

not later—no more deferrals, no more pushing it down the road. It is time to step up now, as the President said, putting the interest of our country ahead of our own personal political interest, rising above the political to do what is right for America.

That is the challenge, and, Mr. President, we need your leadership.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. VITTER. Madam President, I ask unanimous consent to enter into a colloquy with my Republican colleague from Alabama, as well as any other Members who may join us.

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

IMMIGRATION POLICY

Mr. VITTER. Madam President, Senator SESSIONS and I take to the floor to talk about immigration, which is obviously a very important and very hot topic. The first point I would like to make is just a simple statement and suggestion. There has been a lot of activity and a lot of discussion about immigration in the Senate and in the Congress and Washington, DC. If we merely listen to a lot of beltway, so-called mainstream reporting about this, they would give the impression that there is near universal consensus around a model we have tried before, which is a so-called comprehensive approach.

First, I don't think there is anything near universal agreement. I don't think there is consensus. I think there are real questions and concerns among many of us in the Senate and in Congress but, much more importantly, in America and the real world.

I think those fundamental concerns come down to one thing; that is, we have tried this so-called comprehensive approach before. We have tried proposals that marry an immediate amnesty with promises of enforcement. That model has not worked before. In fact, it has failed miserably.

The most notable example was major immigration legislation in 1986. It was the same model. It had comprehensive and immediate amnesty with promises of enforcement. There were promises that we will have to do this just once, never have to look back, and the problem will be solved. Of course, the problem was not solved. It didn't even just continue. The problem has quadrupled.

The amnesty did happen immediately. As soon as the bill passed, that virtually and immediately kicked in. The promises of enforcement were just

that, promises. Those promises were not kept, and as a result what happened with that model? The problem of 3 million illegal aliens didn't go away and was not solved once and for all. It quadrupled and became the present problem of 11 or 12 million—or more—illegal aliens. That is the fundamental concern I have with most of the so-called comprehensive proposals being put forward. That is the fundamental concern of Louisianans I talk to every day.

We want to solve the problem. We don't want to perpetuate it, much less quadruple it. I think it is important to discuss alternative, more effective, more workable approaches. I have several ideas about what those approaches might look like, and, in fact, I am introducing a package of immigration bills today. I will talk about that further, but I certainly want to recognize and thank my good friend and colleague, Senator SESSIONS from Alabama, for joining me on the Senate floor today.

Mr. SESSIONS. I thank the Senator for his leadership and in-depth study and knowledge about how these laws are working—and really not working—in America today.

I just left a hearing in the Judiciary Committee. The chairman of that committee, Senator LEAHY, basically said—referring perhaps to me—they want enforcement first, but it seems they don't have any interest in amnesty—or words to that effect. I would say the American people's view is exactly the opposite. What the American people have been asking for and what they are afraid of is that we will have a deal like 1986 where the amnesty provisions become law and were immediately applied, but the promises of enforcement never occurs. So I believe that is a danger again.

It feels to me so much like 2007 when I, Senator VITTER, and others engaged and asked tough questions about the legislation which really resulted in its failure because it would not have done what the authors of it said it would do. So for 30 or 40 years the American people have said: End the lawlessness. That is what they have asked of us first. They will work a way to be compassionate if the lawlessness has ended, but that has not happened.

In fact, in a number of ways we have gone in the opposite direction. Improvement has occurred at the border in real numbers because over the last several years—before President Obama took office—we agreed to increase the number of Border Patrol agents. With the help of Senator VITTER, I forced through legislation to build a fence. I am sure Senator VITTER remembers that debate.

Now everybody talks about how we have a fence, and they are bragging about it. It is only 36 miles of the real fence we asked for. I am sure the Senator from Louisiana remembers how they opposed every foot of it and how they resisted it in every way possible.

They didn't favor adding border agents. There was a vote for border agents—and I remember speaking about it—but they never produced the money. So we authorized border agents. People said they were for border agents, but they would not vote for the money to support that. We had a big discussion and debate about that, and eventually we added some border agents. That has helped, but the problem is not fixed.

Internally, this administration has systematically dismantled enforcement inside the United States. Chris Crane, who is head of the Immigration and Customs Enforcement Union, is a marine and a great guy. The ICE union has unanimously voted no confidence in John Morton, the head of the ICE Department. They have sued the ICE Department because Morton blocked them from doing their sworn duty to enforce the law.

Today I asked Crane if he had ever met with Secretary Napolitano. Chris testified about the bad morale that ICE agents have. A little over a year ago I asked Secretary Napolitano about the bad morale that ICE agents have. Crane said he had never met her and has never shaken hands with her. At this point, we don't have the kind of commitment in law enforcement that I think gives the American people confidence that we are moving forward on the right path.

