

only does Cheryl bring to her tasks a powerful analytical capacity, but also she has consistently displayed fair-mindedness and intellectual curiosity. Her knack for providing students and young lawyers with rigorous yet constructive feedback signals that she would show respect to the lawyers who appear before the Court while subjecting their contentions to penetrating scrutiny. Cheryl possesses excellent judgment and high integrity, and her interpersonal skills would make her a valued and collegial member of the Court.

In sum, we believe that Cheryl's legal acumen, temperament, and experience make her a superb candidate for a seat on the U.S. Court of Appeals for the Third Circuit and we heartily support her nomination.

Sincerely,

Stephanos Bibas, Professor of Law and Criminology, Director, Supreme Court Clinic; Jill E. Fisch, Perry Golkin Professor of Law, Co-Director, Institute for Law and Economics; Paul M. George, Associate Dean for Curriculum, Development and Biddle Law Library; Kermit Roosevelt, Professor of Law; Theodore Ruger, Professor of Law, Deputy Dean; Catherine T. Struve, Professor of Law; Christopher S. Yoo, John H. Chestnut Professor of Law, Communication, and Computer & Information Science, Director, Center for Technology, Innovation & Competition; Stephen B. Burbank, David Berger Professor for the Administration of Justice; Michael A. Fitts, Dean and Bernard G. Segal Professor of Law; Seth F. Kreimer, Kenneth W. Gemmill Professor of Law; David Rudovsky, Senior Fellow; Louis S. Rulli, Practice Professor of Law and Clinical Director; Amy L. Wax, Robert Mundheim Professor of Law.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Cheryl Ann Krause, of New Jersey, to be United States Circuit Judge for the Third Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 215 Ex.]

YEAS—57

Ayotte	Collins	Hirono
Baldwin	Coons	Johnson (SD)
Bennet	Donnelly	Kaine
Blumenthal	Durbin	King
Booker	Feinstein	Klobuchar
Boxer	Franken	Landrieu
Brown	Gillibrand	Leahy
Cantwell	Hagan	Levin
Cardin	Harkin	Manchin
Carper	Heinrich	Markey
Casey	Heitkamp	McCaskill

Menendez	Reed	Tester
Merkley	Reid	Toomey
Mikulski	Rockefeller	Udall (NM)
Murkowski	Sanders	Walsh
Murphy	Schatz	Warner
Murray	Schumer	Warren
Nelson	Shaheen	Whitehouse
Pryor	Stabenow	Wyden

NAYS—39

Alexander	Flake	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Rubio
Corker	Isakson	Scott
Cornyn	Johanns	Sessions
Crapo	Johnson (WI)	Shelby
Cruz	Kirk	Thune
Enzi	Lee	Vitter
Fischer	McCain	Wicker

NOT VOTING—4

Begich	Cochran
Coburn	Udall (CO)

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 39. The motion is agreed to.

The Republican whip.

IMMIGRATION

Mr. CORNYN. Madam President, I wish to spend a few moments this morning talking about realistic solutions to the ongoing crisis along American's southern border.

Obviously, I come from a border State where we have 1,200 miles of common border with the nation of Mexico—which, of course, has been the gateway now to this humanitarian wave of unaccompanied children coming from Central America into the United States. I will talk more about that in detail, but I first want to comment on something the majority leader said this morning in his opening remarks.

With what has now become his trademark hyperbole and frequent disregard for the facts, the majority leader suggested that the Republican platform was: Deport first, find solutions later—or never.

I find that offensive, and it is certainly not true. I can just assume that the majority leader has had other things that have taken his attention and he has ignored completely the concrete solutions I and others have been promoting, some of which I will talk about here in a moment.

The last thing I would say specifically to this offensive and untrue comment of the majority leader this morning is: If you are truly concerned about this issue, Senator REID, you might want to focus on Members of your own party. After all, no less than Vice President JOE BIDEN has said of the unaccompanied minors flooding across from the U.S.-Mexican border:

It is necessary to put them back in the hands of a parent in the country from which they came.

He went on to say:

Once an individual's case is fully heard, and if he or she does not qualify for asylum, he or she will be removed from the United States and returned home.

That is Vice President BIDEN. Perhaps the majority leader should talk to

him or he could talk to our former Senate colleague Hillary Clinton, former Secretary of State, who said this about these unaccompanied children:

[They] should be sent back as soon as it can be determined who the responsible adults in their families are.

That is former Secretary of State Hillary Clinton, and, in all likelihood, the Democratic Party's nominee for the President of the United States in 2016. Perhaps the majority leader should talk to her or he could talk to the Secretary of Homeland Security under whose purview this issue falls most directly, who said that:

Under current U.S. laws and policies, anyone who is apprehended crossing our border illegally is a priority for deportation, regardless of age.

Perhaps the majority leader should pick up the phone and talk to him.

So rather than make offensive, politically motivated allegations, perhaps the majority leader should get his facts straight, talk to leaders of his own political party, and then work with us on this side of the aisle to try to find some realistic solutions.

As the insurgency rages in Iraq and the border between Syria and Iraq has collapsed and attention here in Washington has turned to other parts of the globe, I can say, without a doubt, the attention of my constituents in Texas is still very much focused on what is happening on our southwestern border and this surge of unaccompanied minor children who are making a dangerous and treacherous journey from Central America through Mexico and ending up on our doorstep.

