

minimal impact on illegal immigration. Does that sound like the kind of solution we owe to the American people to solve this broken system? Does that sound like a solution to solve our long-term problem in this area?

I want to take a moment to discuss another portion of the bill that has gone largely unnoticed by most of the country, but first let me respond to some remarks made by my friend from Arizona Senator MCCAIN yesterday. I am going to agree, not disagree, with Senator MCCAIN. Standing right here on the Senate floor, as he so often does, Senator MCCAIN said he was absolutely confident—absolutely confident—that U.S. authorities can obtain 100 percent situational awareness and full operational control of the southern border. He cited the head of the Border Patrol as his authority.

I was glad to hear him say that because I agree with him exactly. He is exactly right. But I was a little confused at the same time. He repeated a comment that the majority leader had made about my amendment, which will be pending soon before the Senate and which we will vote on later today or tomorrow. He called my amendment a poison pill, suggesting that it would somehow kill the underlying bill. Well, if the standards in my amendment are exactly the same as those in the underlying bill of 100 percent situational awareness and 90 percent operational control, defined as 90 percent capture of people crossing the border illegally—Senator MCCAIN thinks it is attainable, the Border Patrol Chief thinks it is attainable, and I think it is attainable. So how could that possibly be a poison pill? I do not understand it.

As I have said numerous times over the last week, my amendment uses the same standards and many of the same metrics as the Gang of 8 bill. Here is the difference: My amendment establishes a real border security trigger before immigrants can transition from probationary status—something called registered provisional immigrant status—before they can transition from that probationary status to legalization. Under the Gang of 8 bill, that would occur after 10 years of probationary status. But the problem is, contrary to initial advertisements back in January where Senator DURBIN, among others—the distinguished majority whip—said back in January that the pathway to citizenship is contingent upon border security, only to say just a few days ago, quoted in the *National Journal*—he said: Now we have delinked the pathway to citizenship from border security. Indeed, they have in the underlying bill, and that is what my amendment is designed to fix.

Here is the real tragedy. In 1986 Ronald Reagan signed an amnesty for 3 million people. That is not the tragedy. The tragedy is, in return the American people said we are going to fix our broken immigration system. We are going to enforce the law. Well, we all know what happened.

The amnesty was granted and the enforcement never came.

Here is the tragedy. The underlying bill, without an amendment such as mine that provides a real border security trigger that realigns the incentives for the right, the left, Republicans, Independents, Democrats, everybody to be focused like a laser on how do we actually implement that operational control of the border—which Senator MCCAIN believes is attainable, I believe is attainable, the Border Patrol Chief believes is attainable—without realigning everybody's incentives to focus like a laser on obtaining that objective, this is like 1986 all over again.

All we have to do is look at the polling to tell us—and I don't think we even need any polls to tell us—that there is enormous skepticism across the country about Washington. This bill says: Trust us. Trust us.

There is a trust deficit in Washington, DC, and on immigration. When so many promises have been made in the past that have not been kept, I think it is unreasonable to ask the American people to just trust us. We need an enforcement mechanism such as my amendment, which will guarantee that everybody is aligned and it is highly incentivized to make sure that those Border Patrol measures are upheld. Then we will not have what is reflected on the chart behind me, as reported by the Congressional Budget Office yesterday.

The year 1986 was when Congress passed amnesty for illegal immigrants without guaranteeing results on border security. Ever since then Members of this Chamber have said we will never make that mistake again. Yet the underlying bill would effectively be 1986 on steroids and the CBO report confirms it. That is why those of us who actually would like to see a good, credible immigration bill pass—not only in the Senate but also in the House—believe, as I do, that this legislation is dead on arrival in the House of Representatives without a real border security trigger.

It is going to be a challenge even if we put that in, but we have a much better chance of success if we deal with the problem that the Congressional Budget Office has identified, and if we deal with the experience we have had from 1986 and other times when we made extravagant promises to the American people how we are going to fix the system, only to find that those promises have not been kept. That will be the real poison pill to this bill, and it will also be an unnecessary and lamentable tragedy if somehow we can't, working together, find a solution to our broken immigration system.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

HEALTH CARE

Mr. BARRASSO. Mr. President, this week President Obama and his allies

are launching a big summer push to convince people that his health care law will not be a train wreck. We have heard in the Senate from one of the authors of the health care law that he saw a train wreck coming, so now what we see is the Obama administration trying to actually sell the bill—not that it is good or bad, just trying to sell it in any way they can to make the American people think about it in ways that may change their minds.

