

SENATE AGENDA

Mr. REID. Mr. President, the Senate has a great deal to accomplish, including the long-delayed confirmation of former Senator Chuck Hagel to lead the Defense Department.

This week the Senate will also consider two plans to avert devastating across-the-board cuts to military spending as well as domestic initiatives that keep our American families and businesses strong. To give our economy a foundation for growth, Congress must replace these cuts—the so-called sequester—with a balanced approach to deficit reduction.

Democrats would temporarily replace this harsh austerity with a combination of smart spending reductions and measures that close corporate tax loopholes, end wasteful subsidies, and ask the wealthiest Americans to pay a little bit more, and it would avoid harmful cuts that will hurt American families, harm military readiness, and hinder our economic recovery. Families and businesses in every State of the Nation—in red States and blue States—are at risk because of these haphazard cuts.

In the Presiding Officer's home State of Virginia, 170 teachers who work with disabled children could lose their jobs. That doesn't count any other teachers. Thousands of children will go without lifesaving vaccines—they will go without lifesaving vaccines—and 90,000 Pentagon employees will be furloughed. It is easy to talk about furloughs unless you are one of those people being furloughed. We don't know how many days a week it will be, how many days a month it will be, but it will be days.

In Nevada 120 teachers could lose their jobs. Local law enforcement agencies will lose essential funding to prosecute crime, and thousands of Defense Department employees will be furloughed, losing wages that support their families and our State's economy.

Residents of the Republican leader's home State would also suffer. Kentucky will lose Federal funding that helps police catch and punish domestic abusers, buys meals for needy seniors and keeps at-risk children in Head Start programs, and more than 11,000 Kentuckians who work for the Defense Department will be furloughed.

Nationwide, sequester cuts will cost more than 750,000 jobs. More than 70,000 boys and girls will be kicked out of their Head Start programs. Meat inspectors, air traffic controllers, FBI officers, and Border Patrol agents will be furloughed. Small businesses, which create two-thirds of all new jobs in this country, will lose access to crucial Federal loans. Thousands of researchers working to cure cancer, diabetes, and scores of other life-threatening diseases will lose their jobs.

But Congress has the power to prevent these self-inflicted wounds. We have the power to turn off the sequester, protect American families and businesses, and ensure our national defense.

In the House and in the Senate, Republicans and Democrats voted to impose these cuts. It will take Republicans and Democrats working together to avert them. Twenty-eight Republicans in the Senate and 174 Republicans in the House voted to impose these painful cuts. To say this is President Obama's sequester is absolutely wrong: 174 Republicans in the House voted for these cuts—that is more than 70 percent—and in the Senate more than 60 percent of the Republicans voted for the sequester. So it is unfair to say it is the President's sequester. We did this together. This would not have passed but for the overwhelming vote of the Republicans in the House and in the Senate.

If those same Republicans would work with Democrats to find a balanced way to reduce the deficit, Congress could avert the delayed sequester today—now. Unfortunately, Republicans would rather let the deficit cuts go into effect than close a single wasteful tax loophole. They would rather cut Medicare, education, and medical research than ask a single millionaire to pay a single dollar more in taxes.

The overwhelming majority of Americans wants us to compromise before their neighbors, friends, and family members get pink slips or notices that they can only work a few days this week or this month.

The overwhelming majority of Americans—including 56 percent of Republicans—supports Democrats' balanced approach. It is all over the country. All over the country Americans favor this approach, a balanced approach, by a large margin, including 56 percent of Republicans.

So once again the only Republicans in the entire country rejecting a reasonable, balanced compromise are Republicans in this building—Republicans in Congress.

MORNING BUSINESS

Mr. REID. Has the Chair announced the business of the day?

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

IMMIGRATION

Mr. SESSIONS. Mr. President, last week, about the time Congress recessed, the President's immigration plan was leaked to the press and was commented on generally. A group of

Senators here have been trying to work on a comprehensive plan and expressed dismay at what it contained and said it was not acceptable.