First of all, though, when the facts began to unfold the administration said that human smuggling operations are responsible for creating a misinformation campaign, and that is why we are seeing this surge of unaccompanied minors.

There may actually be an element of truth to that if we think about it, because if the human smuggling operations—the drug cartels, organizations such as the Zetas and the associated gangs that work with them—make money on each and every migrant who passes through these corridors of human trafficking and human smuggling, then they probably are making money—more money the more people who come. They probably make more money with children and women and other migrants whom they kidnap and hold for ransom. So there is some element of that.

But then we have been told by the administration that the surge is entirely the result of gang violence and poverty in Central America, and that it has nothing to do with President Obama's policies or his perceived commitment to our immigration laws, including the enforcement that only the executive branch can do.

A few days ago, however, Secretary of Homeland Security Johnson published what he called "an open letter to the parents of children crossing our

Southwest border," in which he implicitly acknowledged that the President's immigration policies or the perception that he was less than committed to enforcing those policies has indeed become a magnet for illegal border crossings.

Referring to the so-called deferred action program President Obama announced in June of 2012—remember the President said, "I have a pen and I have a phone"? Basically saying: I am going to go it alone, I am not going to work with Congress anymore? That was a product of the mentality and approach by the President.

But referring to the so-called deferred action program that President Obama announced in June of 2012, Secretary Johnson felt compelled in this open letter to inform his readers that:

The U.S. Government's Deferred Action for Childhood Arrivals, also called "DACA," does not apply to a child who crosses the U.S. border illegally today, tomorrow or yesterday.

It doesn't apply. Secretary Johnson reiterated this point in the very next paragraph when he said:

There is no path to deferred action or citizenship, or one being contemplated by Congress, for a child who crosses our border illegally today.

If the sole driver of the border crisis was in fact Central American violence and poverty, or smuggling organizations, then there is no reason to believe that Secretary Johnson needed to clarify the details of U.S. immigration policy. After all, if the migrant surge has nothing to do with U.S. policy, as the White House initially insisted, then clarifying what that policy is won't affect it at all. But it has become simply undeniable that President Obama's policies—including his unilateral deferred action program, as well as the perception that he less than seriously committed to enforcing current law and in fact has ordered Secretary Johnson to investigate and recommend a further relaxation of his enforcement policies—all of this has played a huge role in creating the perception to tens of thousands of unaccompanied children that you should risk your life and travel unaccompanied in the hands of the cartels to the United States, because there won't be any consequences associated with it.

It is that perception that the President continues to create by his silence that is the magnet for this illegal immigration.

Don't take my word for it. According to an internal Department of Homeland Security memo:

The main reason the subjects chose this particular time to migrate to the United States was to take advantage of the "new" U.S. "Law" that grants a "free pass" or permit . . .

In other words, they came because of a widespread perception that unaccompanied minors and women traveling with children would be allowed to stay, even after crossing the border illegally.

I think there is more to this story. In fact, what we have learned is that

women traveling with children are frequently given a notice to appear once they are processed by the Border Patrol—a notice to appear for a hearing in a court that would then determine any claims of asylum or then determine whether they can stay in the United States or they would have to return to their country of origin. This is called a notice to appear.

Strangely enough, the vast majority of immigrants who get a notice to appear never show up. It makes one wonder about the ones who do show up, because there is absolutely no follow-through.

This is what is perceived, has been this "permission" or "free pass" or "permiso" in Spanish.

Meanwhile, a study by the Department of Homeland Security's Office of Science and Technology Directorate concluded that the unaccompanied minors:

. . . are aware of the relative lack of consequences they will receive when apprehended at the U.S. border.

Relative lack of consequences. In other words, nothing happens to them. If you make it here, you will be able to stay. That is the perception.

Again, it is puzzling to me that even though the administration's own documents show a clear reason for the surge, they initially continue to offer the public a shifting narrative.

There is no doubt that drug- and gang-related violence in Central America is bad. It is a matter of tremendous concern for U.S. policymakers. It is terrible, it is heartbreaking, and it is something I propose we try to address. I had a great conversation, for example, on the floor a couple days ago with the senior Senator from California, Mrs. FEINSTEIN, who said: Maybe there is something we can do, as we have done in the past, in countries such as Colombia, countries such as Mexico, and elsewhere, where we have worked with our partners there to try to help them restore security and the rule of law. That certainly is a conversation I look forward to continuing.

But the fact is the violence in Central America didn't just begin a couple years ago. As a matter of fact, the murder rates in Guatemala and El Salvador were higher in 2009 than they were in 2012 and 2013. But the massive spike in illegal immigration by unaccompanied minors didn't start until 2012—the very same year, not coincidentally, when the President announced his unilateral deferred action program, again creating the perception that if you came here, you would be able to stay. Thus, there is no wonder that people felt as though the floodgates had opened, creating the humanitarian crisis and overwhelming the capacity of local, State, and Federal authorities to deal with all of these children.

By fiscal year 2013, the number of unaccompanied minors detained on our southern border had grown to nearly 25,000—up from 6,500 2 years earlier. From 6,500 to 25,000 in 2 years' time.

According to the New York Times:

From October to June 15th, 52,000 unaccompanied minors were caught at the American border with Mexico, twice the number for the same period in the previous year.

There are estimates that could turn out to be 60,000 or more this year and could double next year. One begins to wonder: Where does this end? How does this end?

So between the President's refusal to enforce our immigration laws and his ever-shifting explanation as to the source of the ongoing crisis, it is no wonder that the President has lost so much credibility on this issue.

