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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.  
Eternal Spirit, we trust You to order our steps. Show us Your path and teach us to follow You. Lord, guide us by Your truth and instruct us with Your wisdom.

Today, help our Senators to give You their challenges as they remember that You have promised to make them more than conquerors. Infuse them with a spirit of peace, and may they find new strength in Your gift of quiet confidence. May they trust You above all and through all, as You pour into their hearts a greater love for You and humanity.

Use us, O God, to bring healing to those in pain, hope to those in despair, and peace to those in war.

We pray in Your awesome Name.  
Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, following my statement the Republican leader will be recognized. I ask unanimous consent that I be recognized when he completes his statement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will resume consideration of S. 744, the comprehensive immigration bill.

I renew my request to be recognized following the remarks of Senator MCCONNELL and the reporting of the immigration bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The assistant 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 PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, when Alfredo Castaneda crossed the border from Mexico into the United States two decades ago, he didn't climb over a fence. He didn't swim across a river. He didn't fly over the border. He didn't walk through the desert. When Alfredo Castaneda crossed the border, he was a 2-year-old little boy perched on his father's shoulders.

The choice to leave Mexico wasn't an easy one for Alfredo's father, but the rumble of hunger in his belly and in his son's belly convinced Alfredo's dad to leave behind the world he knew for a hopefully better life in America. He wrote me a letter; it is addressed to me. Here is what he said:

I lived in a shack with one wall of my house leaning on my neighbor's; the other three were made of sticks and mud bricks. I wanted to give my family a better life, and so I hear the U.S. is a land of opportunity. All I want is to have a sliver of that opportunity for my family.

So with his wife by his side and his son on his shoulders, Alfredo's father came to America illegally. Alfredo was a 2-year-old boy, as I mentioned, at the time. Today he is a 23-year-old man who appreciates the privileges that come with life in America, but he is also conscious of the opportunities available only to U.S. citizens—opportunities that aren't available to him because of his immigration status.

When his friends applied for part-time jobs in high school, Alfredo knew he could never work legally. When he was researching a paper for a class, Alfredo was denied a library card because he had no identification. When he filled out an application for his dream school, selecting "noncitizen" on an online form, Alfredo received an error message in bold red letters that said "noncitizens cannot apply"—cannot apply for entry into this institution.

Alfredo's life in Nevada bears little in common with the shack of sticks and mud he left behind. For him, America truly is the land of opportunity his father envisioned. Yet, until recently, Alfredo could not get a Social Security number, a driver's license, or even a full-time job because he is an undocumented immigrant. But that hasn't stopped him from reaching for his dreams. This is what he wrote in addition to what we have already heard:

My parents constantly reminded me to be a good citizen and volunteer in my community whenever possible. They said that it would pay off and would help me acquire citizenship in the future. I took that to heart.

So Alfredo worked hard in high school—really hard—volunteered in a local hospital, and became politically

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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active. He enrolled in the College of Southern Nevada.

Since he can't find steady work, it has been difficult for Alfredo to afford tuition while he helps support his family. But he believes things are about to change for the better.

Thanks to a directive issued last year by President Obama, Alfredo and 800,000 DREAMers just like him won't be deported and will be able to work and drive legally. Alfredo has already applied for several jobs. He has even gotten a few interviews. He looks forward to learning to drive, going back to school, completing his associate's degree, and one day owning a business.

But President Obama's directive isn't a permanent answer. The Republican majority in the House of Representatives voted last week to resume deportation of outstanding young people just like Alfredo who were brought to this country through no fault of their own. Remember, this boy got here on his dad's shoulders. And the directive isn't a solution for Alfredo's parents and 10 million people just like them who live in the United States without the proper paperwork.

It is more important than ever that Congress pass a permanent fix for this Nation's broken immigration system. Alfredo believes in us. He believes we will succeed. He believes we will find the political will to pass commonsense, bipartisan immigration reform and do it now.

His letter contained a reminder of what is at stake in this debate. This is what he wrote:

It's not just a piece of legislation; that piece of paper holds our dreams, ambitions, and potential in it.

I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SCHATZ). The majority leader.

Mr. REID. 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. REID. Mr. President, it is my understanding that the immigration bill was reported, so we are on that bill right now; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. And the pending amendment is what?

The PRESIDING OFFICER. The pending amendment is Grassley amendment No. 1195.

Mr. REID. Mr. President, in a brief moment I am going to move to table that amendment, but I want everyone to understand that I talked to Senator GRASSLEY yesterday and told him I was going to do this, and the staffs have been advised of it as well.

So I ask unanimous consent to move to table the Grassley amendment and that the vote on the motion to table occur at 10 a.m. following the remarks

of Senator MCCONNELL; and that at a time following Senator MCCONNELL's remarks, there be 5 minutes for the opposition and 5 minutes for those supporting the motion to table. So the vote would occur a little after 10 a.m., but that depends on how long Senator MCCONNELL speaks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

YOUNG AMERICANS

Mr. MCCONNELL. Mr. President, the Obama economy has been pretty rough on our Nation's young people. If you are a teenager looking for work over the summer break or if you are a high-schooler looking for a part-time job after school, good luck with that. The unemployment rate for 16- to 19-year-olds is 25 percent—25 percent—which is near historic highs. If you are a college graduate, things don't look much brighter. In fact, the unemployment rate for 20- to 24-year-olds is over 13 percent.

It hardly needs mentioning at this point that many Americans are likely to see their hours cut or their jobs disappear altogether as ObamaCare continues to come online. That is because so far we know that the President's new health care law will impose about 20,000 pages of onerous regulations and probably many more than that when all is said and done.

Many of these regulations will hit small businesses, which create the majority of new jobs in our country. Many of these regulations will hit part-time workers very hard. For instance, the law punishes businesses if they allow employees to work too many hours. So it is no surprise when we read any one of the numerous stories about companies slashing hours. It also punishes businesses if they dare to give jobs to too many people, so, of course, it will probably lead them to slash jobs or actually limit hiring.

I am sure the Washington Democrats who drafted ObamaCare thought they were striking some blow for "fairness" with these job-crushing ideas. Well, now the youth of our country are finding out what Democrats' so-called fairness means for them. It means smaller paychecks or no paychecks at all. It must seem pretty unfair from where they stand.

It actually gets a lot worse. Many experts predict that ObamaCare will also cause health care premiums to skyrocket, especially for younger Americans. Some studies show that young men in particular could see rate increases of 50 percent—50 percent—more. Think about that. You work your tail off in high school just to get into a good college. You spend 4 years pulling all-nighters and cramming for finals, all for the privilege of putting on a gown, accepting your degree, and potentially spending who knows how long frantically searching to find work.

Then, if you are lucky—if you are lucky—your hours get cut after you find a job or maybe your job gets cut altogether. You get a letter in the mail that says: Sorry, your premium is going up by double-digits. Can't pay the higher premium? Too bad. If you don't, Uncle Sam slaps you with a penalty tax. And for all the talk of subsidies, the studies indicate these payments from taxpayers might not even make up for the higher costs.

