

Leastmen, Patsy K. Drume, Susan Burke, Fred C. Smiley, Betty Beesley, Mary Ann Bourne, Renee Davis, Mary Frances Reest, Judy G. Deters, Andrew W. Deters, Glorienera H. Ceven, Lucille Gaungen, Belle Demple, Maria Case, Raymond Case, Bill & Elaine Sharpe, Rose & Fred Schave, Lloyd Derrick, J.W. Keeflang, Ruth Steffen, Gladys Pridgeon, John A. Hart, Fays Coleman.

Mr. ENZI. Mr. President, I have taken a closer look at the ornament that they gave me to give to the President. We are not only the energy capital of Wyoming, but we are also the energy capital of the Nation. We produce 40 percent of the Nation's coal, and the reason we produce 40 percent of the Nation's coal is that this coal is cleaner than anywhere else. Powder River Basin coal is lower in sulfur and other chemicals, and they have even found ways to improve the way it operates. If some of the money from the Department of Energy were used as an incentive for cleaning up coal, it could be done much better.

Our university, again using money from the energy business, is also working on a few projects. One of them is to use solar power to separate hydrogen out of water and burn the hydrogen with coal to make it burn better and cleaner.

We have five powerplants in my county, and we love to talk people into coming to Campbell County. We are successful at getting senior staffers, from both Republican and Democratic offices, to come each year to take a look at what it is like in that part of the country. The biggest comment that all of them make as they leave is that they had no idea that it could be that clean. They thought the coal mines would be dirty.

I ran into that when I went to the first global warming conference in Japan. I went there early, as the negotiations were starting, and I guess I was one of the first people to show up in a suit, so people were leaping over tables and everything to interview me. I usually don't do that. I ask what their circulation is in Wyoming, and of course in Japan it was zero, so I didn't do any interviews. But one of the big papers in Tokyo was so interested that I wouldn't do an interview that they sent a reporter to Wyoming. They called first and asked if it would be OK if he came and traveled with me for a day. I said that it would be fine as long as he also visited a coal mine and powerplant.

He came and traveled with me, and he had no idea of the distances that we have between the few people that we have in Wyoming. We are the least populated State in the Nation. He also followed through on visiting the coal mine and powerplant. Again, he had the same comment. He couldn't believe it could be done so cleanly and so well.

In the early days of the coal mines coming in, people said they would never be able to reclaim that land because we have such low moisture in Wyoming. We are actually considered high desert. In fact, the eastern part of that

State has the most desert. God didn't put anything above the ground. He put it all under the ground, and part of it is coal under 80 feet of dirt, which is considered nothing in the coal mining business. So we have been able to mine the coal with this open pit and to reclaim it.

Now it is fun to take people out to see one of these mines because when you get to it, they say: Don't let them tear up that part over there. We say: That is where the mine used to be. This is where it is going to be. They then say: Oh, go ahead and tear that up because it looks better after they put everything back in its place.

It could be done better yet, but there are some requirements in the reclamation that it has to be put back the way that it was, and that puts some constraints on it. Nobody would move millions of tons of dirt on a farm or ranch and put it back exactly the way it was, down to where the rocks are placed.

We have a product that is used nationally and that the Chinese would like to use. Did you know that during the Olympic games in China they had to fire out rockets that would go to a fairly high altitude and then spread out some chemicals that would clean the air so that it would look nice on television? They are extremely interested in getting Campbell County coal shipped to them so they can burn that in their powerplants and clean their air.

It is the least expensive form of energy there is, and I am talking about just one of the forms of energy. We also have oil, which results in natural gas and coalbed methane. This little symbol is a uranium symbol. We also produce most of the Nation's uranium in our county. That could be used more extensively to provide clean power and as a source for agriculture as well, including raising bison.

So I wanted to share this Christmas ornament with all of my colleagues and echo what the seniors have said and suggest that America is the most innovative country in the world and if we have a problem, we can solve it. A little bit of incentive can go a long way. We are an inventive country. A little bit of incentive has gone a long way a lot of times.