Indeed, if the President wants to know why he hasn't been able to pass immigration reform in the House and the Senate, all he has to do is look at the fact that people have lost confidence in his willingness to enforce the law.

I know the senior Senator from New York has suggested: Well, we should pass an immigration law and postpone its effective date until after President Obama leaves office. I would say that is a shocking statement, it seems to me, which has been reiterated by the majority leader Senator REID.

There is an enormous amount of distrust about the Federal Government's commitment to enforce the law. So I don't care what the law might ultimately be; if the American people don't believe the President and the Attorney General and the executive branch will enforce the law, we have lost their confidence entirely, and we will never be able to improve and fix our broken immigration system, something I am committed to do.

Given all the different narratives coming out of the White House concerning the surge of unaccompanied minors, I think it would be good for the President to directly address the issue.

He has sent Vice President BIDEN to Central America. That is a positive step. I know Secretary Johnson has visited the Rio Grande Valley and some of these detention centers for unaccompanied minors. That is a positive step. And he has written this open letter to the parents of children in Central America discouraging them from sending their children on this long, perilous journey from Central America to the United States through these drug-smuggling and human-smuggling corridors controlled by the Zetas and other cartels.

Yesterday I submitted a resolution with my friend the junior Senator from Florida, Mr. RUBIO, that calls on the President to do five things:

No. 1, it calls on the President to publicly declare that the deferred action program he unilaterally announced in June 2012 will not apply to the recent waves of children who have been illegally crossing our southwestern border.

That is the same thing that Secretary Johnson and others have been saying, but it is different coming from the President of the United States. It

will be covered by the press. It will be communicated to parents in Central America: Don't send your children to the United States, making them an additional part of this humanitarian crisis, and subject them to all the perils I have talked about repeatedly of that treacherous trip from Central America to the United States.

Secondly, this resolution calls on the President to publicly discourage parents in Central America and Mexico and elsewhere from sending their kids on one of the most dangerous migration journeys in the world.

Third, it calls on the President to fully and faithfully enforce U.S. immigration laws.

I don't know what the facts are, but I do know some of the Members of the House of Representatives—LUIS GUTIÉRREZ has very recently said that if we can't pass immigration reform that suits him, he wants the President to take further unilateral action declining to enforce our immigration laws. That just contributes to the impression that is causing this wave of humanity to come to the United States and creating the humanitarian crisis. It doesn't fix it. It makes it worse.

I hope the President is watching and listening and decides that he needs to be the one to make the statement, because only the President has the bully pulpit necessary to deal with this.

Fourth, our resolution calls on the President to ensure that States such as Texas—and I see my colleague from Arizona; I would include Arizona, California, and other border States—have the resources we need to handle the crisis and to guarantee humane treatment of unaccompanied migrant children.

Some of my colleagues from Texas visited the facility in Lackland Air Force Base on Monday, including Senator CRUZ and others, and they reported back conditions which, frankly, are very disturbing.

Fifth, this resolution calls on the President to work closely with Mexico and Central American officials to improve security at Mexico's southern border. Mexico has a 500-mile southern border with Guatemala which is insecure and porous, through which all of the unaccompanied minors from Central America come.

I realize how controversial and polarizing the whole discussion about immigration can be, but I suggest we need to try to work together on a bipartisan basis to deal with it. Hopefully, by making this above partisan politics and doing our job, we can help resolve this immediate crisis, but then we can help regain the public's confidence so they will allow us to take the reasonable steps we know we need to take moving forward to fix our broken immigration laws.

I believe passing this resolution would send a powerful message about our commitment and the President's commitment to the rule of law, our commitment to resolving the current

border crisis, and our commitment to saving these young children from unimaginably treacherous journeys through Mexico which I previously described.

I urge all of our colleagues to work together with us to send that message, and encourage the President to use the bully pulpit to send the message I have outlined.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. CORNYN. I will.

Mr. MCCAIN. First, I thank him for the resolution.

On behalf of myself and others, I appreciate the representation of the people of Texas who are literally experiencing a crisis on the southern border of our States—of the Senator's State as well as mine.

I note the presence of the Senator from Illinois. There is no greater advocate for the DREAMers, the children who were brought here, not willfully, and I believe that in our immigration reform bill we address that issue in a humane and compassionate fashion.

But I ask my colleague now: Isn't it terribly inhumane to see these children taken from these countries by some of the most unspeakable people on Earth—these coyotes? And their trip along the way these hundreds of miles is so cruel and inhumane to many of these children that it is chilling. These coyotes are terrible people. They commit crimes to these people and on these young children. They do terrible things. They sometimes ride on the top of a train where the safety is—obviously, their lives are literally in jeopardy.

Again, I appreciate the work that has been done on behalf of the DREAMers. But shouldn't we care a great deal about these children, even if they are not in the United States, for what they are undergoing now? And isn't it a humanitarian issue of the highest order, and wouldn't we be better served if we told these children and the people who are motivating them and making a lot of money bringing them here—wouldn't it be better for us to say: Look, anybody who shows up at our border is not going to be allowed to stay in this country. But if you go to our consulate, if you go to our embassy in the country in which you reside and make a case that your life is being threatened, you are being persecuted—whatever the conditions are for asylum in our country—then those cases can be judged, and then if it is a humanitarian case that warrants it, we can bring them into the United States of America.

But say: If you come to our border, you cross those—how many miles is it from the Guatemalan border?

