

difficult jobs. It is not that people won't do this work; it is that the wages aren't sufficient to take care of them and their families.

We need wages to rise. We have a loose labor market, not a tight labor market. People are having a hard time finding jobs. We are talking about a dramatic increase in the number of workers at a time when the economy is struggling, workers are hurting, wages are down, and unemployment is up.

I just want to dispute that. I want to push back on it. That has been my analysis from the beginning.

Oh, we need more high-tech workers, they say, and businesses say that too. But what do the numbers show? Professor Harold Salzman at Rutgers did a report that said we are actually graduating about 500,000 STEM graduates—science, technology, engineering, mathematics—about 500,000 graduate a year, but we only have jobs for fewer than half of them. Most STEM graduates are not working in their fields. They haven't been able to find the kind of work for which they trained. One of the reasons is that a substantial number of those jobs are taken by H-1B workers who are brought in not to immigrate to America to create jobs, I say to my colleagues; they come in on the H-1B visa, which is a limited period of time, they work at lower wages, and they return to their country. They are not on a path to be permanent citizens. But it is a great asset to businesses that don't want to hire, perhaps—it seems—people and put them on a career path where they might be expected to get pay raises in the years to come.

So I will challenge even that fact. I talked to a business person recently about a factory they have. The work sounded pretty good to me. He wants to bring in foreign workers to Alabama. Well, we have unemployment in Alabama. We have people on unemployment insurance. We have people on welfare and food stamps and assistance who need to be taking those jobs.

So the first responsibility of a congress, a senate, when they consider an immigration bill is what is in the interests of the American people. I don't believe it is wrong to discuss that. We have to ask what is in our national interests, the interests of our people, and this is not a time to be doubling the H-1B workers into America. It is just not. And more and more scientific, peer-reviewed, excellent studies are coming out on that.

I see my colleague, Senator DURBIN. I know he is exceedingly busy. My intention is to make a unanimous consent request that we actually do something about the crisis we have on the border.

UNANIMOUS CONSENT REQUESTS— S. 202 AND S. 91

Mr. SESSIONS. I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 202, the Accountability Through Electronic Verification Act;

that the Senate proceed to the immediate consideration of the measure; I ask further that the bill be considered read a third time and passed and that the motion to reconsider be made and laid upon the table, with no intervening action or debate.

For the information of all Senators, S. 202, introduced by Senator GRASSLEY and of which I am a cosponsor, amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make an E-Verify program permanent. This is critical to protecting jobs and wages of American workers. It requires the government to at least run a cursory computer check to determine whether a person applied for a job is legally in this country.

I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

The Senator from Illinois.

Mr. DURBIN. Mr. President, reserving the right to object, a year ago today on the floor of the Senate we passed the comprehensive immigration reform bill, and 68 Senators—14 Republicans and all of the Democrats—voted for it. We sent it to the House of Representatives. Included in that bill was a requirement that all employers use a mandatory electronic employment verification system to verify that all their employees were legal. Job applicants were required to show identifying documents, such as passport, driver's license, biometric work authorization card, including a photo ID. Any employer who continued to employ undocumented immigrants faced serious penalties. That would end the hiring of undocumented workers, which the Senator from Alabama has spoken to. E-Verify, though, has to be part of comprehensive immigration reform; otherwise, it would devastate the economy and hurt innocent workers. This was included in the bill, and we said there would be no path to citizenship until we have established this as a nationwide standard to verify that workers truly were not undocumented.

That bill came to the floor a year ago. The Senator from Alabama voted against it. It passed. It went to the House of Representatives. It has languished for 1 solid year. House Speaker JOHN BOEHNER will not call that bill because he knows it will pass. We are not going to take that bill apart piece by piece, as the Senator from Alabama suggests.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the able Senator from Illinois for his articulate response. I would note that the E-Verify program should already have been fully implemented long ago. If it is so good, why don't we bring it up and pass it now? Why do we have to pass along with it a bill that will double the number of guest work-

ers in the country and would increase immigration and also had many other flaws in it?