The American people know this is a health care law that is not really doing what they want. What they are looking for is the ability to get the care they need from a doctor they want at a lower cost. That is far from anything the American people are going to see.

What we see today in Politico is the headline: "Selling of ObamaCare Officially Begins," selling of the law that was passed. Not something that is good, just trying to sell the law itself.

The Washington Post this morning, "Push is on to promote health law." The push isn't on to promote better care, not more affordable care; no, just to promote the law.

I believe it is going to be a tough sell. A new poll out earlier this month showed that only 37 percent of Americans think the health care law is a good idea. That is even fewer people than think it was a good idea when the law was passed 3 years ago.

Remember, the Democrats promised the American people that, well, the law would be actually overwhelmingly popular by now. That is nothing further from the truth because this law is more unpopular now than when it was passed.

We see the President of the United States pulling out all the stops trying to sell this horribly written law. This is a law that is bad for patients. It is bad for providers, nurses, and doctors who take care of those patients, and it is going to be bad for the American taxpayers.

What the President is doing is joined by a new interest group, and the group is called Enroll America. This is a group, and who is running it? Former Obama administration officials who moved from the White House to this group to try to sell this health care law. This is the group, part of what we have known as the Sebelius shake-down, the effort on the part of the Secretary of Health and Human Services who was asking health care businesses to donate to this organization. This group has started rolling out a PR campaign to try to convince people to sign up for insurance under the President's health care law.

I agree more people need insurance, but we have to make sure the people not just have insurance but get good care. This is what this is supposed to be all about. The President keeps talking about more coverage. What we need is care for people, not just more coverage.

Take a look at that and say: Is it actually going to work? According to the

article in this morning's Washington Post, the President of this group, Enroll America, a former White House staffer, said yesterday in a telephone interview: The group's research shows that 78 percent of uninsured people don't know about the changes coming in January.

You have to say: What kind of insurance are people going to be able to sign up for? What are they going to get to choose from? What choices will they have? What will they find in the exchange?

By the way, the exchanges are running way behind time. This was a front-page story in one of the national papers today.

First of all, for a lot of people in terms of trying to sign up on the exchanges, what they are going to find is it is going to be a lot more expensive than it would have been for them if this health care law had never passed in the first place. Remember, the President said that policies would actually be \$2,500 cheaper by the end of his first term. Now we are seeing policies actually a lot more expensive, not just by what the President promised but even more expensive than what they would have been had the law never passed in the first place.

Here is an editorial from the Racine, WI, Journal Times. This is how they put it the other day. They wrote:

Despite assurances from Democrats that the national health care plan will drive down health care costs—

The President's promise—

the evidence is increasingly telling the opposite tale.

This is Wisconsin. I mean, this is a State which has just recently elected a Democrat to the Senate, a State that went for the President.

Here is another headline that Enroll America will not be talking about when they try to cite the President's health care law. This is from the McClatchy news on Tuesday. The article is titled "Obamacare's big question: What's it going to cost me?"

That is what people want. That is what they want to know. That is why folks were interested in the health care law in the first place: they were paying too much for health care and they needed and looked for care that was actually more affordable for them, right for them.

The writer from McClatchy, under this headline, "Obamacare's big question: What's it going to cost me?" writes: "Early rate proposals around the country," around the country, "are a mix of steep hikes and modest increases."

Either way, insurance rates are going up everywhere; it is just a question of how fast and how high. So there is no surprise that the people across the country are disappointed and believe they have been misled by the President when he said rates will actually go down by \$2,500 a family.

When we look at the States that have been putting out their numbers for

next year, for a lot of people the answer to the question of what is going to happen to rates is they are going up very fast and very high.

In Ohio, the average individual market health insurance premium next year will be 88 percent higher than this year. That is according to the State insurance department. That is the State's official numbers.

In California, for a typical 40-year-old man who doesn't smoke, rates in an insurance exchange will increase by 116 percent next year.

The McClatchy article also quotes one health care expert saying that under the President's health care law there are winners and there are losers.

I agree; that is absolutely right. There are winners and there are losers. We will talk about some of them this morning. The problem is the President and Democrats in Congress who pushed this health care act into law never said, never admitted to the American people that they were going to be losers.