Mr. CORNYN. It is 1200 miles.

Mr. MCCAIN. Don't subject yourself to a 1,200-mile trip, which is hazardous to your life and terrible things can happen to you.

Why don't we send a message: If you think you deserve asylum, then go to

the consulate, go to the embassy, and we will have sufficient personnel there to take up your case. And if your case is compelling and meets our standards for asylum, then we are going to give it to you. But whatever you do, don't risk your life and your well-being to travel 1,200 miles in the hands of a coyote.

I would say to the Senator from Texas, sometimes when we say we have to have a secure border and the things we need to do, we are viewed sometimes as inhumane.

My question is: What is more inhumane than what is happening to these children now? Some of them are only 4, 5, 6 years old. What is more inhumane than what is happening to them as we speak?

Shouldn't the President of the United States do as the Secretary of Homeland Security did yesterday and say: You cannot stay in our country even if you show up on the border, but you can apply for humanitarian asylum in the United States of America?

Mr. CORNYN. I appreciate the question. I would say there is nobody in this Chamber who has been more involved in trying to fix our broken immigration laws than the senior Senator from Arizona. And certainly the senior Senator from Illinois has been very much involved. Both of them are members of the so-called Gang of 8 who were the primary authors of the Senate-passed immigration bill.

But I would point out that not even under that bill would these children be covered, because they wouldn't qualify for the so-called DREAM Act provisions authored by the senior Senator from Illinois.

That is the point the Secretary of Homeland Security has been trying to make—this is not a green light to anybody and everybody who wants to come to the United States.

For their protection, for the protection and safety of the American people, and in the interest of an orderly immigration flow and the rule of law, we need people to play by the rules, and it is the perception that there are no rules and that if you make it here, you will be able to stay regardless of whether you qualify under the law that created this flood of humanity. The second thing I would say, the Senator is exactly right. I think people underestimate the horror inflicted on migrants who are transported from Central America through Mexico up into the United States at the hands of transnational criminal organizations. The "coyotes" as we always called them are the human smugglers. They now have to pay the cartels for protection or they cannot travel through the corridors up through Mexico and the United States. These migrants in the process of being transported here, riding on the train the Senator alluded to called The Beast, are prone to accidents. They could lose their life, leg or limb, be kidnapped, held for ransom. Women will be raped and assaulted. It is horrific.

Who in their right mind would subject their family to those sorts of horrors only to end up in the United States when our laws do not permit their entry into this country? Somehow the President or the Secretary of Homeland Security are the only ones who have the bully pulpit who can send that message in a way none of us can to convince them we are going to enforce our law.

Mr. McCAIN. The only way we are going to stop this right now is to convince these people not to listen to the coyotes who are advertising on regular television in these countries and to convince these people that trip will not lead to the result of being able to stay in the United States of America. Until that happens, they are going to believe that if they can get here, they can stay here.

All of our hearts and sympathies go out to people who live in these countries in terrible conditions. We understand why they want to come to the United States of America, but they are on a fool's errand. Meanwhile, they are putting their very lives at risk by taking that arduous journey to Texas from Honduras, Guatemala, or some other Central American country.

I see my friend—and there is no greater advocate for the DREAMers than Senator DURBIN—on the floor. He was one of the earliest and most outspoken on this issue. I hope he will join us in recognizing that the only way we can stop this is to make sure people know there is no pot of gold at the end of this terrible trip they are on.

Mr. CORNYN. I say to the senior Senator from Arizona and the senior Senator from Illinois—and I will turn the floor over to Senator DURBIN in a moment—that there are two big problems: This wave of children is coming and not allowed to legally stay in the United States and thus subject to being returned to their country of origin. Both Vice President BIDEN and former Secretary of State Hillary Clinton said that is the law of the land.

If the President doesn't step up and use his bully pulpit to send this message in a way that none of us can because people pay attention to him and not as much to us—I think that is a fair statement—then this wave is going to continue, and it is going to get worse and worse.

I ask through the Chair to the senior Senator from Arizona and the senior Senator from Illinois—both of whom I know care passionately and are committed to fixing our broken immigration laws, although we have had our differences—how will the American people let us do this if they have lost confidence in the executive branch's willingness to enforce the current law? I think it makes it much, much harder.

In fact, as I alluded to a moment ago, the majority leader and the senior Senator from New York said: Let's pass immigration reform but delay its implementation until after President Obama leaves office.

That sounds like an embarrassing proposal.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CORNYN. I will yield in a moment.

That has to be embarrassing. It shows a lack of confidence in the President's commitment to enforce the rule of law. I think it is a problem. I think the President can help mitigate that problem and help restore the impression that you are not going to get a free pass if you make it to our southern border.

I will gladly turn the floor over to my colleague.

Mr. DURBIN. Through the Chair, I would like to ask the Senator from Texas a question. He said repeatedly that the President is not enforcing the existing law. We all acknowledge that there is a humanitarian crisis on our border, and I think we agree more than we disagree, but I do want to question the Senator's premise. Will the Senator from Texas tell me which existing law the President is not enforcing that has created this crisis?

Mr. CORNYN. I say to my friend from Illinois that I tried to make clear that the current law bars the entry of these children and people across the border because they would not even meet the terms of the President's Executive order, that is, if you believe the President's Executive order has the effect of law, which I don't.

