

best our country has to offer. The House bill says to these DREAMers: You, too, like the parents of U.S.-born children, should live under the daily threat of deportation. There are 600,000 DREAMers in the DACA Program throughout the country.

The House bill reverses longstanding enforcement priorities and directives that DHS has implemented. These directives tell immigration enforcement officers to focus on the bad guys rather than on the moms, the dads, and other contributing members of our communities. The House bill, in removing all administrative discretion on who should be deported, in effect says that all 12 million undocumented persons in our country can be deported. This is totally unrealistic and unnecessary.

I stand with my colleagues who are ready and willing to come together to pass bipartisan immigration reform. We did that last Congress with 68 bipartisan votes. As Republican Senator HELLER said recently, the House bill that is before us “only includes language that complicates the process of finding a solution when it comes to immigration reform.”

This House bill emphasizes a policy of mass deportation that would harm our economy, costing trillions in economic loss, not to mention the devastating impact on the people. Economists have told us that comprehensive immigration reform will provide an enormous boost to our economy, helping all workers across the country.

The House bill does not reform our system. The House bill does not help millions of students and families come out of the shadows. It does not provide more resources to our hard-working Border Patrol agents. It does not help those who have been stuck in our visa backlog for decades.

Rather than debating comprehensive immigration reform, the House has once again ducked the issue, this time holding DHS hostage so that a small minority of their colleagues can have their way. This is like “Groundhog Day”—a repeat scenario that brings us continuing resolutions to keep government going in a stop-and-go fashion and indeed a scenario that brought us the government shutdown in 2013. We do not have to keep repeating failed scenarios. Let’s bring a clean DHS funding bill to the floor. Let’s get that done and then move on to a debate on comprehensive immigration reform that is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

IMMIGRANT INVESTOR PROGRAM

Mr. GRASSLEY. Madam President, 2 days ago ABC ran a story on its “Nightline” program that brought to light issues with the immigrant investor program. This program is also known as EB-5. This immigration program was created by Congress in 1990. It was created to stimulate the U.S.

economy through job creation and capital investment by foreign investors. In 1992 Congress further added the regional center component that allows participants to pool dollars for foreign investors.

The story on “Nightline” detailed how visas and green cards are for sale for more than \$500,000. It also highlighted how spies and terrorists can use the program to enter the country, risking our national security and undermining the real intent of the program.

For the past few years, whistleblowers have come to me about the fraud, abuse, and national security problems with that program.

A December 2013 audit of the EB-5 program conducted by the Department of Homeland Security Office of Inspector General substantiated several of these concerns. The OIG report concluded that the U.S. Citizenship and Immigration Services is unable to demonstrate the benefits of foreign investment into the U.S. economy—in other words, questioning whether the original intent of the program was being accomplished.

Specifically, the Office of the Inspector General found that the U.S. Citizenship and Immigration Services could not validate whether the EB-5 program actually created 49,000 jobs.

In addition, a 2013 internal memorandum from the U.S. Immigration and Customs Enforcement, Homeland Security Investigations noted that “the nature of indirect job growth is problematic.”

Allow me, please, to discuss the fraud issues related to the program.

The EB-5 program requires a foreign national to invest \$1 million in order to obtain a visa. However, there is a lower threshold for projects that are in high unemployment or rural areas.

Investors have exploited this loophole. As noted in press reports, some metropolitan areas are drawing their own maps or gerrymandering in order to meet this low threshold. The U.S. Citizenship and Immigration Services ignores the problem and doesn’t question it.

Additionally, there are serious concerns that the U.S. Citizenship and Immigration Services does not adequately verify the documentation and the source of funds from investors.

Adjudicators do not thoroughly check how an investor has received \$500,000 and whether the funds are even legitimate.

Finally, I wish to elaborate what is probably more important, the national security concerns. Remember, the Federal Government’s No. 1 responsibility is the national security of this country.