We actually have had some private companies that are talking about restocking the space station. We have the plane that was powered by bicycle pedals that crossed the English Channel. If we can do those sorts of things, there is no limit to what can be done.

We have to quit discouraging inventiveness and encourage the use of the resources we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak in morning business for such time as I consume, not to exceed 30 minutes.

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

OMNIBUS SPENDING BILL

Mr. SESSIONS. Mr. President, I rise to address the 2,000-page, trillion-dollar-plus, year-end omnibus spending bill—drafted behind closed doors, away from public view, with only a limited number of people involved. Members of the Senate and Members of the House were unaware of what deals were being cut and what decisions were being made. I believe it contains provisions that will cause material harm to American workers—I just do—and to matters involving this legislation that I have worked on for years. I am very disappointed. Actually, I am deeply disappointed.

This bill contains dramatic changes to Federal immigration law that would increase, by as much as four-fold, the number of low-wage foreign workers provided to employers under the controversial H-2B visa program. It has been a matter of controversy for a number of years. It has been added to this bill without hearings and without an open process in the Senate. These foreign workers are brought in exclusively to fill blue-collar, low-wage, nonfarm jobs—not agricultural jobs—in hotels and in restaurants and on construction sites, in amusement parks, landscaping, truck driving, and in many other occupations—jobs being sought by millions of Americans around this country. Millions are taking those jobs every day.

When we go into hotels and restaurants, are not Americans doing those jobs? H-2B workers are supposed to be here to fill seasonal jobs that Americans allegedly "won't do." That is what they say—those who want more, cheaper labor.

Even those they are supposed to be temporary positions, foreign H-2B workers are allowed to bring their spouses and their children with them—which, of course, results in costs being incurred by local communities, hospitals, and schools across the country. Although the alien's spouse and children are not supposed to work in the United States, I don't think anyone is under the illusion that this administration has any intention—or previous ones, for that matter—to do anything to stop them from working if they want to, nor will they be deported if they violate the terms of their employment, nor will they be removed if they overstay the visa they have been given.

Hotels have good jobs. Construction has good jobs. As to landscaping, there is a group that does my lawn in Alabama. Three African-American men come out and work on our lawn in a fairly short period of time, using good equipment. The head person is in his 40s and had 20 years in the Army. What do people mean that Americans won't do this work?

At a time of record immigration, we do not appreciate the scope of it. We already have the highest number of foreign-born individuals in American history. We are not against immigration. Immigration is a positive thing—properly conducted. Good people come into

America. But we are at record levels both in total numbers and, in a few years, the highest percentage of foreign-born in America will be reached, and it will continue thereafter. So is it any wonder that 83 percent of the electorate wants immigration either frozen or reduced?

The Republican-led Congress is about to deliver the President a fourfold increase in one of the most controversial foreign worker programs we have. In fact, it is a much larger version of a proposal that was contained in the Gang of 8 comprehensive immigration bill that was rejected by the American people and the House of Representatives just 2 years ago. The result is higher unemployment and lower wages for Americans. The free market controls—more labor, lower wage; more labor, less job opportunity. It is indisputable.

The Economic Policy Institute has noted: “Wages were stagnant or declining for workers in all of the top 15 H-2B occupations between 2004 and 2014,” and “unemployment rates increased in all but one of the top 15 H-2B occupations between 2004 and 2014, and all 15 occupations averaged a very high unemployment rate . . . Flat and declining wages, coupled with such high unemployment rates over such a long period of time, suggests a loose labor market and an over-supply of workers rather than an under supply.”

I think that is a fact. Our free market friends ought to understand that.

It is worth noting that the civilian labor force participation rate is currently at around 62.5 percent, a low that we have not seen in nearly four decades. Labor participation rate means the percentage of workers in the working ages that actually have a job. It is the lowest rate we have had in four decades.