A brief review of the enforcement section of the President's immigration plan confirms, I think, what my concern has been all along. It is a smoking gun, in truth, that demonstrates this President is not serious about enforcement. That is where we are. Any immigration plan this Nation implements has to be founded on the simple legal principle that people can come to our country in generous numbers, as they always have done, but they should wait their turn. There should be a lawful system. You can't have a lawful system if you are not prepared, not willing, and not committed to ensuring that the laws are enforced.

What we have seen for the last several years is very dramatic. In point after point, I, formerly a Federal prosecutor for almost 15 years, can tell you it effectively neutralized the ability of our current laws to be enforced.

This bill is confirmation the President hasn't had a change of heart. He hasn't had a change of heart. They are continuing to talk as if they expect and plan to establish a lawful system of immigration. When you get down to it and read the language of the legislation, it is not there.

Here are some examples of what the President thinks amounts to enforcement. This is so sad. I will say, with absolute confidence, if the President of the United States had done what he sort of said he was going to do in 2008 when he was running for office, he would make this legal system work. If he had invested time, effort, leadership, moral authority, and maybe a little more money—but it won't take a whole lot of money—and begin to show the kind of progress we need to have, show a commitment he would work to enforce the law in the future, he would be in a much better position to ask for a large reform of law.

Let's look at what his plan reveals. It explicitly, openly, and directly prohibits State and local governments from enforcing immigration laws and from even asking someone for their immigration status.

We have former Governors here in the Senate, former State police superintendents—and I have dealt with this issue for a very long time—that is a stunning development. There are only about maybe 20,000 Federal agents dealing with immigration. There are 600,000 State and local law enforcement officers, in every county, city, hamlet, and town in America who are the ones who come in contact every single day with people in their areas for drunkenness, fighting, burglaries, and drugs. When they find somebody in the course of doing their duties, they discover people who are here illegally.

We want to have a relationship with them and to utilize their capabilities. The Federal Government can then respond, identify the person, and see

what the truth is about their background. This eliminates that and steps backward from some of the progress we have slowly made, some at my insistence, over the last several years.

The proposal the President put forth eliminates the congressional requirement that the Department of Homeland Security put in place a biometric exit system for those who enter the country legally but overstay their visas. People come into the country on a visa and don't ever leave. Experts are telling us as many as 40 percent of the people who are here illegally today overstayed their visas. They need to clock in when they come in, but there is no clocking out. We have no real idea who came and overstayed their visas.

The President's plan eliminates a legal requirement that has been in place for approximately 17-plus years, which required a biometric exit system to clock out people when they come in. It is not hard to require them to pay a few dollars to purchase a card, and when you exit, it will be read like your credit card. You exit and you are clocked out. We have some control over that.

The proposal from the President restricts the ability of Federal, State, and local law enforcement agencies to obtain information regarding whether a person is illegally present in the United States. Think about this. It would prohibit Federal, State, and local law enforcement agencies, particularly law enforcement agencies that need to know something about a person they may have come in contact with in the course of their public safety duties, to know whether they are legally in the country.

This means if a law enforcement agency is holding an illegal immigrant for a criminal offense not deemed serious enough—a criminal offense, but somebody in Washington and Homeland Security said is not serious enough—the law enforcement agency cannot contact Federal authorities.

This also means States with laws that require a determination of immigration status will no longer be able to use Federal databases to determine if a person is eligible for a driver's license, for example. You need to be able to turn somebody down for a driver's license if you can't check to see if they are lawfully in the country.

This is something I have worked hard on over the years, for a decade. It puts the final nail in the coffin of the 287(g) Program. That program states that State and local law enforcement officers are no longer allowed to function as immigration officers.

We had a program the Federal Government did not want, really, the politicians did not want to see happen. The law enforcement officers wanted it, and this was a program which would allow Federal immigration officials to train State and local law officers—some of them at the prisons, some of them in State offices, some of them in regional

offices—how to deal with people who are in the country illegally.