Look, I would be pretty disillusioned if I were in that position, and I think everyone else would be also. Well, it could get worse if Washington Democrats don't start getting serious about working with Republicans on student loans too. As I mentioned last week, President Obama and Republicans actually agree in broad terms on the way forward for student loan reform. As the President's Secretary of Education told Politico yesterday—this is the Obama administration's Secretary of Education:

My strong preference would be for a longer-term solution, and not to just keep solving it this year, and then the next year and then the next year.

So it is time for Senate Democrats to stop blocking us from enacting permanent reform because Federal rates for new student loans are set to double—double—if we don't act soon.

Several Senate Democratic leaders have basically already admitted to the media that they would rather have a failed bill they can morph into a campaign issue than a signed bill that can help 100 percent of students.

It is time for that to change, and they should not assume younger Americans will be that easily tricked one more time in 2014. These young men and women may be drowning in the Obama economy, but it is not because they are dumb or lazy or apathetic. It is because of policies dreamed up in Washington during the years of the Obama administration.

As the days go by, these young Americans are discovering just how unfairly Washington Democrats have treated them in the past few years.

KEEPING A COMMITMENT

Finally, Mr. President, we have been discussing on a daily basis whether the majority leader will keep the commitment he made at the beginning of the last two Congresses that no rules changes would be made other than by following the rules. In other words, the commitment was: I will not break the rules of the Senate in order to change the rules of the Senate.

My friend the majority leader has made that commitment on two occasions. He made it in January of 2011 for the next two Congresses. We are in the second Congress now. At the beginning of this Congress, we had an extensive discussion about rules changes, after which the vast majority of Senate Republicans supported two rules changes and two standing orders, and in return for those changes we made, the majority leader committed once again that

for this Congress he would not pull the nuclear trigger, as we call it around here, use the nuclear option; in other words, turn the Senate into the House.

So the majority leader will be confronted with his promise, his commitment, on a daily basis until we understand fully that he intends to keep his commitment to the Senate and to the American people.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1195

Under the previous order, the time until 10 a.m. is equally divided between the proponents and opponents of the motion to table the amendment offered by the Senator from Iowa.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the proponents be given 5 minutes and the opponents be given 5 minutes and then we vote.

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

Mr. SCHUMER. Mr. President, I rise to speak against the amendment offered by my friend and colleague, the ranking member of the Judiciary Committee.

What does this amendment do? It is very simple. It says that the 11 million people living in the shadows cannot even get RPI status, the provisional status by which they can work and travel, until—until—the Secretary of Homeland Security says the border is fully secure.

We all know that will take years and years and years, and that is why an amendment very similar to this came up in the Judiciary Committee and was defeated 12 to 6, with two Republicans joining the Democrats in voting against it, Mr. FLAKE and Mr. GRAHAM, who were part of our so-called Gang of 8.

The problem with the amendment is very simple: What do we do for 5, 6 years until the border is fully secure? It is going to take a while to do it. We need to bring equipment there. We need to build fences there. We need to do all of the kinds of things that are in our bill. We provide \$6.5 billion to build \$1 billion worth of border fence, to deploy sensors, fixed towers, radar, drones that will cover the entire border.

So what are we telling those 11 million? If you hide successfully from the police, then maybe 5 years from now

you can stay here and get the right to work and the right to travel. This clearly would undo the entire theme and structure of the immigration bill that has such bipartisan support that is before us today.

Again, let me repeat, as I understand it, it is opposed by all the Members of the Gang of 8—the four Democrats and the four Republicans—for the very reason it will take years and years until the border is secure. To wait that long, we will have millions more come across the borders illegally, the number of illegal immigrants in America will increase, and we may never get to real immigration reform that is needed—so desperately needed—by the country.

I strongly urge that this amendment be defeated. The American people made it resoundingly clear they want us to move forward with immigration reform in a careful, balanced, and bipartisan way. They want us to secure the border, and they want us to be reasonable about the 11 million who are here and about future immigration so we can grow the American economy. That is what our bill does.

This proposal would undo much of that without proposing any real solutions as to what we do before that. It has bipartisan opposition, and I strongly urge that it be defeated.

I yield the rest of my time to the chairman of our Judiciary Committee, Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this amendment offered by my friend from Iowa would significantly delay even the initial registration process for the 11 million undocumented individuals in the country.

We believe the pathway to citizenship has to be earned, but it also has to be attainable. This amendment would further delay a process that already would take at least 13 years.

Bringing these 11 million people out of the shadows is not only the right thing to do, it is the best thing to do. It keeps our country safe. We would know who is here. We could focus our resources on who poses a threat.

This amendment is also unnecessary. We have been pouring billions of dollars into border security in recent years. We have made enormous progress since the last immigration bills in 2006 and 2007, and this bill takes even more steps.

As I said yesterday on the floor, I am going to have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to remind my colleagues that we were promised an open and fair process on this legislation. The fact that the majority is moving to table my amendment proves this so-called open and fair process is a farce. The majority is afraid to have an up-or-down vote on my amendment. They are apparently

afraid to have an open debate and vote on a provision that ensures true border security before legalization, and that is what the people of this country want. They claim to be open to improving the bill, but this motion to table shows they are not ready to fundamentally change the bill.

By tabling my amendment, the majority is stifling progress on this bill. They are refusing to have an amendment process to improve it. This is not the right way to start off on a very important bill.

You know, we only do immigration reform once every 25 years. So what is the hurry? Surely, we need an amendment process in which true immigration reform can succeed. There is a lesson to be learned from the 1986 legislation that is now the law of the land. Then, we legalized first and thought we were going to secure the border later, which we never did.

So this amendment is the first of many that will improve the bill and do what the authors of the bill say they want to do, secure the border and do what the American people expect us to do. If the American people are being asked to accept a legalization program in exchange for that compassionate approach, they should be assured that the laws are going to be enforced.

But as we read the details of the bill, it is clear the approach taken is legalize first, enforce later, the same mistake that was made in 1986. My amendment would fundamentally change that. The amendment that is now pending would require the Secretary to certify to Congress that the Secretary has maintained effective control over the entire southern border for at least 6 months before processing applications for legalization.

It is a commonsense approach: border security first, like promised, legalize next. If the bill passes as is, the Secretary only needs to submit two plans before processing people through the legalization program. We do not need to pass any more legislation that tells this administration to do a job that is already required of them that they are not doing. People want laws enforced. Nevertheless, the bill would start legalization even if the strategies the Secretary submits to Congress are flawed and inadequate. What if this Secretary is not committed to fencing? What if this Secretary believes the border is more secure than ever? Well, in fact, this Secretary told the committee she thought the borders were secure. That should concern all of us.