Nevertheless, despite this low labor force participation rate, this provision in the omnibus bill would exempt from the statutory limit, which is now 66,000 H-2B workers a year—any worker who was present in the United States during the three previous years. Thus, instead of 66,000 foreign workers, the bill would allow up to 264,000 foreign workers to be present in the United States on H-2B visas. That is over a quarter of a million low-wage, low-skilled workers brought in to occupy blue-collar jobs. That may be good for certain businesses that now have a large number of workers, because they don't have to raise wages and change working conditions and raise benefits to attract and keep workers. They can just bring in people from abroad who are thankful to get any good cash-income job at lower wages.

This is bad for struggling American workers trying to get by and take care of their families. It is particularly bad, as economist after economist has shown, for minorities, including African Americans and Hispanics, and recent immigrants who are here lawfully looking to try to get a little better

wage with a little better retirement and health care benefits. This is going to help them? Give me a break.

On top of this provision, this omnibus bill approves, without any conditions—the President's request for increased refugee admissions, allowing him to bring in as many refugees as he wants. He can do that. It is hard to believe, but he is allowed to do so. He simply has to notify Congress of how many he intends to admit. He can bring them from anywhere he wants and allow them access to unlimited welfare and entitlements at the taxpayers' expense, which is not scored as a cost.

At the Subcommittee on Immigration and the National Interest that I chair, we had an official from Health and Human Services who testified that 75 percent of the refugees are self-sustaining within 180 days. But my staff helped me to ask the follow-up question. What we found was that means Health and Human Services is no longer giving them refugee money, but that other kinds of welfare don't count against them. But 93 percent, we know, of immigrants from the Middle East between 2009 and 2013 are on food stamps, and 73 percent are on Medicaid or health care programs. And they may be there the rest of their lives.

This is not being scored. This is why a country that is smart seeks to bring in people who have the greatest chance of being successful.

Sure, some will do well, and many are wonderful people, and we have a tradition of that. I am just saying that we have a President with unlimited powers who has an agenda, and he is passing on the costs that are going to be to the detriment of working Americans for decades to come.

So the risks associated with the refugee admissions program are significant.

With respect to Syria, FBI Director James Comey repeatedly said that we simply do not have the ability to vet refugees from Syria. Testifying before the House Committee on Homeland Security in October, he said:

We can only query against that which we have collected. So if someone has never made a ripple in the pond in Syria in a way that would get their identity or their interests reflected in our database, we can query our database until the cows come home, but we are not going to. There will be nothing to show up because we have no record on that person.

Well, that is absolutely correct. Of course, that is correct. But they tried to tell us in Committee that we are going to do biometric checks. So I proceeded to ask repeatedly, and finally, after the most difficult time, they acknowledged they have no database in Syria to check biometrics against. It is not like the United States: If you are caught by the police, they take your fingerprints, and they can tell whether you were convicted in Maine, Alabama, or California. It is in the computer system. They don't have that in Syria. So that was a misrepresentation, an at-

tempt to mislead and create false confidence in the American people that we have an ability to vet people coming here from Syria—an ability we don't have. The FBI Director honestly and directly stated that.

Any claims made by others that refugees in the United States never engage in acts of terrorism are demonstrably false. Just a few weeks ago, I identified a list of at least 12 individuals who were admitted to the United States as refugees, but who have been implicated in terrorism in the last year alone.

We found out there may be more, and probably they are under investigation right now. In fact, the FBI has said there is a terrorism investigation in every single State in America. These terrorists, for example, are from Somalia, Bosnia, Kenya and Uzbekistan. They came in different stages in their lives. Some were admitted as children, others as adults. Yet they all turn their backs on this country after being welcomed here as refugees.

This is not made up. It is a real problem. The American people want some action. They would like to see Congress and this Administration respond, especially, and they are rightly angered and upset with their elected representatives and their President for not taking sufficient action.

