

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.

This broad array of support is indicative of his exceptional legal background. Judge Bacharach received his B.A., with high honors, from the University of Oklahoma in 1981 and his J.D. from Washington University School of Law in 1985. Judge Bacharach began his legal career as a law clerk for fellow Oklahoman, Chief Judge William J. Holloway, Jr., on the Tenth Circuit; thus, he is already quite familiar with those chambers. Following his two-year clerkship, he joined the outstanding Oklahoma-based law firm Crowe & Dunlevy, becoming a shareholder in 1994. After 12 years of private practice, he was appointed by the judges of his district court as a United States Magistrate Judge for the Western District of Oklahoma where he currently presides. In addition to serving as a magistrate judge, Judge Bacharach also served as an adjunct professor at the University of Oklahoma School of Law and received a number of outstanding awards and recognition for his years of scholarship and service.

In addition to his clear legal qualifications, even more important to my decision to support Judge Bacharach's nomination are the strong testimonies to his integrity and commitment to service outside of his judicial role. He is currently the Vice President of the Federal Bar Association (FBA) for the Tenth Circuit and formerly served the Oklahoma City Chapter of the FBA as President, Vice President, and a member of the Board of Directors.

Furthermore, Judge Bacharach serves the Oklahoma legal community beyond his professional capacity. One of his primary areas of service to his colleagues is through his involvement with the Oklahoma Bar Association's Lawyers Helping Lawyers Committee, which helps attorneys who are experiencing personal problems such as depression, alcoholism, and drug dependency. He has served on the committee for three years and also joined the Board of Directors of the Lawyers Helping Lawyers Foundation. Judge Bacharach serves Oklahoma outside of the legal profession as the Director and Executive Committee Member of Big Brothers Big Sisters of Greater Oklahoma City and on the Board of Trustees of the Temple B'nai Israel.

I believe Judge Bacharach will uphold the highest standards and reflect the best in the American judicial tradition by joining the Tenth Circuit as a distinguished and respected member of the Oklahoma legal community. The Judiciary Committee received many letters of support for Judge Bacharach's nomination, including recommendations from judges, deans and professors from Oklahoma law schools, several bar associations, and attorneys from Judge Bacharach's former law firm, Crowe & Dunlevy.

Equally important to Judge Bacharach's qualifications is his judicial philosophy. I believe his record and his hearing testimony demonstrate

that he respects the limited role our founders intended judges and the federal government to play in our constitutional democracy.

Based on all of these factors, I believe Judge Bacharach will be an excellent addition to the Tenth Circuit, and I urge my colleagues to support his nomination.

I offer my congratulations to Judge Bacharach and his family on this momentous occasion of his confirmation and wish him well in his new endeavor.

Judge Bacharach's nomination got caught up in the political shenanigans the majority leader and the chairman of the Judiciary Committee carried out at the end of the last Congress. Never before has a circuit court nominee come to the floor without notification of the very members of the Judiciary Committee who sponsored their nomination in the committee. So it was purely a political trick. And for that I think the Senate owes Judge Bacharach an apology for the delay. I have no doubt he will be confirmed, and I doubt there will be anybody who will vote against him.

That leads me to two other comments I wish to make. I have sat on the Judiciary Committee for four Supreme Court nominees, and so what I am about to say may strike some people as hyperbole, but it is not. The four Supreme Court nominees who appeared while I sat on the Judiciary Committee displayed great qualities, and what I am about to say doesn't diminish their characteristics or qualities at all, but I must say that Judge Bacharach has the two qualities that are at such a high level that we should want each and every judge who sits on our Federal bench to have them.

The first is personal integrity. Now, those words are used a lot in our country, but this man has demonstrated it with his life, with his commitments to other people, his commitment to helping other people, with the way he spends his time, with his commitment to his family and to his faith. You cannot find a blemish on this man in terms of his personal integrity, and very rarely can we say that about anybody. He is actually a stellar individual, exactly the type of individual our Founders had in mind, someone who has the kind of personal life that exemplifies the characteristics and qualities that built this country, a love for the law, and an understanding that the rule of law is the glue that holds our society together.

That leads me to the second quality. I have interviewed a lot of candidates for the Supreme Court and for judgeships and circuit court positions, and I have never met anybody who knows the Constitution, its limitations, and its intent better than Judge Bacharach. I think he quite assuredly impressed every member of the Judiciary Committee with his knowledge, his insight, and his background.

So Judge Bacharach brings together the two qualities that are so important

and represent the upper end of all the candidates I have seen in my 9 years in the Senate of those whom we would ask to fulfill some of the most important positions in our country and in our society.

I believe Judge Bacharach is the first judge I will have voted for whom I have no doubt of his absolute fidelity to the U.S. Constitution. So I sleep well at night. I wish we had 100 Judge Bacharachs—100—to put on the bench today. I don't believe he can be influenced by anything other than stare decisis, precedence, and the U.S. Constitution and the statutes. His personal life gives reflection and insight into how he is going to be a judge, how he will carry himself, how he will act in this position of power. When you meet him, what you find is one of the humblest of men with one of the greatest intellects I have ever known in my life.

So I will just say that I fully support his nomination. I congratulate him because I know he is going to be approved, and I say, Mr. President, bring us more Robert Bacharachs.

I yield the floor, and 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.

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

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

THE LONG-TERM DEBT REDUCTION

Mr. CORNYN. Mr. President, it has been 1,398 days since the Senate passed a budget. People wonder why we are lurching from one budget crisis to another one in Washington. The fact is this is not the only deadline that has been missed. This year the President failed to submit, by February 4, his proposed budget. But the truth is even last year when he submitted a budget, and it was voted on by the entire Senate, it received zero votes. In other words, it was not viewed as a reasonable and practical solution to the financial crisis that faces our country with \$16.5 trillion in debt and 40 cents out of every dollar being spent by the Federal Government being borrowed from our creditors.

Even before we reach the upcoming crisis which is known as the budget sequester—and I suggest most Americans would not consider a 2.4-percent cut in spending to be a crisis, but even before we reach this next stage in the budget negotiations, we know President Obama has proposed the same old solution to every budgetary question; that is, to raise taxes even though on December 31, with the fiscal cliff negotiations, we saw the President get his pound of flesh when it came to spending, and that is \$600 billion in additional revenue.

But this does, indeed, seem like the Washington version of Groundhog Day.