Legalization status is more than probation. This RPI status is, in fact, legalization. Once a person gets RPI, they get the freedom to live in the United States. They can travel, work, and benefit from everything our country offers. RPI status is de facto permanent legalization.

We all know it will never be taken away. People who say 10 years down the road if we do not have the borders secure, that they are going to take

back and classify these people as illegal again, that is naive. Given the history of these types of programs, we know it will never end.

My amendment improves the trigger and fulfills the wish of the American people. My amendment ensures that the border is secured before one person gets legal status.

If we pass this bill as it is, there will be no pressure on this administration or future administrations to secure the border. There will be no push by the legalization advocates to get that job done. We need to work together. We need to secure the border for several reasons, so that we are not back here in the same position 25 years from now saying we made a mistake 25 years ago, like we know now we made a mistake. We need to protect our sovereignty and to protect the homeland and improve national security.

Under my amendment the Secretary would have to prove that we have effective control, as defined in the bill, for 6 months before the applications for registered provisional immigration status are processed. I agree with at least one of the authors of this bill that if the border security title is not improved this bill does not stand a chance of getting to the President.

So my amendment is a first and necessary step to fixing this issue.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, my dear friend—we have served together in the Congress for more than three decades—I care a great deal about him. He is a good legislator. But I think the only criticism I have is he must be reading my speeches because the speech he just gave is almost a carbon copy of what I have been saying for a long time: that we should not have this 60-vote threshold on everything the Republicans created.

For him to come now and say we are going to have 50 votes, he should go back and reread my speeches, which maybe his staff has done.

I move to table the Grassley amendment. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to table amendment No. 1195 offered by the Senator from Iowa.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—57

Baldwin	Cantwell	Durbin
Baucus	Cardin	Feinstein
Begich	Carper	Flake
Bennet	Casey	Franken
Blumenthal	Coons	Gillibrand
Boxer	Cowan	Graham
Brown	Donnelly	Hagan

Harkin	McCaskill	Sanders
Heinrich	Menendez	Schatz
Heitkamp	Merkley	Schumer
Hirono	Mikulski	Shaheen
Johnson (SD)	Murkowski	Stabenow
Kaine	Murphy	Tester
King	Murray	Udall (CO)
Klobuchar	Nelson	Udall (NM)
Landrieu	Reed	Warner
Leahy	Reid	Warren
Levin	Rockefeller	Whitehouse
McCain	Rubio	Wyden

NAYS—43

Alexander	Cruz	Moran
Ayotte	Enzi	Paul
Barrasso	Fischer	Portman
Blunt	Grassley	Pryor
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Scott
Chiesa	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Johnson (WI)	Toomey
Collins	Kirk	Vitter
Corker	Lee	Wicker
Cornyn	Manchin	
Crapo	McConnell	

The motion was agreed to.

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, for the benefit of Members, we have had a number of amendments filed, and I would like to move forward on trying to move this legislation along. That is what this is all about.

So, Mr. President, I ask unanimous consent that the following amendments be in order and be called up in the order I offer them here: Thune No. 1197, Landrieu No. 1222, Vitter No. 1228, Tester No. 1198, and Heller No. 1227; that the time until 11:30 a.m. be equally divided between the two managers or their designees for debate on these amendments; that at that time; that is, 11:30 a.m., the Senate proceed to vote on the amendments in this agreement in the order listed; that there be no second-degree amendments in order prior to the votes; that all the amendments be subject to a 60-affirmative vote threshold; that there be 2 minutes equally divided between the votes, and all after the first vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I have a suggestion: that we agree to everything for the first four amendments on the list.

I object.

Mr. REID. So you object to the whole thing?

Mr. GRASSLEY. Yes.

Mr. REID. I thought we had a deal there.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. I therefore ask, because of the objection, unanimous consent that the following amendments be in order

to be called up: Thune No. 1197, Landrieu No. 1222, Vitter No. 1228, Tester No. 1198, and Heller No. 1227.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object—

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I suggest to the majority leader we can agree to what he has suggested except for Heller amendment No. 1227.

Mr. REID. I am disappointed my colleague's amendment is not going to be part of this, but maybe we can work on that at a subsequent time.

Mr. GRASSLEY. Yes.

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

Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, while we are determining the best way to move forward on these amendments that are now in order, I ask unanimous consent that the Senator from New Mexico Mr. HEINRICH be allowed to speak for up to 15 minutes to give his maiden speech before the Senate, and during that 15-minute period of time we will try to figure out a way to proceed.

That is the request.

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

Mr. REID. I also ask unanimous consent that following the Senator's statement I be recognized.

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

The Senator from New Mexico.

MEETING 21ST CENTURY CHALLENGES

Mr. HEINRICH. I thank the Chair for the opportunity to address the Chamber today.

Mr. President, I am a strong believer that innovation is what America does best, that boundless wonder and curiosity can lead to revolutionary discoveries, and that diligence and optimism can break down barriers. I am a believer that technology and, more importantly, the scientific method are how we can best meet many of our 21st-century challenges. And this is, indeed, a time of great challenge for our Nation.

There is no question that it is easier to legislate in a time of peace and prosperity than in a time of economic recovery and global conflict. But Americans, Mr. President, are no strangers to adversity. Time and again we have shown our ingenuity and our perseverance. In fact, the very character of our Nation has been shaped by hard work and innovation. That is America's story. I am certain our capacity to deal with the challenges we face rests heavily on our ability to make policy that is driven by facts, by data, and, yes, by science.

Historically, America has responded to challenges with transformative innovations—electricity, radio, television, transistors, silicon computer

processors, and the rise of the modern distributed Internet. In my own State of New Mexico, we have built our economy around some of the greatest innovations of the modern era.

New Mexico Tech, the University of New Mexico, and New Mexico State University offered advanced degrees in chemistry and engineering as early as the 1890s. After World War I, Kirtland, Holloman, and Cannon military bases in our State provided supreme training conditions for the new flight wing of the Army that would eventually be called the U.S. Air Force.

During World War II, New Mexico was home to the Manhattan Project, which installed Los Alamos National Laboratory, White Sands Missile Range, and Sandia National Laboratories.

Through the collaboration of its major defense and research installations, New Mexico has become the birthplace of technologies that have changed the world. Over time, our National Labs, our universities, and our defense installations have proven to be invaluable to research and development not only for our State but for the entire Nation. They led key research efforts during the space race and continue to develop modern defense and computer technology in the digital age, often partnering with private sector innovators such as Intel Corporation.

As innovators in technology transfer, Sandia National Labs and Intel came together on the development of radiation-hardened microprocessors for space and defense applications. With the help of our State universities, New Mexico will continue to lead the way in low-carbon energy technology.

The University of New Mexico Taos Campus is a prime example of the public and private sectors working together to employ cleaner energy. Their campus is home to one of the largest solar arrays in the State—a project that was successful thanks to a partnership with Los Alamos National Lab and Kit Carson Electric Cooperative.