I, along with my colleague Senator SHELBY and others in the House, asked for inclusion of specific language in this omnibus bill that would protect the interests of the American people, that would reassert the constitutional role of Congress in establishing a uniform system of immigration, that would require the identification of offsetting cuts in Federal spending to pay for the refugee admission program. But none of that was included in the omnibus bill.

I doubt they ever spent a minute looking at a letter from two Senators. As Chairman of the Subcommittee on Immigration and the National Interest, I sent appropriators a list of several dozen provisions for inclusion in our funding bills to improve immigration enforcement and to block Presidential overreach and lawlessness, including among other things, provisions to defund sanctuary cities.

Why should we be funding and providing Federal law enforcement money to cities that won't cooperate with the Federal Government in its most basic responsibility of respect and comity between these various Federal and State agencies. It goes on every day. But we are being blocked in sanctuary city after sanctuary city.

Also, I asked the appropriators to prevent visas from being issued to nationals of countries that refuse to take back their criminals. This is important. My former colleague Senator Specter offered a bill for a number of things. It would bar admission for certain visas for nationals of countries that won't take back their people who have been in the United States. It is a fundamental principle of immigration

law worldwide that if you admit a person from a foreign country, when their visa is up, they go home. Their visa is up if they commit a crime, and they are to be sent back home; they are to be deported.

But country after country is refusing to take back their convicted criminals. I guess they figure: "Why don't you keep our criminals for us?" But that is not what the law is, and we are stuck with them in jails. We have to pay for their housing. After 6 months, absent certain circumstances, the Supreme Court says they generally have to be released. It's possible that if an alien files a habeas petition that the government will have to go to court and have hearing with a judge. This is driving up costs, using incredible amounts of hours. We shouldn't tolerate it one minute. There is no reason that this government shouldn't act—which the law will now allow and directly says they should do—to refuse to issue visas to a country that won't take back their criminals. They refuse to do it. There is additional legislation that would force that, and we could have done it in this bill. It should have bipartisan support.

I also asked for language in the bill to defund the unlawful, improper Executive amnesty. The President's actions are unlawful. We don't have to fund his unlawful activity. There is no duty on behalf of Congress to acquiesce and provide money to people to work in a big building in Crystal City to process millions of people in the country illegally for amnesty because the President now says: "I am just going to let them stay." It has been blocked for the most part by a Federal court, but there is nothing in the bill to expressly defund it.

I asked for legislation to protect American workers against abuses in the H-1B program. This is where Southern California Edison had a program. They brought in 500 foreign workers from India in some sort of contract deal, had the American workers who had been at Edison doing computer work for years train the new workers, and then ended up terminating the Americans and replacing them with those from abroad. How can anyone say there was a shortage of workers? The same was done by Disney. Senator NELSON of Florida and I introduced legislation to fix that. I have introduced legislation with Senator CRUZ and supported legislation from Senator GRASSLEY to fix this program. None of that has been included in this bill. Why not?

I asked for an expansion of the 287(g) program that allows Federal law enforcement officials and officers to assist with enforcing our immigration law. This was a good program. It had been on the books. President Bush finally began to expand it. They train local law officers for weeks at a time, and they become extensions of Federal law enforcement officers to help identify and process people who are unlaw-

fully in the country and who have been apprehended—a very good program that had good results. This Obama Administration has eviscerated it. It is less than half of what it was. It should have been expanded all over America, if you actually want the law enforced in this country. But if you don't want the law enforced in America, you kill a program like 287(g). Did the appropriators put in the omnibus bill anything to deal with that abuse? No.

We put in language that would prevent illegal aliens from receiving tax credits. This is unbelievable. The Treasury Inspector General for Tax Administration from President Obama's own Treasury Department has done an analysis of this and urged that it be fixed. People come to America illegally, with children somewhere around the world. They don't have a Social Security number. They use an ITIN identification document—which was intended for executives. They use that, and they file a tax return. They don't pay taxes because their income is low, but they get a tax credit based on children that are not even in the country.

