory goal for the Border Patrol in this legislation to

arrest or turn back to Mexico some 90 percent of all those trying to get across illegally. So if we have 100 people trying to get in on a given day at a particular spot, the idea is to know how many are actually trying to get in and how many are either detained or actually turned back. The idea is to make sure we are going to have at least a 90-percent success rate. It is a tough law, and it ensures accountability.

Do you remember what I said about Germany? In Germany, with all the hundreds of miles of concrete and 30,000 soldiers, their effective rate was 95 percent. We are talking about something very close to that—90 percent—without doing the kinds of stuff they did in East Germany.

Lastly, the bill that is before us calls for achieving persistent surveillance over the entire border so we can know with a high degree of certainty how many people are trying to cross it illegally. Given the length of our borders and how rugged and how varied it is, this goal will be a challenge—and a costly one—to achieve, but it is not impossible.

As I learned from my trips to the border, there is simply no one-size-fits-all solution for securing our border. It really depends on the terrain, which varies widely along the border region. That is why we need to systemically identify the best technology to allow us to use our frontline agents—the Border Patrol—more effectively and give them the tools they tell us they need to be successful.

One specific thing I have seen on my trips along the border with the C-206—and just think about it. You have an airplane. You put it up to fly for 3 or 4 hours, and you can send it out with one person looking through binoculars or a surveillance system with lights out. That works in the day or the night, rain or not, and it gives us great images and a great capability.

We also need to make sure the Department of Homeland Security has the flexibility to deploy resources when and where it makes sense. For example, as we talked earlier about the blimps that are tethered, they have proven to be enormously successful in northern Afghanistan. And for anybody who doubts that, I urge you to give our Ambassador to Mexico a call, who was our No. 2 guy in Afghanistan the last time I was there a couple of years ago. As I said earlier, the blimps are old in terms of the technology, but they can handle a lot of surveillance stuff and equipment, and they do great work. In some places, they will make a lot of sense; in other cases, maybe not so much.

But the Department of Homeland Security needs to be able to swiftly put in place innovative tools like blimps when factors on the ground change or when they see the need for a new approach to securing certain portions of our border. I don't think we ought to be hamstringing them with mandates

that make them less effective in carrying out their missions, including requiring additional fences in areas where the fencing doesn't make much sense. In a lot of places, it does. There are 600 miles or so where it does, and there are more places that it does. But there are also some places where it makes more sense to resource a drone, to have land-based radar and cameras, where it makes more sense to fly the 206s, to have helicopters with the right kind of surveillance equipment on them and be able to move people along.

I want to mention some other cost-effective technology. We saw some really interesting hand-held devices that allow the border agents to see in the dark. I also saw something at one of the ports of entry. It was actually about the size of my Blackberry. I remember standing at the ports of entry where they have literally thousands of cars and trucks and vehicles and pedestrians coming across a day. But before the truck or vehicle ever got to the border, the officer had a device that would tell her the truck that was coming through, the history of the truck that was coming through, the driver who was in the truck and the history of that driver coming through, what should be in the truck, and what was the cargo in the truck in recent months. This was up in Detroit too. But one of the officers there said this is a game changer.

As I mentioned earlier, this bill we are debating appropriates about \$6.5 billion to continue to build on the progress we have made and achieve the ambitious goals it sets for the Department. That is good news. My goal is to make sure that much of this funding is devoted to these force multipliers to help our boots on the ground work smarter and be more effective. I don't think we need to micromanage the process.

We have been joined by the majority leader. I am happy to yield.

Mr. REID. Mr. President, I appreciate my friend yielding.

Mr. President, I read into the RECORD in some detail today a letter that he wrote with Senator LEAHY talking about what has gone on in recent years with border security. Our country is very fortunate to have this good man leading our Homeland Security Committee.

There are some Senators I don't know as much about as I do about this man, but we have been together since 1982. He had a sabbatical for 8 years to run the State of Delaware as Governor, but other than that, we have been locked in arms, moving forward.

I appreciate very much his yielding.

#### MORNING BUSINESS

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

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

#### REMEMBERING OFFICER JASON ELLIS

Mr. MCCONNELL. Mr. President, I rise today for the sad occasion of paying tribute to a brave and honorable police officer from my home State of Kentucky who has fallen in the line of duty. Officer Jason Ellis, a seven-year veteran of the Bardstown Police Department, was tragically killed on May 25. He was 33 years old.