So I ask unanimous consent—and this will be my last unanimous consent request this evening—that the Committee on Finance be discharged from further consideration of S. 91, the Child Tax Credit Integrity Preservation Act of 2013; that the Senate proceed to the immediate consideration of the measure; I ask further that the bill be considered read a third time and passed and that the motion to reconsider be considered and laid upon the table with no intervening action or debate.

For the information of all Senators, S. 91, introduced by Senator VITTER and which I cosponsored, would close a loophole in the law that permits illegal aliens to illegally and improperly receive cash tax credits from the Internal Revenue Service, according to the Treasury Department's own inspector general. The IRS sent illegal aliens \$4.2 billion in additional child tax credit payments in 2010. The cost has quadrupled in 5 years. In one instance, four illegal aliens fraudulently claimed benefits for 20 children they claimed lived with them in the same trailer and received from the IRS \$29,000 in refunds.

So I ask unanimous consent that this bill be passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, the circumstance is this: If a person is legally required to pay income taxes in America, a person is legally entitled to some deductions and credits. One of those credits which a person is entitled to is a child tax credit. If a person has a minor child, that person pays less in taxes in America.

What the Senator from Alabama and this bill try to do is restrict the availability of this child tax credit to some workers in America. I think they have gone too far. I want to make sure working families with small children have the helping hand of our Tax Code. I want to stop any fraud in any program in our Tax Code, but I don't believe this bill is a balanced approach to solving the problem, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, I appreciate the comments of the Senator from Illinois. I would have to say that the inspector general of President Obama's own U.S. Treasury Department has said this is a clear abuse. They have written a detailed letter on why it ought to be closed. I am flabbergasted and amazed that we would sit by and allow \$4 billion in child tax credit payments to go out that are not justified. We have been told this. Why is it that we won't even respond to this little problem?

It is one reason I brought it up today—because I want the American people to know this Congress, this Democratic majority is not willing to

take any steps to confront the problems we have with regard to immigration unless they get a massive increase that satisfies activist groups, business interests, and their own political interests.

It is not in the interests of the American people. We need to do the right thing for our country based on law, on principles, on fairness. That is what we need to do. People who come to the country illegally aren't entitled to get child tax credits. I would think certainly not for children who don't exist. Nobody is going out and checking to see if children are in the home. They are just claiming this. The numbers have surged in recent years. The inspector general expressed great concern about that—how it went from \$1 billion to \$4 billion. That is a lot of money, \$4 billion in 1 year, subsidizing, encouraging further illegal entry into America.

The first thing any country ought to do to control its borders, its sovereignty, its legal integrity, is not to provide financial benefit to people who violate the law and then give them benefits that are unlawful. That is beyond comprehension.

I want to say to my colleagues, the last few weeks it is becoming more and more clear that we have chaos at the border—all a direct result of the President and his administrative officials who have told the world we have no intention, basically, of deporting people who enter the country unlawfully, particularly the young people. And has that been heard? Have people around the world heard what has been said? Yes. And they are coming in unbelievable numbers, creating a humanitarian crisis, creating a crisis of law for America, and creating a financial crisis. The President's Fiscal Year 2015 Budget request \$868 million for the Unaccompanied Alien Children program at HHS. Now that cost is expected to be \$2.28 billion, based on the numbers today. In 2011 there were 6,000 apprehended children trying to come into America illegally. This year they say it could reach 90,000 or higher. 90,000 from 6,000? It is a direct result of the unwillingness of President Obama to look the American people in the eye, tell the people throughout the entire world: We believe in immigration. We have a lawful system of immigration. Please apply. Wait your turn. If you qualify, you will be able to come to America, and we are going to do it fairly and objectively and treat everybody with respect, but do not come unlawfully. Do not give money to some smuggler. Do not attempt to sneak over our border across the desert and place your lives at risk because it is against our law, and we will apprehend you and we will promptly deport you and you will lose all the money you have invested in this effort. Just do not do it.