There are a couple of issues. It is both the impression that the President is not committed to enforcing the law and the fact that now when these adults are detained and children are placed with relatives in the country, virtually none of them show up for their hearing. So the perception—because we don't have a comprehensive system to enforce our immigration laws even after people come to our country—and reality of how that works tells them that if they make it here, they will never have to leave.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. CORNYN. Sure.

Mr. DURBIN. Does the Senator know the origin of the law which requires that an unaccompanied child be turned over within 72 hours by the Department of Homeland Security to the Department of Health and Human Services, specifically the Office of Refugee Resettlement? Does the Senator from Texas know who introduced that bill and who signed it into law?

Mr. CORNYN. I say to the distinguished Senator through the Chair that I don't know who introduced the bill, but I do know who signed it into law, and that was President George W. Bush.

Mr. DURBIN. I say through the Presiding Officer that the bill was introduced by the Senator's former colleague from Texas, Richard Arme, and signed into law by President George W. Bush, which required what is currently taking place—that within 72 hours, un-

accompanied children need to be taken out of the Department of Homeland Security—a law enforcement agency—and placed, through the Department of Health and Human Services, into some protective situation. The President is enforcing a law signed by President Bush and authored by the Congressman from Texas, Congressman Arme.

I ask the Senator from Texas through the Chair, on what basis is he saying the President is not enforcing the law?

Mr. CORNYN. I say to the Senator from Illinois, here is how it works—I don't think we disagree about the law or the origin of the law but how it works in application. These children are now being placed with family members who may not be documented. They may have entered the country in violation of the immigration law, but because it is perceived as a relatively safe place for them to temporarily reside pending further court proceedings, they place the children with a family member in the United States. Absent a family member, I presume they will be placed with a legal guardian or foster family or the like while the legal proceedings go forward.

Here is the practical problem: Once they make it here to the United States, if they never return to the court in response to their notice to appear, then they are lost forever to the immigration enforcement system and they become a part of the great American melting pot, never to be heard from or seen again unless they commit some other crime. That is how the press reports it in Central America and elsewhere. At least that is the report we hear from migrants themselves. They refer to it as a permiso, which is a notice to appear. At that point they think they are home free and never have to show up for their court hearing, and that it is as good as permission to enter the country. I believe that is what actually is happening.

Mr. DURBIN. If the Senator would yield for a question.

Mr. CORNYN. I will.

Mr. DURBIN. If I understand what he said, the law governing this situation is a law that was authored by a Republican Congressman from Texas, signed into law by a Republican President, George W. Bush, and is currently enforced by this President. And what the Senator from Texas is suggesting is that the law in and of itself has at least a loophole or an opening that if the person doesn't appear in court—the young child or the parent with the child—then they could be lost in our system. The Senator from Texas seems to be suggesting we need to change the law or at least address the law.

I have two questions. Will the Senator concede the fact that President Obama is enforcing the law as it is written? Secondly, what would the Senator do with these children once they show up in the United States?

Let's assume you had a 12-year-old child—which is a case I heard last

night—on top of a freight train for 4 days; finally made it into the United States, possibly at the hands of a coyote or smuggler—I make no excuse for them—pushed across the river, or Rio Grande, in a raft and told to report to the first person in uniform? What would the Senator have us do with the child at that point?

Mr. CORNYN. Madam President, I would respond to my friend from Illinois and say I would have them enforce the law, which is as the Senator has just described. Once the Border Patrol processes the child or migrant, then they turn them over to Health and Human Services, where they can be placed in humanitarian and hopefully clean conditions so their interests can be looked after while their legal case proceeds.

The problem is not just the fact that there are no consequences once these children or others are released on a notice to appear, which is never enforced, it is also the perception that people—for example, this morning Congressman LUIS GUTIÉRREZ said that he was so frustrated by our inability to pass immigration reform, that the President needs to withhold any deportations or radically, essentially, refuse to enforce the law even further.

America is the most generous country in the world when it comes to our legal immigration system. We naturalize about 800,000 people a year. It has been up to as many as 1 million people. We are very generous. But it is not too much to insist that people do it through legal means for their protection and ours.

The statements the President has been making and the unilateral actions he continues to take give the perception he doesn't care what Congress says; he is going to go it alone. As a matter of fact, this morning the Supreme Court rebuked the President on an illegal recess appointment—unconstitutional recess appointment.

I think it is not just the law as it is written on the books, it is also how the law is actually implemented. It is also the further perception that the President is going to continue to basically refuse to repatriate people who enter the country illegally.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I went to the White House last night. The President invited Democratic Members of the Senate, and we met with Cabinet and staff members. One of the President's close advisers I met with described what she had seen in McCallum, TX, and there were tears in her eyes when she told heartbreaking stories of babies, children, and infants who are coming to this country. Many of them are in the hands of smugglers and coyotes who have gotten money from their parents or family to transport them to the border of the United States.

She told me the story of a 12-year-old boy, whom I mentioned earlier, from

Guatemala. He was put on the top of a freight train and told to hang on for 4 days. For 4 days this 12-year-old boy, scared to death, was on top of this freight train as it barreled through Central America on its way to the United States. He had with him the name of a relative in the United States, and that is it. He was told that as soon as he got across the border, look for somebody in a uniform, don't show any resistance, and present yourself, which he did. He now sits in a facility in Texas.