In regard to those national security concerns, in 2012, several agencies came together to draft a forensic assessment of financial flows relating to the EB-5 Regional Center Program, and the Department of Homeland Security Office of Intelligence and Analysis produced an intelligence report of the program’s

vulnerabilities. The same ICE memorandum that highlighted its issues with regional centers also identified seven main areas of vulnerability within the EB-5 program. I won’t go into all seven of them, but I wish to use four as an example.

No. 1, export-sensitive technology and economic espionage;

No. 2, use by foreign government agents and espionage;

No. 3, use by terrorists; and,

No. 4, illicit financing and money laundering.

Let me make it very clear that this ICE memorandum identified seven areas of vulnerability and I just gave us four dealing with sensitive technology and economic espionage, use by foreign government agents and espionage, use by terrorists, and illicit financing and money laundering.

I know I repeated that, but the EB-5 program is being undercut by people who don’t mind hurting the national security of our country.

So to be repetitive on an important point, there are numerous national security concerns. That is why, in my September 2014 “Dear Colleague” letter, I invited my colleagues—all of them—to review classified information on this program.

Today I renew this invitation and urge Senators and those staff who have clearances to view these documents to do so in the Office of Senate Security.

I will be sending another copy of that “Dear Colleague” letter, which contains the document numbers to access the material at the Office of Senate Security.

Summing up, we have whistleblower allegations supported by documentation. We have findings by the Office of the Inspector General. We have classified information about attempts to exploit the vulnerabilities of the program and, finally, we have numerous press reports that highlight the fraud and the abuse.

So I think it is time Congress asks whether this program is worth the national security risks posed and whether this program can be fixed to accomplish the goals that were set out in 1990.

The EB-5 program will require reauthorization by the end of fiscal year 2015 and I want my colleagues to know that I will be demanding reform before this is done, or in conjunction with any renewal.

I do believe that if changes are made, the EB-5 program could benefit the U.S. economy as originally intended by Congress in 1990.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mrs. FEINSTEIN. Madam President, I come today to support legislation to fully fund the Department of Homeland Security, without any extraneous or politically controversial policy riders.

Let me be clear. The immigration provisions that are approved in the House are bill killers. We have now had three votes on cloture. The votes have held steady. It is clear the votes are not here to pass a bill out of the Senate with the riders attached to it.

I just want to speak of the importance of the Department of Homeland Security because I was in the Senate when the Department was developed. It is a combination of 22 agencies. It has over 200,000 employees. Over the years it has become more and more vital to efforts to prevent terrorist attacks on this country.

So how, you might ask? TSA, a member of that Department, funded by that Department, screens airline passengers within the United States, while Customs and Border Protection screens passenger data of travelers entering the country. So it is irresponsible to endanger these missions in the wake of terrorist attacks in Paris, Ottawa, Sydney, and elsewhere.

Secondly, DHS plays a critical role in responding to natural disasters. Resources and personnel from FEMA, which is funded through DHS, are vital in times of flooding, earthquakes, hurricanes, wildfires, and other disasters.

Third, DHS also guards against cyber warfare through network security, electronic crimes investigations, and State and local cybercrime training. So it is hard to fathom delaying \$861 million for cyber security the same day we learn about the massive cyber attack against Anthem Blue Cross.

A number of key national security programs unrelated to immigration would also be in danger. These include the Federal Air Marshal Service, the Secret Service, the Transportation Security Administration, and DHS intelligence activities.

Ironically, blocking this bill over immigration riders would also delay increased funding for border patrols and more manpower to combat human smuggling and trafficking, which so many Members of this Congress want.

Holding up this bill will also delay and reduce more than \$2.5 billion in grants for State and local law enforcement agencies and emergency responders. This puts our country in jeopardy. These grants help with transit and port security, firefighter assistance, and State homeland security.

Make no mistake, the Department of Homeland Security is very active in securing our borders and deporting dangerous individuals.

It has a wonderful Secretary. I think every Member of this body appreciates Jeh Johnson and knows the role he played with managing the sudden influx of children into our country on the southern border. We know of his effec-

tiveness in bringing together what has been a very ungainly combination of 22 agencies into a smoothly run entity. This must be very disappointing to him.