Finally, I would just share with the Senator that I do think that means this is no sure thing. People are awfully confident that as long as some big names are on the bill, it is just going to pass. I am not confident that is so.

Mr. VITTER. I thank the Senator, and I certainly agree. Again, the fundamental issue is, Is the model that has been tried before really going to work—an immediate amnesty with promises of enforcement? Unfortunately, history is littered with examples of that exact model failing and those promises of enforcement never being kept.

What do I mean by that? I mentioned 1986, which is the biggest historical example: An immediate amnesty where we are going to get serious about enforcement, we will never have to look back, and we will have to do this once. We will solve the problem.

Of course, it didn't solve the problem; it quadrupled the problem. There were 3 million illegal aliens back then. There are 11 to 12 million illegal aliens now. There have been promises of a U.S.-VISIT Program with an entry-and-exit system to track everyone entering the country and making sure they exit in time. That was first promised back in 1986. Ten years later, in 1996, Congress passed another act to require a fully integrated entry-exit system with full implementation by 2005. Guess what. 2005 has come and gone. It has been 30 years since that initial promise was made. We still don't have an operational and effective U.S.-VISIT system.

My colleague from Alabama mentioned another glaring example: the

Secure Fence Act of 2006, which we actually passed in legislation. The Secure Fence Act of 2006 promises to achieve operational control for the entire border. It defined “operational control” as “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.” We have not achieved that.

In fact, we are so far from that goal, DHS has had to weaken the definition so it only now talks about effective operational control. They had to stick the word “effective” in there because we never had operational control. Who knows exactly what that means, but GAO tried to define and tried to measure it in a recent report.

In their recent report they found that only 44 percent of the southern border was under any sort of operational control. Only 15 percent of that is under full operational control. Even if we use the loosey-goosey word “effective,” we have less than one-half of the border under that control. More than one-half of the border is under what they call managed control, which often means no control. It means a lot of almost fully unfettered, illegal crosses.

Now we come to today with this debate, and the new promise: If you just give us immediate amnesty, we are going to have this enforcement. We promise, we promise, we promise. Again, we are concerned that we are reliving history in a negative way.

For instance, when the Gang of 8 declares they “will ensure . . . a successful permanent reform to our immigration system that will not need to be revisited,” that sure sounds like 1986, with this one fix that we will never have to look back. But, of course, we are looking back because the problem has grown. It is interesting to note that the very day after the Gang of 8 announcement, there was even disagreement between some of the gang members regarding what they announced and what they promised.

Many of the Republican members of that Gang of 8 emphasized that enforcement has to happen; otherwise, nothing else is triggered. Yet on the other side of the political spectrum, Senator SCHUMER—also a member of that Gang of 8—walked back any commitment to fully secure enforcement before citizenship happened. He said: “We’re not using border security as an excuse or a block to the path to citizenship.”

So there we have it. After the announcement, there is apparent inconsistency about how serious they are about ensuring enforcement, and that is the fundamental question. I think that is a very legitimate concern given the past history.

We have proposed a different path forward with a targeted, step-by-step approach to prove to ourselves and the American people that we are serious about these enforcement and related

reforms, to do those, and to have them working before we move on anything else.

Today I am introducing a series of bills that fall into that targeted, step-by-step approach. I do not use the word “comprehensive” because I think that word is a negative. It is targeted, and it is step by step. I will outline those bills in a minute.

Again, I certainly want to thank and recognize the Senator from Alabama.

Mr. SESSIONS. Would the Senator from Mississippi say the enforcement of immigration laws is an area—based on the Senator’s experience in Congress, in the House and in the Senate—where the difference between the promises of what is going to happen and what actually happens is greater than almost any other issue we have dealt with, where people are promising this and only delivering something else?

Mr. VITTER. Absolutely. Unfortunately, that is the history, tried and true: lots of promises. No single major promise has been kept. Whether it is the fence, whether it is the US-VISIT Program, whether it is the overall promise of enforcement in 1986, none of those promises has been kept.

Mr. SESSIONS. According to some news reports—to follow up on the point the Senator made about sending two messages, one promising the people one thing and the other telling special-interest groups another thing—one report said Democratic Senators have assured immigration activists that the so-called enforcement trigger is just a “talking point” to give Republicans, who are supporting this scheme, this plan, as cover and there will not ever be an impediment to the achievement of amnesty. Does that make the Senator from Mississippi uneasy, that people who are supposed to be speaking in good faith, telling their Republican colleagues and the American people they have a plan that is going to guarantee enforcement while they are telling, apparently, the activists something quite different?