They refuse to say that with clarity. Secretary Johnson was before the Judiciary Committee and I asked him about it. He almost refused to say:

Don't come to America because it is against our law. He said: Don't come because it is dangerous. That is not the kind of message we need to hear from our leaders. The first thing a law enforcement officer should do—and the President is the chief law enforcement officer—but the Secretary of Homeland Security has the Border Patrol, he has Immigration and Customs enforcement officers, he has the Citizenship and Immigration Service. That is who is supposed to be enforcing our immigration law. He will not say that with clarity and he will not communicate it with clarity.

Vice President BIDEN supposedly made a statement in Central America about it. It was weak. It just was not strong. What is it? Do they want the illegality to continue? Do they believe in open borders? This Congress, this Senate is about to recess having done not one thing about it, and the humanitarian crisis continues on the border.

These children, some of them are young. Some of them are 16, 17, 18, 19, 20, 21, and they claim to be 17. Who knows. They are not carrying birth certificates with them. It is creating an incredible crisis. One reporter said the Border Patrol, instead of enforcing the law, are changing diapers. This is a very dangerous situation. Our entire legal system is crumbling about us, and the chief law enforcement officer in America—the President—alone is the one who can bring order to it.

The Secretary of Homeland Security works for the President. If he does not get on it, he needs to be out of there. The President needs to say: Get this thing under control. What are we paying you for?

What about the officers and agents? What do they think? Our officers and agents are stunned. There is report after report of senior officers saying they have never seen anything like this. It is a direct result of the inconsistent message we are sending. They are saying a message is only part of the solution. It has to be backed up with words.

So how is it happening today? A child and an adult cross the border. What are they doing today? They are going straight up—this is, I know, hard to believe—they go straight to the Border Patrol officer and turn themselves in. What does the Immigration officer do? He takes them into custody. If they have a child, the adult has to stay with the child, and then they put them in a shelter. Then they give them a hearing date. The hearing date is down the road. They have a backlog. So what do they do then? They release them. They allow them to go someplace where somebody will take them in, which is what they desire to begin with. Then they are told to appear at court at some given date in the future.

Nobody is going to investigate if they do not show up, or to see where they are, and there is nobody to investigate it. We are talking about a huge increase—by tens of thousands—of people

coming into the country, in addition to the 11 million who are already here. So this is a guaranteed failure. That is what everybody has been telling us who knows anything about it.

The ICE officers, the Immigration and Customs enforcement officers—their association went so far two years ago to file a lawsuit in Federal court. What did they say? They said this administration is violating the laws of America and the Constitution by directing them not to enforce the laws they had sworn to uphold. The Federal judge was very sympathetic with them. He eventually ruled there was not standing for this lawsuit to proceed, but he was very sympathetic with the merits of their claim because that is exactly what has happened.

We have a situation where the President of the United States, based on the DREAM Act—the idea that we would provide legal status to everybody who was brought here under, I think, 18, that we would provide basically a legal status and a pathway to citizenship—that bill came up before the Senate and has been voted down three times by the Senate.

So what did the President do? He directed that the law not be enforced as to them, even though the law remains on the books. That is part of the message that was heard in Central America, and that is encouraging people to come unlawfully to America.

So we are not against immigration. We do need a certain number of farmworkers. We do need and will accept validated people who come with skills who are ready to go to work. We should do that, and we have a generous policy, but we should not be doubling it, as the Gang of 8 bill did. We just do not have the jobs for them. If we had low unemployment, rising wages, and a shortage of workers, I think we could justify a generous immigration policy perhaps but not now. Canada is not doing this. England is not doing this. They are reducing, right now, the number of people who are allowed into their countries. They feel an obligation to see that their people get the jobs first.

The whole matter is disturbing to me, that we are at a point where the law is not being enforced properly in this country.

RECESS APPOINTMENTS

Mr. SESSIONS. Mr. President, today, a unanimous Supreme Court ruled against the President's unconstitutional recess appointments in a dramatic repudiation of the White House's position. Nine to zero they ruled. It was an obvious decision, in my opinion. It was breathtaking that the President of the United States would appoint members to the National Labor Relations Board who have to come before the Senate for confirmation under the Constitution—we have the advice and consent authority—and he did not want to do that, so he just appointed them and claimed we were in recess. We were