The average 19-year-old police officer in Middleburg, VA, or in Monroeville, AL, may arrest a mayor for fraud or assault, but needs to take 2 weeks of training before he can be certified to arrest somebody illegally in the country, not even a citizen. This is the way it is working in the real world. It had some beneficial aspects. It is something I supported and thought we should expand nationwide.

There are highly trained people within State law enforcement, officers who are trying to cooperate with the Federal agents to try to create a system that will actually work. The President's plan would apparently eliminate that.

The President's plan would allow private individuals to hire border patrol agents to protect them and their property, when it is the federal government should be fulfilling its duty to protect them itself.

Is this a capitulation? You have a situation in which you are being basically invaded, the sovereign territory of the United States. It is not just a private individual's farm, ranch, property, it is U.S. territory. It should be protected from those unlawfully able to go there. They shouldn't have to hire their own police officers.

It includes a feel-good measure such as giving illegal immigrants free legal representation and creating border community liaison officers, in part to receive complaints about Border Patrol agents.

It allows the Attorney General to cancel deportation of criminal aliens convicted of aggravated felonies if they do not serve a sentence of 5 or more years. The law says if you are convicted of offenses and you are apprehended here illegally, you should be deported. It states this is only for serious offenses and you received time in jail, Federal felony offenses.

The President's plan goes even farther than that. It says to the Attorney General, if they served less than 5 years, he may waive that and not follow the law and deport people who violated the law. It gives the Attorney General authority to waive other legal requirements as well.

The Secretary of the Department of Homeland Security is directed to provide appropriate training to agents enforcing laws and goes into a great deal of training of civil rights and that sort of thing that is required.

There is no mention of interior enforcement. There are no measures to secure our borders.

As I have stated, I have just begun to review this plan. What I have read causes me great concern and confirms the suspicions I have had all along, which means when this legislation goes from some sort of outline that sounds good in theory, the actual legislation is not going to be what it is promised to be. Why did I say that? Because it happened in 2006 and 2007.

The bill did not fulfill the promises their sponsors made of it when it was carefully examined. When we saw that, the American people spoke out, and it went away.

If you don't have a lawful system that effectively requires enforcement of the law, you are not serious about protecting people in this country from illegal workers who would take their jobs and have the net effect of pulling down their wages.

We already have the problem that the President is suing States that want to help the Federal Government enforce their laws. He has had his own United States Immigration and Customs Enforcement agents sue him, the Director of ICE, and the Secretary of Homeland Security for blocking them from being able to do their legal duty to enforce the law. That is going forward. They voted unanimously no confidence in Mr. Morton, the head of the United States Immigration and Customs Enforcement agency. And there are a lot of other problems.

I want to say, in sum, we have just begun to review the President's leaked plan and there are massive holes in it. It reveals a continued agenda to simply not allow a lawful system of immigration to be established in America and, therefore, it is unacceptable. I believe and am afraid that same mentality will impact the negotiations. We will end up, no matter how hard people try, with an inability to reach an agreement on a kind of plan that will actually work.

What needs to happen is we need to continue our generous, historic affirmation of immigration where we welcome people to our country in numbers that are very large, but we believe people should come lawfully. People who aren't entitled to come should not be allowed to enter. The people who come here should serve the national interest, not some group's special interests. If we do that, we could be proud of that system. I am so deeply disappointed that the President fails to meet those qualifications.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

BACHARACH NOMINATION

Mr. COBURN. Mr. President, I rise today in strong support of the nomination of Magistrate Judge Robert Bacharach of Edmond, OK, to be the next judge on the Tenth Circuit Court of Appeals. Judge Bacharach is well-qualified for this position and has received widespread support and accolades from across the State of Oklahoma, including members of academia and members of both the Oklahoma and Federal Bar Associations. In fact, last year, the Oklahoma Bar Association passed a resolution praising Judge Bacharach's legal abilities and supporting his confirmation.