On the research front, Santa Fe Community College and New Mexico State University are developing algal biofuels as a source of liquid renewable energy. In addition to our universities benefiting from technology transfer, Los Alamos National Lab's Labstart Initiative is also promoting growth in the private sector. This program encourages future entrepreneurs to start businesses using technologies first developed within our National Labs. So far, the lab-to-market strategy has brought \$20 million in revenue for the 19 companies that have started under this initiative.

Today, the technology industry, both public and private, supports nearly 50,000 jobs in our small State at over 2,000 technology establishments throughout New Mexico. It is our history of innovation and new technology that drive New Mexico's economy and our contributions to this great Nation.

As our country faces the challenges of bringing our economy back from a

devastating recession and reversing the effects of climate change, we must embrace the challenge and lead the world in innovation and clean energy, using science as our guide to setting public policy. Yet during my time in Washington, too often I have seen scientific integrity undermined and scientific research politicized in an effort to advance ideological or even purely political agendas. I have watched as too many of us in elected office moved from being entitled to our own opinions—something which our democracy relies upon—to embracing the belief that somehow we are entitled to our own facts. None of us are entitled to our own facts.

As someone who began my adult life studying engineering, I believe we must better use science as a guiding tool in our deliberations on how to set public policy. Whether for our national security, our energy independence, or our Nation's ability to compete in the global economy, our efforts and our solutions should be rooted in fact and driven by the best available science but also with a keen eye to the innovations that are transforming our Nation before our very eyes.

By investing in education, in research, engineering, in our teachers, and in our professors, we will lead the world in scientific and technological innovation. Even in this challenging fiscal environment, we must make the investments that have paid dividends for our Nation time and time again.

My own path to scientific inquiry began in the first grade. I had a teacher named Mrs. Taylor, who saw in me a thirst for knowledge and discovery. She fed that desire, even when it meant considerable extra work and planning a supplemental curriculum that wasn't part of her normal work plan. She was the kind of teacher—and I hope some of you have had one—who would take the extra time to make sure a student hungry to read never ran out of new books to explore or that a student interested in fossils and dinosaurs had extra projects and materials to feed their interest.

I can honestly say, if it weren't for Mrs. Taylor, my own life would have taken some very different turns. When we ensure that every student has a Mrs. Taylor, we ensure that our children will not just spend their afternoons playing on tablets and smart phones, but they will have the education to grow up designing and building the next generation of technology and devices. We should harness their natural intellectual curiosity to solve humankind's greatest challenges.

From the classrooms of our elementary schools to the research labs of our universities, to the grounds of our National Laboratories and research institutes to the offices of venture capital firms and innovative tech startups, the frontiers of human knowledge can be boundless. If we harness it, we will continue to fuel our Nation's prosperity.

No area of innovation and science will be more important in the coming

years than our Nation's ability to tackle climate change and to lead the world in clean energy technology. America can and must become truly energy independent, and we must move from traditional carbon-intensive energy sources to ever-cleaner alternatives. Investing in cleaner energy will create quality jobs and protect our Nation from the serious economic and strategic risks associated with our reliance on foreign energy.

I must take the opportunity to say how impressed I have been with the current bipartisan efforts to embrace energy efficiency.

Whether your goal is job creation, economic vitality, saving consumers money, or lowering your carbon footprint, conservation is not only conservative, it is effective. Getting the most out of every unit of energy we use should be a concern for all of levels of government—State, Federal, and local—and for community organizations as well.

I have spent a lot of time traveling across my home State of New Mexico highlighting how innovation and investment in new energy technology can help create good jobs and grow our economy. New Mexico is home to innovators such as EMCORE Corporation, a leading provider of compound semiconductor-based components, which recently deployed a system that uses solar cells with a conversion efficiency of sunlight to electricity of 39 percent, a remarkable feat; Sapphire Energy in Columbus, NM, which is producing drop-in crude oil from algae, sunlight, and CO<sub>2</sub>; and, energy storage projects in Los Alamos and Albuquerque that are demonstrating smart-grid technology with solar PV storage fully integrated into a utility power grid. These are just a few examples. It is clear New Mexico is already capitalizing on a diversified but rapidly innovative energy sector.

To help the Nation transition to cleaner sources of energy, I am supporting efforts to streamline permitting for renewable energy projects while still protecting access to our public lands for families and sportsmen to enjoy.

Another key to further development of clean energy is to alleviate the bottlenecks in the electric power grid. New Mexico is an energy exporter, and I am working to spur substantial renewable energy development by adding the transmission capacity that will allow us to export clean energy to markets in Arizona and California. Through American ingenuity, we can unleash the full potential of cleaner homegrown energy and put Americans to work while we are at it.

At the same time, we can, and we must, lead the world in addressing our climate crisis. Climate change is no longer theoretical. It is one of those stubborn facts that doesn't go away simply because we choose to ignore it. In New Mexico we are seeing bigger fires, drier summers, and less snowpack

in the winter. And as I speak these words, too many of our high elevation forests are burning. With humidity levels lower and temperatures higher, we are dealing with fire behavior that is markedly more intense than we have seen in the past. Over the last 3 years alone, we have seen two of the largest fires in New Mexico's history. With elevated temperatures, studies at Los Alamos National Labs predict that three-quarters of our evergreen forests in New Mexico might be gone as early as 2050.

At the same time we are experiencing our driest 2-year drought since record-keeping started in the mid-19th century. Flows in the Rio Grande are less than 20 percent of normal. Since the first of the year, central New Mexico, where I live, has seen less than 1 inch of rain. This is a tragedy, and we must start taking active steps to reverse it. We owe that to our children. We owe that to the next generation.

In 1961 President John F. Kennedy made a bold claim that an American would walk on the Moon by the end of the decade. Eight years later, Neil Armstrong did just that.

Today we face a similarly audacious challenge when it comes to addressing climate change. We need to think big and we need to execute. We did that when President Kennedy said we would go to the Moon—and we made it happen as Americans. Climate change is our greatest future challenge, and we must commit to solving it within the decade.

I am by nature an optimist. I have seen this great Nation defy the odds again and again. And, yes, I believe compromise and even bipartisanship are still possible. Our country is strong because of rigorous debate, but debate doesn't mean endless gridlock. Despite our differences, there are issues where both parties can come together and find common ground. Using science to rise to our Nation's challenges, whatever those may be, should be one of those areas. It is one I am committed to, and I look forward to working with my colleagues so our Nation and my home State of New Mexico can achieve the greatness and future all of our children deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. 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. REID. 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. REID. Mr. President, I am going to ask consent that we have a vote on some judges in an hour. But prior to saying that, I want to say this. This is a very important bill. People want to offer amendments on this bill. We have

five amendments that are now pending. There are ways we could move forward expeditiously, but sometimes that is not the right thing to do.