This is a horrible humanitarian situation. The numbers that are involved here—I will give for the record the numbers that have been reported, which are worth noting. Some people may think we are talking about hundreds of children. This year, and this year alone, as of June 15, unaccompanied children apprehended by the Border Patrol: Honduras, 15,000; Guatemala, 12,000; El Salvador, 11,000; and Mexico, 12,000. Almost 80 percent of these kids come from the countries Honduras, El Salvador, and Guatemala.

Why are they coming here? They are coming here for a number of reasons: No. 1, there is this criminal network that gets money to transport children. They promise the families they will get them to the border. God only knows what will happen to those kids on their way. Some of them will die, some of the girls will be raped, and their lives may never be the same. It is a desperate, awful, tragic situation, and there is no getting around the fact that it is occurring.

Why are the families doing this? Why would you turn a fourth or fifth grader in your household loose to make that awful, deadly journey? Well, part of the reason is those three countries—Honduras, El Salvador, and Guatemala—are virtually lawless. They are three of the top five countries in the world when it comes to murder rates. There is a fear that the gangs in these countries will kill their kids anyway.

A young girl from one of these countries said: I ran. I didn't know what else to do because I was told one of the members of the gang wanted to take me on as a girlfriend. I know what happens to girls who become girlfriends. They are raped, killed, and left in a plastic bag on the side of the road.

Sadly, that is the reality of life for those children in some of these countries.

The United States is at the end of this journey and trying to decide the humane thing to do when an infant, a toddler, a 10-year-old, or a 12-year-old, shows up.

There is no easy answer.

The one point I wish to make and clarify—and I hope I did it in the course of my colloquy with my friend and colleague from Texas—this is not a question about whether President Obama has dreamed up a new law or is not enforcing an existing law. The President is enforcing the existing law in America, and here is what it says:

When an unaccompanied child shows up on our border and our Border Patrol takes this child into custody, within 72 hours—we give them some time because it is not easy—we need to put this child in a different place outside of a law enforcement agency. Technically, we need to take them out of the police station part of the world and put them in some part of the world that is best for a child. That is what they are required to do under a law introduced by a Republican Texas Congressman, Dick Armey, and signed into law by a Republican President, George W. Bush. What President Obama is doing is enforcing a law which President Bush signed and was supported by Republicans.

So, please, for a second, can we stop the partisanship on this? Let's view this not as a political crisis but a humanitarian crisis, and let's acknowledge the obvious. The President has tried in his capacity to deal with the immigration issue. He has done more than he wanted to do as President. Last night at a gathering the President said: Does anyone think I believe Executive orders are the best way to govern America? No. It is better to do it by law. But let me tell my colleagues why he is forced into Executive orders.

It was 365 days ago, on the floor of this Senate, that we passed a comprehensive immigration reform bill. It was one of my prouder moments as a Senator. There were eight of us who wrote the bill and it took us months: four Republicans, including JOHN MCCAIN, who was just on the floor, my friend MARCO RUBIO of Florida, JEFF FLAKE of Arizona, and—I am thinking for a second; I blanked on it, but I will think of the other one in just a second—LINDSEY GRAHAM of South Carolina. So the four Republicans, and on our side of the table we had CHUCK SCHUMER of New York, myself, BOB MENENDEZ of New Jersey, and MICHAEL BENNET of Colorado.

We went at it for months and we wrote the bill. We brought the bill to the floor, and we covered virtually every aspect of our broken immigration system, start to finish. It wasn't easy, but we covered it all. The bill passed on the floor of the Senate. It got 68 votes. We had 14 Republicans joining the Democrats in passing the bill. It was supported by the U.S. Chamber of Commerce. It was supported by the labor unions, the faith community. Grover Norquist, one of the most conservative Republicans in our country, supported it publicly and said it was a good idea, and we passed it.

We sent it to the House of Representatives 1 year ago. What has happened to comprehensive immigration reform since we sent it 1 year ago to the House of Representatives? Nothing. Nothing. They refuse to call up the bill for consideration.

So when Members come to the floor and talk about how broken our immigration system is, I agree. Many of us tried to fix it, and we did it the way we

should have—in a bipartisan fashion, give and take, compromise.

We are sending, under this new bill, more enforcement to the border between Texas and Mexico than we have ever seen before. I said somewhat jokingly that the people at the border can reach out and touch hands, there will be so many of them—figuratively—at our border. That was the price the Republicans insisted on: border enforcement. All right. What we insisted on was to take the 11 million undocumented in America today, and if they have been here for at least 2 years, give them a chance. Let them come forward, register with the United States who they are, where they live, where they work, who is in their household. Let them pay their taxes, let them pay a fine, and let them learn English. If they do those things, we will do a criminal background check to make sure they are no threat to anyone in this country, and we will watch them. We will watch them for 13 years—13 years. Then they have a chance at legalization.

That is what our bill says. They go to the back of the line and they wait 13 years while they pay their fines. It is tough. Some of them will not make it to the end of the road, but it is there. It gives them a chance.

So when Members come to the floor and criticize our current immigration system, I say to them, there was a repair to that system, there was a fix to that system. It passed the Senate 1 year ago and Speaker BOEHNER refuses to call it to the floor of the House. I don't know why.

Well, I do know why: Because it would pass. There would be enough Republicans joining Democrats to pass it and we would finally have done something on the issue of immigration.

Now we have before us a resolution by the senior Senator from Texas and he suggests we should take it up. The first part of the resolution says the President has to make it clear the DACA Executive order does not apply to the new people coming across the border. Well, that is a fact. Those who are coming across the border today can't qualify to become legal in the United States—not under any existing Executive order or under the proposed comprehensive immigration reform we passed in the Senate. They can't become citizens. The President saying it personally? I am sure the President would say it personally because he sent the Vice President out to Central America to visit the countries and tell the leaders there: There is a mistake if your people believe they can stay in this country legally. They cannot.