Officer Ellis worked as a field-training officer and a canine officer; with his police dog, Figo, he fought illegal drug use in Bardstown. Bardstown Police Chief Rick McCubbin described Officer Ellis as one of Bardstown's top officers and credited him with making a serious dent in the town's drug problem. Chief McCubbin also said these words: "[He] paid the ultimate sacrifice doing what he loved: being a police officer."

Jason Ellis, a native of Cincinnati, OH, attended the University of the Cumberlands in Williamsburg, KY, where he was a star baseball player. He set records for all time career hits, doubles, home runs, and career games played, the last of which is still a record at the school. He played minor league baseball in the Cincinnati Reds system.

Even as a star on the diamond, however, coaches and teammates remember Jason Ellis talking about becoming a law enforcement officer. His wife, Amy, says: "He was always a go-getter. . . . He was dedicated to his job and he wanted to clean the streets up. And that was the way to get the drugs off the streets."

On May 30, Officer Ellis was laid to rest at Highview Cemetery in Nelson County. Fellow law enforcement officers from across the Commonwealth as well as Pennsylvania, Ohio, and Illinois came to pay their respects, and hundreds of police cruisers made up the funeral procession. Over a thousand people filled the church sanctuary, with more standing along the aisles, to show their gratitude for Officer Ellis's service and sacrifice.

It is incredibly moving to see the broad outpouring of support from Kentuckians and the law enforcement community for Officer Ellis, which I pray was of some comfort to Officer Ellis's family at such a difficult time. Officer Ellis leaves behind his wife Amy and two sons, Hunter and Parker.

It can't be stated enough, Mr. President, how deep our admiration and respect is for every man and woman who wears a police uniform and makes a solemn vow to defend the lives of others, even at the cost of their own. Police officers provide stability and justice in our civil society. I know my colleagues in the U.S. Senate join me in extending the deepest sympathies to the family of Officer Jason Ellis and the members of the Bardstown Police Department. We are very sorry for their loss.

#### REMEMBERING PETE VONACHEN

Mr. DURBIN. Mr. President, I rise today to pay tribute to a generous, genuine Illinoisan we lost this week.

Those of us who have watched and listened to Chicago Cubs' games for some time can easily recall Harry Caray. His booming voice was instantly recognizable as the voice of the Cubs—and fans fondly remember his celebrations of their triumphs and his deeply felt sorrow at more than a few of their disappointments.

Some of us may even recall his bright voice welcoming one of his closest friends to the broadcasting booth with the words: "and here today, from Peoria, Pete Vonachen!"

I am sad to say that Pete Vonachen passed away—peacefully—this week. Pete was an enthusiastic, colorful, and memorable person. He loved Peoria, baseball, and the Cubs. You could tell that he bled Cubs blue—especially, as one friend explained, in 2005. That was the year that the White Sox won the World Series.

After running a successful restaurant and making his name in the Peoria business community, he bought the local minor league team and struck an affiliation with his favorite Chicago team. The Peoria Chiefs soon had the highest attendance of any team in the Midwest League. A decade later, they renamed the ballpark they called home to Pete Vonachen Stadium. They even put a statue of him just inside the main gate of their new stadium.

That statue was surrounded with flowers and baseballs placed by fans Monday night as the Chiefs took the field against the Quad Cities River Bandits. And, after a moment of silence to honor his memory, the Chiefs won. The Cubs held a moment of silence for him as well at Wrigley Field Monday.

Pete Vonachen will be missed by his family, his many friends and those who loved him in Peoria, and the entire Illinois baseball community.

We will remember Pete and his tremendous line, "Have a great day, and keep swingin'."

#### AMIR HEKMATI

Mr. LEVIN. Mr. President, in Flint, MI, a family anxiously awaits word of when their son and brother will return to them. For more than 600 days, Amir Hekmati has been imprisoned in Iran, accused of spying for the United States. His capture, detention, trial and sentencing have brought great anxiety to his loved ones here in the United States.

Amir, who spent much of his childhood in Michigan and whose family still lives there, was visiting relatives in Iran in August of 2011 when he was arrested by Iranian police. In January of 2012, an Iranian trial court sentenced him to death. But on March 5, 2012, Iran's Supreme Court overturned that sentence, ruled Amir's trial had been flawed and ordered a new trial.