We have a number of issues I want to focus on for just a minute. No. 1, we have a storm coming—we all know about that—in a couple of different waves. We have meetings going on today in the Capitol with different groups of people trying to figure out a way to go forward on this important legislation. I think what we should do is have these judges votes, have people go ahead and do their meetings—for example, there is one at the White House late this afternoon with some Senators.

But I do say this: We are going to finish the work on the floor soon on this bill, but we are going to come back Monday and we are going to be on this bill. I want to alert everybody that next weekend we will be working on this bill. We are going to finish this bill before the July 4 recess. Everyone should understand that. Everyone has had adequate warning, notice, that we are going to work next weekend. That means Friday, Monday, and that includes Saturday and Sunday to get this legislation done. If something comes up and we do not have to do that, good, but as things now stand, I see that is something we have to do. I want to make sure people know. They know because we have to move forward on this legislation.

We have a lot we have to finish during the July time period. We will be on this legislation. I have had a couple of Senators say: Can we be next? Mr. President, everyone is alerted. We are working. Both sides are working in good faith to get this bill done, and we are going to continue to do that. Hopefully we will not have to terminate all these amendments with procedural votes. If we have to do that, we will, but I would rather not do that.

I hope everyone will continue working to come to an agreement on how we can improve this bill. I kind of like it the way it is, but I am not the one who is going to make this determination. The ranking member is here, and he will have plenty of time for speeches this afternoon on this legislation. I also appreciate everyone being reasonable. My friend the Senator from South Dakota is always very easy and pleasant to work with. I talked to him about how we should move forward on his amendment, and we had a good conversation. Hopefully what I have said will pacify everyone for the time being and hopefully for a long period of time so we can get this done.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

I ask unanimous consent that at 11:30 today the Senate proceed to executive session to consider Calendar Nos. 47 and 49 under the previous order. Therefore, under the order, the Senate would have one or two votes beginning at noon, beginning on the confirmation of Nitzá Alejandro and Jeffrey L.

Schmehl to be U.S. district judges for the Eastern District of Pennsylvania. Both of these judges are from Pennsylvania.

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

Mr. REID. So people can plan, we hope the first one will be by voice. This one vote after noon will be the last vote of the week.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1197

Mr. THUNE. Mr. President, I thank the majority leader for trying to work with us in a fashion that will allow us to get to some votes on amendments. We have several amendments pending, one of which is the amendment I have offered, amendment No. 1197. I spoke to this subject a little bit the other evening as we commenced debate on the immigration bill. I would like to, if I might, elaborate a little bit further on why I believe this amendment is important and why I think it strengthens and improves the underlying bill.

I said the other evening that I am very convinced—I think we all are—that we need an immigration system that works. The immigration system we have today is broken, and it must be fixed. Unfortunately, each time Congress has tried to fix our immigration system, promises of a more secure border have never held. The bill in front of us is well-intended, but it is following the same path as past immigration bills.

Under this bill, it is certain that 12 million undocumented workers will receive legal status soon after the bill is enacted. However, the border security provisions of this bill are nothing more than promises which, again, may never be upheld. I have said this before. When I talk to constituents back in my State of South Dakota, there are couple of questions they ask. The first question is, When will our Federal Government keep its promises on border security? They also ask a second question; that is, Why do we need more laws when we are not enforcing the laws that are currently on the books?

It is time that we follow through on promises of a more secure border. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 required 700 miles of reinforced, double-layered fencing along the southern border. That goal was reaffirmed when Congress passed the Secure Fence Act back in 2006. To date, less than 40 miles—36, to be exact—out of the 700 miles of fencing required by law has been completed.

My amendment No. 1197 simply requires that when we implement current law prior to legalization—that is an indication that we are serious about border security—as specified by this amendment, 350 miles of the fencing would be required prior to RPI status being granted. The completion of this section of the fence would be a tangible demonstration that we are serious about border security. After RPI status



is granted, the remaining 350 miles required by current law would have to be constructed during the 10-year period before registered provisional immigrants can apply for green cards.

There are still many problems with this bill that need to be addressed. I think that is what the amendment process is all about. But I say to my colleagues here in the Senate that if we want to show we are serious about border security and not just talking about it but actually making real changes to make our border more secure, then this amendment is one way to show we are serious.

There has been a lot of discussion about the various costs associated with building a fence. If we look at the different estimates about border fence costs, there are quotes from private contractors suggesting that the cost of constructing a double-layered fence is about \$3.2 million per mile. Putting that in terms of a 700-mile fence, we are looking at about \$2.2 billion. Remember, it would cost a lot less than that if we reach the 350-mile mark, which is what my amendment calls for, prior to RPI status. But it is a reasonable cost.

There are dollars allocated in the legislation that are designed to strengthen border security. I suggest to my colleagues that one of the best, simplest, plainest, most straightforward ways of doing that is to build the fence—the fence that is required by law, that was required in the 1996 act and in the 2006 act and to date only 40 miles of which has been built.

This makes a lot of sense. I suggest that as we talk about the various other elements of the immigration debate and the legislation in front of us, we start with this. If we start with this, I think we can convince the American people we are serious.

I think it is difficult for Americans to trust Congress, trust the government to do the right thing on the border when past promises have not been fulfilled. If we go back to the 1986 immigration reform legislation, there were promises made about border security that were never kept, and we allowed people to come in at that time. Since that time, here we are many years later with the same set of circumstances in front of us today, trying to figure out how to deal with the undocumented workers who are currently here but absent anything having happened that would ensure to the American people that the border security requirements are being met.

I encourage my colleagues in the Senate to express our commitment to the American people that before RPI status is granted, we are serious about securing our border, ensuring that the commitments made about building a fence there are fulfilled—again, 350 miles of which would be constructed prior to RPI status, and the other 350 miles of that 700-mile fence would happen subsequent to a green card being issued and moving into that next sta-

tus that is allowed for in this legislation.

This is not something that is complicated. I think if you are an American citizen in this country, you ask a couple of very straightforward questions. One is, why do we have to pass new laws if we are not going to enforce the laws already on the books? The 700 miles of border fence is on the books—in 1986, when it was first called for, and then in 2006, subsequent to that, it was again stipulated that a fencing requirement be completed on the southern border.

Interestingly enough, I would add that at the time when that vote was held in 2006, then-Senators Obama, BIDEN, and Clinton supported that bill, along with a lot of the current Members, authors of the legislation that is before us today.

It makes perfect sense to the American people. I think it is a necessary and essential, actually, requirement to be met not only for us to move on to the other elements of the immigration debate but, more important, to secure the American border.

I ask that amendment No. 1197 be made pending.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 1197.

The amendment is as follows:

(Purpose: To require the completion of the 350 miles of reinforced, double-layered fencing described in section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 before registered provisional immigrant status may be granted and to require the completion of 700 miles of such fencing before the status of registered provisional immigrants may be adjusted to permanent resident status)

Beginning on page 855, strike line 23 and all that follows through page 858, line 10, and insert the following:

(c) TRIGGERS.—

(1) PROCESSING APPLICATIONS FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.—The Secretary may not commence processing applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, until after the date on which—

(A) the Secretary has submitted to Congress the notice of commencement of the implementation of the Comprehensive Southern Border Security Strategy pursuant to section 5(a)(4)(B); and

(B) 350 miles of Southern border fencing has been completed in accordance with section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 1122 of this Act.