Enroll America is telling everybody to sign up for health insurance, but they aren't admitting that the law picked who wins and who loses. Let's take a look at that. It is another important point in this health care law, what is going to happen and what this new insurance is going to look like. It is going to be loaded onto the backs of young people. Under the law, many young people, many young, healthy people will have to pay a lot more for each older, sicker person who will pay less. For the President's scheme to work, these young healthy people will have to buy high-priced, government-mandated insurance they may not need, they may not want, and that may not be right for them.

Here is another point about what Enroll America is telling people and what it is not telling people about the new Washington-mandated insurance. This group put up a blog post recently talking about ways States can maximize their Medicaid enrollment. This is one of the strategies Enroll America is pushing: get people signed up for Medicaid. A Medicaid card doesn't ensure patients actually get access to quality medical care for themselves or their families.

According to one survey, one-third of physicians nationwide are unwilling to accept new Medicaid patients. Other studies have concluded that some patients in the Medicaid system do worse in terms of health care than people who have no insurance at all. The Congressional Budget Office predicts that the health care law will put another 13 million people into the broken and failing Medicaid Program.

Even with the enormous expansion of Medicaid, even after a Washington mandate that everybody in America must purchase health insurance, and even after Enroll America's big push to sign up more people, the Congressional Budget Office, the people who research this, who study this, say the number of

uninsured Americans will never fall below 31 million. It will not fall below 31 million people even over the next decade.

In spite of all of this revamping of a health care system, significant changes—much to the detriment of the American people because the President was focused on coverage—he is still leaving 31 million people uncovered and others paying much more. There are winners and losers, lots of losers.

This law will cost \$1.8 trillion over the next decade according to the CBO. It still fails to help millions and millions and millions of Americans.

Then the question is who is actually being helped by the law because, as I said, there are going to be winners and losers. The Wall Street Journal, just the other day, page B1, Monday, June 17, "Wanted: Health-Care Legal Experts." Legal experts. The lawyers are turning out to be winners under the health care law—not the patients, not the providers, not the taxpayers, the lawyers. The article says:

Some companies are warning that President Barack Obama's health-care overhaul will cost jobs. It won't be in their legal departments.

The article continues:

Health-care companies racing to go comply with the Affordable Care Act and other rules are calling in the lawyers, sparking a mini-boom for specialist attorneys who can backstop overloaded internal teams and steer clients through an increasingly crowded regulatory minefield.

The point of the health care reform should be to help the American people, not just to create more jobs for lawyers. The point should be to increase access to care for people, not just to send them Medicaid cards and tell them they are covered. The point of reform should be to help people get the care they need from the doctor they choose at a lower cost.

President Obama doesn't want to talk about the ways his health care law picks winners and losers. He doesn't want to talk about the many losers under his plan. Enroll America doesn't want to level with the American people to tell them the health insurance they get under the President's law might not be what is best for them.

If we are going to truly reform our health care system in this country, the President and his allies should start by telling the American people how his law falls short.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is now 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.

AMENDMENT NO. 1208

Mr. LEE. Mr. President, I ask unanimous consent to call up amendment No. 1208.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 1208.

The amendment is as follows:

(Purpose: To require fast-track congressional approval when the Secretary of Homeland Security notifies Congress of the implementation of the border security strategies and certifies that the strategies are substantially operational)

On page 856, lines 1 and 2, strike "the Secretary has submitted to Congress" and insert "Congress has approved, using the fast-track procedures set forth in paragraph (3), the contents of".

On page 56, strike lines 19 through 22, and insert the following: "Congress has ratified, using the fast-track procedures set forth in paragraph (3), the written certification submitted by the Secretary to the President and Congress, after consultation with the Comptroller of the United States, that—".

On page 858, between lines 10 and 11, insert the following:

(3) FAST-TRACK PROCEDURES.—

(A) IN GENERAL.—Not later than 30 days after receiving a submission from the Secretary under paragraph (1) or (2), the Senate and the House of Representatives shall vote to determine whether the action taken by the Secretary meets the requirements set forth in such paragraphs that are required before applications may be processed by the Secretary for registered provisional immigrant status or adjustment of status under section 245B or 245C, respectively, of the Immigration and Nationality Act, as added by sections 2101 and 2102.

(B) REFERRAL TO COMMITTEE.—The question described in subparagraph (A) may not be referred to any congressional committee.