Secondly, he said we have to discourage this migration. I am for that. Who isn't for that? We need to discourage the exploitation of these children and their families and do it in every manner possible. So there is nothing in that suggestion that I think isn't already being done.

The third thing is to fully enforce existing law. The point I tried to make to

the Senator from Texas is the President is fully enforcing existing laws. If people want to change the laws, let's have that debate, but to argue the President is not enforcing existing laws is not correct. He is. Those laws may need to be changed or addressed, but he is dealing with them.

I wish to say a word, if I can, about an issue which has come up on the floor and one that is near and dear to my heart. It was 13 years ago when I got a call to my Chicago office. There was a Korean-American mother who had an 18-year-old daughter who was a musical prodigy. She played classical piano in high school and she had been offered a scholarship to the Manhattan School of Music. Her family was a poor immigrant family and this was the chance of a lifetime. When the mother and daughter sat down to fill out the application to go to the Manhattan School of Music, there was a question which asked, What is your citizenship? She turned to her mother and asked, What do I put there? And her mother said, I don't know. We brought you here under a visitor's visa when you were 2 years old and we never filed any papers. The daughter said, What are we going to do? The mother said, We will call DURBIN. So they called our office.

We looked into the law and the law was clear. The law was clear. This 18-year-old girl under our law had to leave the United States for 10 years and then apply to come back in. Where was she going to go? Her family was here. So the mother said to me, What can we do? I told her, Under the law, almost nothing. So that is when I introduced the DREAM Act.

The DREAM Act says if a person is brought here as a child, an infant, under the age of 16, and they completed high school and had no criminal record of any substance at all, if they served in our military or went 2 years to college, they had a chance to become an American citizen. That was the DREAM Act. I introduced it 13 years ago—13 years ago. It has passed the House, but it didn't pass the Senate that year. It has passed the Senate as part of comprehensive immigration reform, but it hasn't passed the House.

So several years ago I wrote to the President. I said to the President, with 22 other Senators, Would you consider issuing an Executive order saying you will not deport these DREAM children, these DREAMers—because they are eligible under bills that have passed both the House and Senate—give them a suspension of deportation and allow them to stay in the United States without fear of being deported? He signed the Executive order. So almost 600,000 have stepped forward and they have agreed they will submit the information to our government and, in turn, they will be spared deportation.

They are getting on with their lives. They are going to school and getting jobs. Amazing things are happening for them. There are great stories, and I come to the floor and tell them all the

time, but we still don't have the final law. We have the President's Executive order which gives them a break now, but we still don't have the final law to resolve it.

I wish to tell a story about one of those DREAMers today. This is Marie Gonzalez Deel and her parents Marvin and Marina Gonzalez. Marvin and Marina brought Marie from Costa Rica to the United States in 1991 when Maria was 5 years old. They came to the United States legally on temporary visas and settled in Jefferson City, MO. A lawyer said to them, Put down roots, get a job, and you have a chance to become a citizen.

The Gonzalez family bought a house, paid their taxes, and were active members of their church. Marvin was a mail courier for the Missouri Governor. Marina taught Spanish at a local school, and Maria was at the top of her high school class. They thought they had done everything right, but then Maria's family was placed in deportation proceedings. The community of Jefferson City was angry that a good family such as this who was part of their community was facing deportation. They rallied around them.

I first met Marie in 2005. She was one of the first DREAMers to tell her story publicly. Back then it was a pretty courageous thing to do. It still is. At my request, the Department of Homeland Security granted her a stay of deportation, but 9 years ago Maria's parents were deported back to Costa Rica.

In 2008, Marie graduated from Westminster College in Missouri with a degree in political science and business, but her parents couldn't be there to see her. They had been deported back to Costa Rica. In 2009, Marie married her college sweetheart and planned a second ceremony in Costa Rica so her parents could be a part of it. On Thanksgiving, 2010, she and her husband flew to Costa Rica. As my colleagues can see from this picture, they were elated to see one another for the first time in 5 years.

Just a few hours later, Marvin, her father, who had prostate cancer, collapsed. He was rushed to the hospital. He passed away later that same day—the day this photograph was taken. Luckily, they got to see him before he passed away. The family held a funeral the next day and carried on with the Costa Rica wedding the following day with an empty chair at the head of the table where Marie's father would have been seated.

Today Marie is the proud mother of an 11-month-old baby girl, Araceli. In March 2014, Marie became a citizen of the United States. Here is what she wrote to me in a letter:

I was very blessed and thankful to get the opportunity to stay in the United States on a temporary visa to be able to finish my education, get a job, find my soul mate, and eventually become a citizen, though at the cost of not spending that time with my family and feeling alone for so long. My family was torn apart when I was 18 and will never be able to be reunited. My immigration

struggle continues until the day I can once again have my mom at my side. I hope other families don't have to endure this pain.