(2) ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.—The Secretary may not adjust the status of aliens who have been granted registered provisional status, except for aliens granted blue card status under section 2201 of this Act or described in section 245D(b) of the Immigration and Nationality Act, until the Secretary, after consultation with the Comptroller General of the United States, submits to the President and Congress a written certification that—

(A) the Comprehensive Southern Border Security Strategy, which was submitted to Congress, has been substantially deployed and is substantially operational;

(B) the Southern Border Fencing Strategy has been submitted to Congress, implemented, and is substantially completed;

(C) 700 miles of Southern border fencing has been completed in accordance with section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 1122 of this Act;

(D) the Secretary has implemented the mandatory employment verification system required under section 274A of the Immigration and Nationality Act, as amended by section 3101 of this Act, for use by all employers to prevent unauthorized workers from obtaining employment in the United States; and

(E) the Secretary is using an electronic exit system at air and sea ports of entry that operates by collecting machine-readable visa or passport information from air and vessel carriers.

On page 942, between lines 17 and 18, insert the following:

**SEC. 1122. EXTENSION OF REINFORCED FENCING ALONG THE SOUTHWEST BORDER.**

Section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended by adding at the end the following: “Only fencing that is double-layered and constructed in a way to effectively restrain pedestrian traffic may be used to satisfy the 700-mile requirement under this subparagraph. Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) does not satisfy the requirement under this subparagraph.”

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1222

Ms. LANDRIEU. Mr. President, I ask unanimous consent to call up amendment No. 1222, the Child Citizenship Act, for lawful adoptees.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. COATS, and Ms. KLOBUCHAR, proposes an amendment numbered 1222.

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

The amendment is as follows:

(Purpose: To apply the amendments made by the Child Citizenship Act of 2000 retroactively to all individuals adopted by a citizen of the United States in an international adoption and to repeal the pre-adoption parental visitation requirement for automatic citizenship and to amend section 320 of the Immigration and Nationality Act relating to automatic citizenship for children born outside of the United States who have a United States citizen parent)

On page 1300, between lines 11 and 12, insert the following:

**SEC. 2554. UNITED STATES CITIZENSHIP FOR INTERNATIONALLY ADOPTED INDIVIDUALS.**

(a) AUTOMATIC CITIZENSHIP.—Section 104 of the Child Citizenship Act of 2000 (Public Law 106-395; 8 U.S.C. 1431 note) is amended to read as follows:

**“SEC. 104. APPLICABILITY.**

“The amendments made by this title shall apply to any individual who satisfies the requirements under section 320 or 322 of the

Immigration and Nationality Act, regardless of the date on which such requirements were satisfied.”.

(b) MODIFICATION OF PREADOPTON VISITATION REQUIREMENT.—Section 101(b)(1)(F)(i) (8 U.S.C. 1101(b)(1)(F)(i)), as amended by section 2312, is further amended by striking “at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings;” and inserting “who is at least 25 years of age, at least 1 of whom personally saw and observed the child before or during the adoption proceedings;”.

(c) AUTOMATIC CITIZENSHIP FOR CHILDREN OF UNITED STATES CITIZENS WHO ARE PHYSICALLY PRESENT IN THE UNITED STATES.—

(1) IN GENERAL.—Section 320(a)(3) (8 U.S.C. 1431(a)(3)) is amended to read as follows:

“(3) The child is physically present in the United States in the legal custody of the citizen parent pursuant to a lawful admission.”.

(2) APPLICABILITY TO INDIVIDUAL’S WHO NO LONGER HAVE LEGAL STATUS.—Notwithstanding the lack of legal status or physical presence in the United States, a person shall be deemed to meet the requirements under section 320 of the Immigration and Nationality Act, as amended by paragraph (1), if the person—

(A) was born outside of the United States;

(B) was adopted by a United States citizen before the person reached 18 years of age;

(C) was legally admitted to the United States; and

(D) would have qualified for automatic United States citizenship if the amendments made by paragraph (1) had been in effect at the time of such admission.

(d) RETROACTIVE APPLICATION.—Section 320(b) (8 U.S.C. 1431(b)) is amended by inserting “, regardless of the date on which the adoption was finalized” before the period at the end.

(e) APPLICABILITY.—The amendments made by this section shall apply to any individual adopted by a citizen of the United States regardless of whether the adoption occurred prior to, on, or after the date of the enactment of the Child Citizenship Act of 2000.

Ms. LANDRIEU. Mr. President, I am going to speak about this amendment in just a minute, but first I want to respond to Senator THUNE. I wish we could get a vote on my amendment as well as this one because I would like to vote and strongly express my objection to his amendment. I will comment for just a minute.

I chair the Appropriations Homeland Security Subcommittee that is actually building the fence. The money that builds it comes through my committee. I have looked at the fence they are trying to build. It is shocking to me, and would be shocking to everyone in America if they could see it. No matter if we build a single fence or double fence with spacing in between, it will be easy for people to get over it or under it.

I will vote against Senator THUNE’s amendment because I am not going to waste taxpayer money on a dumb fence, and that is what his fence would be. We need to build a smart fence. A fence is not just a physical structure which can be built out of a variety of different materials with or without barbed wire on the top.

A smart fence is what Senator MCCAIN and I want to build. Since he is from Arizona, I think he knows a little bit more about this than the Senator

from South Dakota who doesn’t have a border with Mexico but only with Canada, and that is quite different. If Senator MCCAIN were on the Senate floor, I think he would say we absolutely want to build a barrier of security, and this would be a combination of a physical structure that is built to the great standards we can with the technology that will actually shut down illegal immigration.

It is not correct for anybody listening to this debate to think that people on the Democratic side of this aisle or people supporting this bill do not want to secure the border. Nothing could be further from the truth. I may be over-ridden, and people may vote against it, but I am going to hold the position that we cannot waste billions and billions of dollars building a fence that doesn’t hold anybody on one side or the other. We have wasted enough taxpayer money.

While I didn’t come here to talk about this at this moment, I am going to talk about it for just a few minutes.

This immigration bill is about fixing a broken system, not dumping taxpayer money down a rat hole. And some people want to talk about building a fence. I went to look at the fence. I have been in tunnels that go under the fence. I watched people climb over the fence, and so has anybody who actually lives along the border, which is why Senator MCCAIN’s voice is so important in this debate.

No one should think that Senator MCCAIN, who has been the leader on border security in this Senate for 20 years, is not interested in building a strong fence. His State gets affected—just like California and Texas—more directly than any of us.