(C) AMENDMENTS.—The question described in subparagraph (A) may not be subject to amendment in the Senate or in the House of Representatives.

(D) MAJORITY VOTE.—The question described in subparagraph (A) shall be subject to a vote threshold of a majority of all members of each House duly chosen and sworn.

(E) PRESIDENTIAL SIGNATURE.—The congressional approval and ratification required under paragraphs (1) and (2) shall not be completed until after it has received the signature of the President.

Mr. LEE. Mr. President, amendment No. 1208 would require fast-track con-

gressional approval at the introduction of the Department of Homeland Security border security strategies before the award of registered provisional immigrant, or RPI, status—before the eligibility of that status begins, as well as at the certification of the strategy's completion, before those receiving RPI status may become eligible to become lawful permanent residents and eligible to receive green cards. This would be a fast-track vote, one that would have to occur within 30 days after the triggering event within the executive branch. It would also be subject to a 51-vote threshold and would not be subject to a filibuster. It is a basic function of Congress to oversee the executive branch and to ensure that the executive branch is enforcing the law as enacted by Congress.

In the area of border security, the executive branch, in both Republican and in Democratic administrations, has failed to fully enforce the laws passed by Congress. To give a few examples, the Secure Fence Act, which was enacted in 2006, still has not been fully implemented, and the fencing requirement—the fence segments required by that act—still have not been fulfilled. The US-VISIT entry-exit system, which was put into place by legislation enacted in 1996, still is not fully implemented. It is worth noting that 40 percent of our current illegal immigrants are people who have overstayed their visas. It is very reasonable to assume there is a significant connection between our failure to implement this entry-exit system called for by existing law and the fact that a sizable chunk—several millions of our current illegal aliens—are people who have overstayed their visas.

Polls overwhelmingly show Americans do not believe the border is secure. They also believe we should secure our borders first before moving on to certain areas of immigration reform. These are failures of the Federal Government. The American people cannot hold unelected bureaucrats in the executive branch—people such as the Secretary of Homeland Security—accountable for those failures. The most direct line of accountability is from the American people to their Members of Congress. In order to ensure the voice of the American people is heard, Congress must be able to vote on the border security strategy and on the certification of that strategy as a condition precedent to allowing these RPI provisions to kick in and to allowing people to enter into the pathway to citizenship and advance toward citizenship in the coming years.

To cut out Congress cuts out the American people, and that is exactly what this bill, without an amendment such as this one, would do. So it is important to remember that to cut out Congress cuts out the American people, and that is what we are trying to protect against.

Opponents of my amendment have argued they would be unwilling to rely

on a majority of Congress to approve a border security plan as a condition for allowing the RPI period to open and to proceed. Has it ever occurred to them that it might be precisely because a majority of Americans would not approve the border security plan or at least they might not approve of it or, perhaps, it is not a good idea to move forward on sweeping new policies that will affect generations to come without the support of the American people? It is, after all, the American people who have to deal with the consequences of a dangerous and unsecured border. They will have to deal with cross-border violence. They will have to deal with the heartbreaking stories of human trafficking. They will have to deal with the drugs imported into their communities. They will have to deal with the economic effects and the added costs of public services associated with an ongoing unsecured border. Therefore, it is the American people who should be the ones who get to say whether the border is secure and not the unelected, unaccountable bureaucrats who have a long track record of failing to implement the objectives established by Congress and embodied in law.

My amendment would restore the voice of the American people to this process because, again, cutting out Congress means cutting out the American people. I strongly urge my colleagues to defend the rights of the American people, to weigh in on this important issue, and to support my amendment.

Finally, I wish to commend the House Judiciary Committee for passing the SAFE Act out of committee last night. The SAFE Act is an important step forward in improving interior enforcement, securing the border, and strengthening our national security. It also demonstrates that we can effectively pursue significant immigration reforms in a step-by-step approach with individual reform measures.

The SAFE Act is by no means a small piece of legislation but, importantly, it focuses reform on particular areas that should receive bipartisan support in both Chambers of Congress.

First, let's secure the border. Let's set up a workable entry-exit system and create reliable employment verification systems that will protect immigrant citizens and businesses from bureaucratic mistakes. Let's also 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.

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

Since the beginning of this year, more than 40 immigration-related bills have been introduced in the House and in the Senate. By a rough count, I can support more than half of them, eight