There are 11 million stories in America, many of them just like this. Hard-working men and women, law-abiding families, viable parts of our churches and our communities, who had the courage to leave everything behind and come to this great Nation. Those of us who are immigrants to this country, which includes the Presiding Officer and myself—at least my mother—thank our lucky stars we were given this chance. My mother was an immigrant to this country and her son is a U.S. Senator from Illinois. She was brought here at the age of 2. Her naturalization certificate is in my office upstairs. I am very proud of it. It is a reminder to me and a reminder to anyone who visits me that this is a nation of immigrants. We are a nation that thrives with the diversity of our immigration and the energy they bring, the courage they bring, leaving everything behind to come to this country. That is the family of the Presiding Officer, and that was my family. That is our story, but that is America's story. That is who we are.

Have we reached the point where we cannot even discuss future immigration in the House of Representatives? Have we reached a point where we cannot even bring the matter to the floor for a vote? Are we going to ignore what that means to this family and millions just like them, what it means to the thousands of kids presenting themselves at the border?

We are better than that. America is better than that. When we embrace our diversity, when we embrace immigration as part of who we are in America, we will be stronger for it and not just in the creation of new businesses and jobs. These immigrants are some of the hardest working people in America. They take the toughest jobs that a lot of Americans would not touch, but they know that is what an immigrant does.

What is their dream? That their babies, their sons and daughters, are going to have a better life. Thank goodness that story has been repeated over and over and over. That defines who we are in America.

Now—1 year later—the House of Representatives is about to throw up its hands and walk away from even addressing immigration issues. What a heartbreaking situation. What an abdication of responsibility.

I know there is a partisan difference between the House and the Senate, but I honestly believe that if the Speaker had the political courage to call the comprehensive immigration bill—the bipartisan bill that passed the Senate—we would find enough Republican House Members who would stand and vote with the Democrats and pass it. Sure, there will be critics of the Speaker—he shouldn't have done it—but that is what leadership calls for, for the Speaker to have that courage and get it done. I hope he will.

One year is long time to wait—and for these families, years and years, some of them with broken dreams that will never be fulfilled, families who have been split up and try to survive. But that is our responsibility, not just for DREAMers but for our country, to make sure we renew this commitment to our diversity and to immigration.

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

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING HOWARD BAKER

Mr. MCCONNELL. Madam President, it is with great sadness that I announce the passing of one of the Senate's most towering figures, Senator Howard Baker.

The Senate sends its sincere condolences to the family of Senator Baker. In particular, we want to pass along our deep sympathies to his wife Nancy Landon Kassebaum Baker. Many of us served alongside Nancy in the Senate, and we know this must be a difficult moment for her.

Senator Baker was a true pathbreaker. He served as Tennessee's first popularly elected Republican Senator since Reconstruction. He served as America's first Republican majority leader since the time of Eisenhower. He served his Nation with distinction as a member of the U.S. Navy, as Chief of Staff to President Reagan, and as our country's Ambassador to Japan.

Senator Baker truly earned his nickname, the "Great Conciliator." I know he will be remembered with fondness by Members of both political parties.

Again, let me express the Senate's sympathies to the Baker family. He will be missed by the Senate and by his country.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, as the distinguished Republican leader has said, this body—the U.S. Senate—has lost a member of its family, Tennesseean Howard Baker.

We know of his long and distinguished career. He served three terms in the Senate. He served as minority leader and ended his career as majority leader. He was an earnest man and worked with any and all Members of this body in passing legislation for the good of America.

As the Republican leader has mentioned, he worked under the direction of President George W. Bush as Ambassador to Japan. He was President Reagan's Chief of Staff. He was someone who could do everything.

He was well liked by Democrats and Republicans. He was a fine man. I did not know him as well as my colleague the Republican leader or of course the two sitting Tennessee Senators.

He enjoyed an illustrious career in public service and it was accomplished, everyone said, by his hard work. He loved foreign affairs and did a great job. He was motivated by his heartfelt desire to do good in the world. Our thoughts go to his family and his wife, whom I had the good fortune to serve with.

I do say this: The two fine men who now serve in the Senate from Tennessee, I am confident, learned a lot from Howard Baker because the senior Senator from Tennessee is also a person who wants to try to work things out. The junior Senator from Tennessee and I have had many conversations. I believe he also wants to be someone who works things out.

So my sympathy goes to Senator Baker's family and friends, especially the two Senators from Tennessee, who I am sure are heartbroken as a result of the loss of their mentor, friend, one of the great people to come out of Tennessee, and there have been plenty.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Madam President, I wish to speak very briefly this afternoon to acknowledge a hero. I come to the floor just after the announcement has been made about a leader in the Senate, Senator Baker. While I did not have the privilege of serving at the same time as he, my father did. They were close friends, not only Senator Baker but Senator Kassebaum. My heart, my thoughts go out to the family. The contributions clearly from Senator Baker on so many different levels are so greatly appreciated.

TRIBUTE TO MASTER SERGEANT ROGER D. SPARKS

Madam President, I would like to spend just about 5 minutes this afternoon speaking of another hero, and this is a man who has demonstrated above and beyond his commitment, his service to the United States. I would like to speak about MSgt Roger D. Sparks.

It is my duty as a Pararescueman to save lives and to aid the injured. I will be prepared at all times to perform my assigned duties quickly and efficiently, placing these duties before personal desires and comforts. The things I do, that others may live.

"The things I do, that others may live"—this is the solemn oath by which all pararescue airmen pledge their allegiance and dedicate their service to our country. It is the sacred creed of a most honorable profession.

Alaskans are extremely proud of the exceptionally heroic achievements of the Combat Search and Rescue Airmen assigned to the 176th Wing in the Alaska Air National Guard. These airmen embody the core values of the Air