The Presiding Officer knows geography well. So for my colleagues to come to the floor and suggest that the eight people who put this bill together are not interested in border security is just truly false, misleading, and unfortunate. That is what this debate is going to be about.

I have respect for my colleague. I absolutely oppose his amendment, but I am going to come back and give some more facts about how we are building a smart fence, how we are going to keep using new technologies to keep people out that we don’t want and keep people in we want to keep in.

I want to say one thing about this immigration bill as well. We are the most open society in the world. It is a great source of pride to our country. We are an open, transparent democracy that is trying to create a broad middle class not only here in America but around the world, and trade and commerce are essential. We need secure borders that open for trade and create jobs. As chairman of this committee, I am not going to waste more money building something that doesn’t work just so some people can get a headline in their local press. It is just not going to happen.

So we are going to put money in this bill to build a smart barrier that is

going to have all the new technology we need to track down illegal immigrants and close that off. Then we are also—which is in this bill—going to use new technology, such as what we have seen on television and these fancy shows, to find the 40 percent of immigrants who came here under visas and overstayed, for the queue so they can pay their taxes, learn English, and become citizens.

I will come back and speak more on the record about this issue, and I am sure the Senator from South Dakota will have a response.

Happily, I don’t think there is an objection to my amendment, the citizenship for lawful adoptees. I am very happy I have the cosponsorship of Senator COATS, Senator BLUNT, and Senator KLOBUCHAR. This amendment does not go to the heart of the immigration bill, but it does touch the hearts of many parents and children who have been caught up in a very unfortunate situation.

A couple of years ago Senator Nickles from Oklahoma, whom I had the great pleasure of working with across the aisle on many important adoption bills, and I passed a bill that is very important to the adoption community. The bill basically says when a child is adopted overseas—we mostly do adoptions in America, but we have anywhere from 10,000 to 20,000 adoptions internationally.

When somebody adopts a child overseas, it is very expensive, time consuming, and more bureaucratic than it needs to be. Several years ago our bill said once that process is over and the adoption is finalized, those children will automatically become citizens. It was a great step forward because now we have at least 10,000 to 20,000 kids who are all various ages—infants, teenagers, all the way up to 18—who, once they come to the United States, don’t have to go through another process to get their citizenship; otherwise, we would obviously have a backlog of millions.

This is sort of giving the adopted kids a little express lane, which is what we wanted to do, and we did. Unfortunately, when we pass bills, many times the bureaucracy gets ahold of the law and starts to interpret it in a different way than we wanted and starts throwing barriers in the way.

Simply put, my amendment, which is supported by the Members I said, is going to fix three important provisions in that law. First, it says if a child is adopted into this country and later commits a misdemeanor or felony—just as if it was a biological child who committed a misdemeanor or felony—that person would not be deported. Deportation is not an option for adoptees. It may be an option for illegal immigrants but not children who have been adopted by American citizens. So we are going to correct that. They are going to have the full penalties against them. They can go to jail for a long time. They can do whatever the law



says, but deportation is not one of the options.

There have been very sad circumstances where adults were brought here as children, but the parents failed to get their certification. Many of them have been deported back to a country they never lived in a day, and they don't speak the language. As far as they know, in their mind they are completely American, even if they did know their country of origin. It is very unfortunate, and it has happened. This is going to bring help to maybe dozens and hundreds—it is not going to be more than that—of families to prevent any deportation of adoptees in the future.

Secondly, it will clarify the residency requirement. Over time the Child Citizenship Act has been misinterpreted so that the adopted children of Americans living abroad—particularly for military, diplomatic, and other reasons—do not receive automatic citizenship upon entering the United States. We intended, when we passed our bill, for this to apply to our military families and diplomats. As a result of serving in a foreign country, they have the opportunity to take in a child who is completely homeless and has no parents. They are doing God's work, and many times they end up in some bureaucratic haggling. So we are going to try to correct that.

Finally, it clarifies that when parents are required to travel overseas to adopt a child—some countries require two parents, some countries require one. Whether the country requires one or two parents, one will be sufficient to meet our standard. If two are required, then two have to go; but if only one is required, one is enough to meet our standard.

There have been months and months and years and years where parents who go through all of this trouble to do something they really believe God has called them to do—to adopt a homeless or unparented child or a sibling group—have come home to find that their own government, which would be our government, is nitpicking this law to prevent them from getting an easy path forward.

I hope there will be no opposition to this amendment. I am happy if we are required to have 51 votes or 60 votes. I will take any vote of any number for this bill. I hope the Members will support it.

I am sorry I have to oppose Senator THUNE's amendment, but I will be opposing all amendments that I don't think support the underlying nature of a smart barrier, which is a fence that is both physical and virtual and has new technologies that will actually do the job.

I could not even express how shocking it was to go down to the border and see the number of tunnels that were built under the fence. If we build three fences, they will still build tunnels under those fences. They could build four fences. I am very sorry, but I am

not going to waste people's money on that.

We are going to figure out a way to use technology to find these improper entrances to our country and close them down. It may be an actual fence in some places. It is going to be a virtual fence in other places. It is going to be special technology, lasers, helicopters, infrared, et cetera, et cetera.

Senator MCCAIN actually had a list of the equipment that we intend to buy with taxpayer money, and I am going to come to the floor and maybe spend some hours reading off the list so people know about this. We most certainly are not saying no to a fence because we don't want to secure the border. We are saying no to the fence because it is a waste of money, and we don't have any money to be wasted around here. We need smart technologies.

Now, I am going to read Senator THUNE's entire amendment because I have not read the details of it. I do believe I will be opposing it. It may be that his words did not appropriately say what his amendment does, but if it is an amendment that requires a complete fence and not a virtual fence, I will oppose it. If his amendment says I want a smart fence and we need to build more of a smart fence, then I will support it.

I want everyone to know there are going to be amendments about the fence, and this is the position I will take. I will try to encourage as many people as I can to assume the position I have because I think it is the right position, and I think the taxpayers will support this.

We want a secure border that is smart with the smartest technology possible, not one that just spends untold amounts of money decade after decade and fail and fail again.

I yield the floor, and I see the Senator is still on the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, if I might, I will make a response to the Senator from Louisiana. I understand that there is not going to be a barrier that will be 100 percent effective, but the type of double-layered fencing mandated by the law would be a significant physical deterrent, demonstrating that we are serious. It would prevent some of the pedestrian traffic but not all of it.

In the legislation of the fence that was required, we really don't know all that much about how effective it has been. I think it has been somewhat effective in States such as Arizona, but we have only built 36 miles of it.

In response to my colleague from Louisiana, we all voted for this. She described it as a dumb fence. She voted for the dumb fence. I guess I voted for the dumb fence. I didn't realize it was a dumb fence. I thought it was a commitment we made to the American people to secure the border.

I will certainly concede that there are other ways in which we can com-

bine manpower, technology, and infrastructure along the border to make it more secure. However, a border fence is a cost-effective component.