Mr. VITTER. That makes me very nervous and very uneasy. It is exactly what Senator SCHUMER said the very next day after the announcement: “We’re not using border security as an excuse or a block to the path to citizenship.”

Mr. SESSIONS. In other words—well, the words Senator SCHUMER is saying are quite plain. I have a great deal of respect for him. I know he wants to accomplish something valuable here. But it does seem to me he is saying, Well, if enforcement doesn’t occur, we promise there will be a trigger and there will be no amnesty unless enforcement occurs; but if we get there and enforcement doesn’t occur, you are still going to get your amnesty.

Mr. VITTER. That is what it sounds like to me. It sounds to me as though the trigger is meaningless. The amnesty and even full citizenship—to me, amnesty is any legal status, but they are actually talking about a path to

full citizenship will happen ultimately, no matter what on the enforcement side.

Mr. SESSIONS. I will conclude and yield to my esteemed colleague to lay out some ideas he has to actually improve enforcement so that if we get to the point where we can achieve a legal system that operates effectively in America, we will know it when it happens. We can get there. Without some of these provisions Senator VITTER will recommend, I am confident we will not get there. If people won’t support these kinds of provisions, then it raises questions about whether they are serious about their promises to end the lawlessness.

I just left a Judiciary Committee hearing. Mr. VARGAS testified, who was here apparently illegally, came at the age of 12. I asked him: Should a good Nation have a legal system that has clear laws, clear policies, and those laws are in force? And he said yes. So there is nothing wrong, nothing immoral, nothing unconstitutional for the American people to say we should have a lawful system of immigration. Everybody is not able to come. You have to wait in line and wait your turn and meet the qualifications before you come. And if you try to enter illegally, there will be consequences. There is nothing immoral about that. It is only common sense. It is only the right thing to do.

I thank the Senator from Mississippi for his work on this and the ideas he will be presenting to us.

Mr. VITTER. I thank the Senator from Alabama for his leadership on this issue and on the Judiciary Committee.

There is, Madam President, an alternative way forward, a positive, productive way forward, a targeted, step-by-step approach that is appropriate, particularly given all the broken promises of the past.

The American people need to be convinced, and who can blame them? Again, the landscape of this issue is littered with utterly broken promises. We need to rebuild that trust and rebuild that confidence, and we can only do that in a targeted, step-by-step way.

I don’t claim to have all the answers, but I am introducing today seven bills—actually, six bills, and I am joining Senator GRASSLEY as a coauthor of a seventh bill—that would be important parts of this targeted, step-by-step approach. Let me briefly mention what those seven bills are.

First of all, the STEM Jobs Act of 2013. This would make up to 55,000 visas available to qualified immigrants whom we need in this economy—well educated, qualified. We have jobs here ready for them, and it would be an enormous economic boost. They would have a doctorate degree in the field of science, engineering, technology, or math from a U.S. doctoral institution and would have taken all doctoral courses in the STEM field while in the United States. We train, we educate

those superqualified folks all the time and then, all too often, we send them back to their native countries and don't allow them to remain here to get on a pathway to citizenship and to contribute, as they would, to our economy.

A child tax credit law. This would amend the IRS Code to simply put in place significant identification requirements for the child tax credit to require taxpayers to provide that valid ID, to cut out what is admitted to be rampant fraud in the system. The IRS itself and its inspector general office have said there is at least \$1.3 billion of fraud a year in the child tax credit. These checks from the taxpayer, actual checks going out to illegal recipients who do not qualify under the law, in some cases, dozens, allegedly, at a single address, a single family, are clearly fraud. We must meet some basic requirements to cut out that fraud. The IRS itself, under this administration, has asked for those tools. We should give them those tools under this child tax credit legislation.

Sanctuary cities reform would prohibit appropriated funds from being used in contravention of the Illegal Immigration Reform and Immigrant Responsibility Act of 1986. I am joined by Senator GRASSLEY and Senator FISCHER in that legislation.

Too many jurisdictions in the United States are self-proclaimed sanctuary cities. By doing that, they are in contravention of Federal immigration law when they say they will not cooperate in the enforcement of that law in any way. That is unacceptable, and those cities should not get appropriated funds.

E-Verify I mentioned is an initiative and legislation by Senator GRASSLEY. I am proud to join him as a coauthor. I am an original cosponsor of that bill. It would take the present E-Verify system and make it mandatory and expand it so that is our workforce system of enforcement. E-Verify works. The problem is it is a pilot. It is not mandatory and it is not broad enough. We need to broaden and make mandatory that workable E-Verify system.