In fiscal year 2014, Immigration and Customs Enforcement deported 315,943 people, focusing its efforts on removing criminals, and the agency was successful in that goal. Fifty-six percent of those removed last year had been convicted of crimes. That is 177,960 fewer criminals on our streets. I would say good job.

Rather than holding DHS and our national security hostage, I urge my colleagues to support the bill introduced by Senators MIKULSKI and SHAHEEN to provide full funding for DHS at levels necessary to do its job. We can't keep funding this agency with short-term continuing resolutions. It doesn't make sense. We certainly can't keep threatening to shut it down.

Yesterday in our joint meeting I had an opportunity to say what this body was like when I came to it. I think I can say with certainty this wouldn't have happened 20 years ago. We would have recognized the importance of the agency and told people to come back with another bill at another time.

The importance of getting some regular order in our appropriations bills is important because we are not getting regular appropriations bills passed. This is so important that I think everyone thought it wouldn't be disturbed. Instead, these policy riders are stuck on it, and the people who put them on know they are offensive to just about half of this body and it is going to present a major challenge to get a bill passed.

Let me talk a little bit about the issue; that is, the five riders that Republicans want to add to the bill. The goal of the riders, I think—and I think everyone would agree with this—is to unravel temporary actions President Obama has taken in an effort to make sense of what is, we all admit, a broken immigration system.

These actions, I would note, wouldn't have been necessary if the House had voted on the bipartisan Senate immigration reform bill that passed in 2013 by a vote of 68 to 32—68 to 32. It was the product of months of intense negotiations and hearings.

I remember it well. There were eight bipartisan Members who negotiated a bill to put before the Judiciary Committee. I am a member of the Judiciary Committee. The Judiciary Committee debated the bill for weeks. A total of some 300 amendments were filed, with 212 amendments in committee that were considered, half of which were Republican, and 136 amendments were adopted.

The House refused to even debate this bill, which in my view—and I have been here a long time—has been the result of one of the most profound bipartisan efforts on a big bill in the last 20 years. The House even refused to recognize it by a debate, let alone a vote, let

alone passing something, some part of the bill, so there could be a conference and differences reconciled.

Now the House comes to us by putting what they know are going to be highly problematic riders on what is an absolutely crucial appropriations bill. This is the kind of thing I tried to say yesterday. It just doesn't make sense to me.

It would not have happened some time ago. People would not have tried to force their will through on an important bill when they knew they didn't have the votes. If three votes on cloture don't show that, I don't know what really will.

The Presiding Officer knows this as well as I do. But the root of the problem is that we have more than 11 million unauthorized immigrants in our country, and Congress only provides enough funding to deport around 400,000 people a year. Clearly we can't deport everybody. So choices have to be made.

So do we focus limited enforcement resources on real threats, such as criminals and terrorists? I say yes. Or, do we spread our resources thin, treating murderers the same way we treat school children who have been in the country for years? I say no. I stand firmly with the President in the belief that we must focus on actual threats and we must prioritize.

One of the temporary programs that the other side seeks to eliminate is known as the Deferred Action for Childhood Arrivals. I hate acronyms, but the acronym is DACA.

This program allows law-abiding individuals brought to the United States as children to remain here without fear of being deported from the only home they have ever known. They can stay for 3-year increments as long as they don't break the law. Republicans want to scrap this program and place these individuals into the same category as dangerous criminals.

In California, my State, that would mean 450,000 young people who were brought to the United States as children, who have lived nowhere else, would immediately be eligible for deportation.

The House riders also seek to remove protections for parents of United States citizens and permanent residents, including 1.1 million parents in California. That would have the effect of breaking up many families that have lived here for years.

I personally know of it happening in San Diego, when, in the middle of the night, immigration officers came into a home, picked up the parents and deported them, leaving the three children in the home. The parents had been here, they were working, they had paid their taxes, and now the children were left. Fortunately, as I understand that incident, relatives were able to come because the children were born here, and they helped to take care of them. But we can imagine the cases where there was no one to help. So this clearly has an effect of breaking up many