I would say to my colleague from Louisiana, there are dollars in this bill, \$6.5 billion for border security, some of which is dedicated—\$1.5 billion is dedicated to fencing infrastructure and those sorts of things.

The cost I mentioned in my earlier remarks, if we look at it on a per-mile basis to build the fence—\$3.2 million per mile—we would be looking at somewhere around \$1 billion less than the amount allowed for and allocated in the bill for fencing and infrastructure and those sorts of things.

But this is not a new issue. The Senator from Louisiana voted for the dumb fence. I think many of us in the Senate at the time—and I mentioned earlier many of the Senators here, including Obama, Clinton, and Biden, all voted for that fence.

We made a commitment to the American people we would get serious about doing this. We need to do it in the most cost-effective way, and there are many components of that. I fully understand that. But I also think a fence is a very serious and important deterrent and a commitment we made to the American people.

So the amendment, again, is very straightforward. It simply asks Congress to follow through on the commitment we made in 1996 and in 2006 and do more than 36 miles, which is what has been built so far out of the 700-mile commitment made to the American people.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would just simply respond by saying I know the Senator is quite sincere, and he is correct. I voted for the dumb fence once. I am not going to do it again because I learned from my mistake. I went down there to look at it and realized we could build two dumb fences or three dumb fences and it would not work.

I am simply not going to waste the money to do something I know will not work. So if somebody else wants to vote for the dumb fence for the second or third time, go right ahead. But I was raised such that when you make a mistake, admit it and then fix it. I intend to fix it.

The fence we are going to build—Senator CARPER, Senator COBURN, Senator MCCAIN, and I—is a real and virtual fence that is actually going to work. We will have further debate on this issue.

I yield the floor.

## EXECUTIVE SESSION

NOMINATION OF NITZA I. QUINONES ALEJANDRO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF JEFFREY L. SCHMEHL TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The assistant legislative clerk read the nominations of Nitza I. Quinones Alejandro, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, and Jeffrey L. Schmehl, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that all time be allocated equally as previously agreed to.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I know we are going to be voting in a matter of minutes on two judicial nominees for the Eastern District of Pennsylvania, which is the eastern side of our State. Obviously, these appointments are critically important to justice and critically important to litigants who come before these courts, whether they are civil or criminal matters.

These candidates go through an exhaustive review process. That is probably an understatement. The process includes the nomination through the White House under any administration and then the process continues through the Senate. There are all kinds of reviews. So we are finally to this point. It has been a very long road and we are grateful for that.

One of the votes will be by voice potentially and one will be a rollcall vote. I wish to speak about both candidates. I spoke about them yesterday, but I will speak briefly this morning.

First of all, Judge Quinones, who has served in the city of Philadelphia, has served on the common pleas court in the city of Philadelphia since 1991, in what is known as the First Judicial District of Pennsylvania, which is the

trial court in the city of Philadelphia. One can just imagine, in a big city such as Philadelphia, all of the matters a judge such as Judge Quinones would deal with over the course of more than two decades now, dealing with civil and criminal cases, all kinds of difficult and complex matters that come before a judge. In essence, she has been performing the same functions as a county judge that she would on the Federal district court. So I think she is more than prepared to take on this assignment.

In her case, this is also a great American story. Judge Quinones was born in Puerto Rico, educated there, and came to the United States. As I said, since 1991 she has been on the court of common pleas in Philadelphia. Prior to that, she was an arbitrator for more than a decade. She worked in the Department of Veterans Affairs. She worked in the Department of Health and Human Services. She did a lot of work in the 1970s for Community Legal Services of Philadelphia. So that speaks to a broad range of experience and expertise dealing with litigants and representing clients, which is so important in our system. She is someone who takes on the responsibility to represent someone in court so they may have their day in court, which is one of the foundational principles of our government. Then, of course, she later served as a judge, as I mentioned.

So it is not only a resume and a life story that speaks to experience and knowledge and insight when it comes to dealing with complex matters that come before the Federal courts, but it is also in a very personal way a great American story. So I am particularly grateful that her nomination is now coming to the Senate floor and that we will be able to have a vote on her nomination today.

I have enjoyed working with Senator TOOMEY on both of these nominations. Both of us represent a big and diverse State, one Democrat and one Republican, working through this process together, these judicial appointments.

We will be voting as well on a second judge in the Eastern District of Pennsylvania: Judge Jeffrey Schmehl. I can say a lot of the same things about his experience. Judge Schmehl is now and has been the president judge of the Berks County Court of Common Pleas since 2007. So for many years now he has been in the trenches, so to speak, or to use an expression from the Bible, "laboring the vineyards," dealing with cases of complex issues. Berks County, just by way of geographic orientation, is north of Philadelphia but on the eastern side of our State. It is a big county. It is a county that has a lot of matters that come before it that are particularly complex.

He has served, as I mentioned, as the president judge of the court of common pleas, but then prior to that he was a judge on that same court from 1998 to 2007. So these are long periods of time, in both instances, for Judge Schmehl

and Judge Quinones to serve on a court.

For those who know something about our judicial system and know a bit about the difference between an appellate court, where we are dealing with appeals and legal arguments, as opposed to a trial court, which is where the action is in terms of litigants, trial judges have to preside over a trial as well as deal with and rule on evidentiary matters. They have to deal with witnesses and lawyers and all the complexities of a trial. As we all know, when your case is on trial, it is the most important case in the world.

So these judges have tremendous experience as trial judges, and we are so grateful they are willing to put themselves forward not just to be nominated and today confirmed as judges, as I am sure they will be, but to put themselves forward for that kind of public service in a difficult environment, where the scrutiny and the review and the long road from nomination to confirmation can be very challenging.

So again I will pay tribute to the work Senator TOOMEY has done working with us. He is on the floor, and I wish to thank him for that good work. And obviously I thank the chairman of the Judiciary Committee, Senator LEAHY, who is on the floor as well. We appreciate him working with our offices to move these nominations forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, does the other Senator from Pennsylvania wish to say something?

Mr. TOOMEY. Mr. President, I would like to speak for several minutes, principally about the two judicial nominees.

Mr. LEAHY. I just want to make sure I have time prior to the vote at noon. How long does the Senator from Pennsylvania wish to speak?

Mr. TOOMEY. I think I could wrap this up in less than 10 minutes.

Mr. LEAHY. OK. Then, Mr. President, I simply ask unanimous consent that there be 4 minutes for the Senator from Vermont at the conclusion of the comments of the Senator from Pennsylvania.

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

Mr. LEAHY. Because these nominees are from his State, I will step aside and let the Senator go forward.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I thank the chairman of the Judiciary Committee.

I do want to speak principally about the two nominees from Pennsylvania, both of whom I strongly support, and I am delighted they are going to get their votes today. But before I do that, I do want to put just a little bit of context on judicial nominations and confirmations as a general matter because I think it is important that we understand this.