The Voter Integrity Protection Act would amend the INA to make voting in a Federal election by an alien who is unlawfully in the United States an aggravated felony, which makes it a deportable offense. If a person is illegally participating in our elections, that is a serious offense to any democracy. That should be a deportable offense.

The Birthright Citizenship Act would also amend the law to consider a person born in the United States "subject to the jurisdiction" of the United States for citizenship only if the person is born through at least one parent who is a U.S. citizen or national or a lawful permanent resident alien in the United States or an alien performing active service in the U.S. Armed Forces. Right now it is, in my opinion, an accident of history and a mistake that any child physically born here, even of two parents here illegally and improperly,

automatically becomes a U.S. citizen. Virtually no other country in the world has this rule. This reform would simply amend U.S. law to have the same basic rule as virtually every other country in the world I am aware of. A person doesn't automatically become a citizen just because they are physically born here; at least one parent has to have that legal status.

Finally, US-VISIT reform, finally, after decades of promises, after decades of broken promises, to require that the US-VISIT system—the biometric border check-in/check-out system first required in 1996 that is well past its implementation date of 2005—be finished, be done, be fully in place before any of these other triggered aspects of so-called comprehensive reform happen. On that reform, I am proud to be joined by Senator SESSIONS and Senator LEE as coauthors.

Again, I am introducing these six bills today. I am also an original cosponsor of Senator GRASSLEY's E-Verify bill, a seventh bill. I think this is a targeted, step-by-step approach which is the right alternative to so-called comprehensive reform, which historically means immediate amnesty married to promises of enforcement that never happen, that never fully materialize.

I urge my colleagues to look hard at these measures and hopefully support some or all of them. I urge them even more to go back home and listen to their constituents, to listen hard at the neighborhood coffee shop and the town-hall meetings, because I think these sorts of concerns, as Senator SESSIONS and I have expressed today, are the core concerns, the core questions of a great majority of the American people.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF WILLIAM J. KAYATTA, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the Senate will proceed to executive session and consider the following nomination, which the clerk will report.

The bill clerk read the nomination of William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit.

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

The Senator from Maine.

Ms. COLLINS. Mr. President, I am delighted to rise in strong support of the confirmation of William Kayatta of Maine to serve on the U.S. Court of Appeals for the First Circuit.

Mr. Kayatta was originally nominated to this position more than 1 year ago. He was approved by the Judiciary Committee on a bipartisan vote last April. Unfortunately, despite his exceptional qualifications, his nomination was stalled by election-year politics. That is finally behind us, and I am pleased the President renominated Mr. Kayatta in January.

I wish to thank the chairman of the Judiciary Committee, my colleague from Vermont Senator LEAHY; the ranking member Senator GRASSLEY; and, indeed, all the members of the Senate Judiciary Committee for acting promptly and positively in favor of Mr. Kayatta's renomination.

Let me also express my gratitude to the two leaders, Senator REID and Senator MCCONNELL, for moving his nomination so quickly to the Senate floor.

Mr. Kayatta is an attorney of exceptional intelligence, extensive experience, and demonstrated integrity. I cannot tell you how highly regarded he is in Maine's legal circles. In fact, if you ask virtually any attorney, judge, prosecutor, law professor or anyone involved in the legal profession in Maine, they will tell you the President could not have made a better choice than Bill Kayatta. He graduated magna cum laude from both Amherst College and Harvard University Law School, where he served as a member of the Law Review.

After graduating from law school, Mr. Kayatta clerked for the chief judge of the U.S. Court of Appeals for the First Circuit, Frank Coffin. It is a wonderful symmetry that he now, assuming the confirmation goes well this afternoon, will be joining the court for which he clerked many years ago.

In 1980, he joined the prestigious law firm of Pierce Atwood in Portland, ME, where over the subsequent 32 years Bill specialized in complex civil litigation at both the trial and appellate levels. Bill Kayatta has served as chairman of both the Maine Professional Ethics Commission, the Maine Board of Bar Examiners, and as president of the Maine Bar Association.

In 2002, Mr. Kayatta was inducted into the American College of Trial Lawyers, and in 2010 he was elected by his peers to the college's board of regents.

Mr. Kayatta has simultaneously maintained a very substantial pro bono practice. In the year 2010, he received the Maine Bar Foundation's Howard H. Dana Award for career-long pro bono service on behalf of low-income Mainers.

In 2011, the U.S. Supreme Court appointed him as a special master in *Kansas v. Nebraska and Colorado*, an original water rights case. That too is an indication of the Court's confidence in Mr. Kayatta's legal abilities.