How abusive is that? I understand this was rejected and was not in the omnibus bill because President Obama didn't want it. So he gets to dictate what is in a congressional bill that I think would have 90-percent support by the American people if they understood how significant it was? That is a different figure, but it is an abusive, improper tax credit.

So all of these provisions were rejected by the bill supporters.

But industry's request for more foreign workers was granted—unconditionally approved. So I asked about this provision. I heard it might be under consideration, so I asked about it. I said: "The American people don't want a fourfold increase in immigration. I know there are some special interests pushing for this. I have heard that. Tell me it is not so." I was told it wasn't so. But last night—this morning at 2 a.m.—when the bill was produced, it was in there. So I am not happy about it, colleagues. I don't see how we can operate around here if we can't rely on representations.

Because of this bill, sanctuary cities will continue to get Federal funds, the Obama Administration can continue issuing visas to countries that refuse to repatriate their criminal aliens, and the President's Executive amnesty continues.

Meanwhile, the tax bill that will be moved with the omnibus bill makes permanent the Additional Child Tax Credit and the Earned Income Tax Credit, but it does nothing to block their future distribution to illegal aliens. A tax credit to a person who doesn't pay taxes is a check from the government. It is not a tax deduction; it is a direct payment. It scores as a welfare benefit. This means more illegal aliens will continue to get tax credits. It should be stopped.

As I feared, the ultimate effect—and I have expressed concern about this for

some months now—is that this bill will fund the President's entire lawless immigration agenda. The only real bill we have to provide an opportunity to legislate and fix some of these things is a big omnibus bill. And what does it do? It funds essentially the President's entire agenda.

In fact, the omnibus spending bill will ensure that at least—for example, we have had discussions about the Middle East. People argue that we are not letting in enough people from the Middle East, and that we shouldn't talk about a pause. But under this bill it would ensure that at least 170,000 green cards—that means permanent residency with a guaranteed path to citizenship—and refugee and asylee approvals will be issued to migrants from Muslim countries just over the next 12 months. We are very generous about this, and it is very difficult to know if we are managing this properly, except that we know it is not being safely monitored, and the FBI Director has told us so.

This bill even fails to address substantial problems with the EB-5 investment visa program, problems that some of my colleagues have worked for months to resolve. The problems with this program have been documented by the Government Accountability Office and the Department of Homeland Security Inspector General, not the least of which are issues related to fraud and national security. We can fix that program. We need to do it. This would have been a good opportunity.

For years the American people have suffered under the lawless, dangerous, and wage-reducing immigration policies of this administration. They sent us here to Washington to protect their interests, to protect the people's interests, to ensure the defense of their families, and to advance the common good—the public interest. They did not send us here to bow down to the President's lawless immigration policies, nor to line the pockets of special interests in big business. That is not what we are here for.

Whom do we represent?

This bill explains why Republican and Democratic voters are in open rebellion, as former Speaker of the House Newt Gingrich said recently—open rebellion. They elected people whom they believed were going to take action to protect their security, their jobs, and their wages. And what do they get? A bill that is worse than current law. It goes in the opposite direction—no wonder people are upset.

This legislation represents a further disenfranchisement of the American voter. What does a vote mean in this country? At a time when hundreds of thousands of criminal aliens are on our streets, criminal aliens are killing innocent Americans, numerous foreign-born individuals are implicated in terrorism, tens of thousands of aliens from Central America continue to stream across our southern border, countless Americans are being replaced

by foreign workers and forced to train their replacements, and millions of Americans are just struggling to get by, this Congress has chosen to make things worse.

We need to remember whom we represent and whom our duty is to. Our duty is to voters, the American people, not the interests of businesses, activist groups, and that kind of thing.

I appreciate the opportunity to share these remarks. I have been very firm about my statements here, but I am very unhappy about this bill. I do not believe this is the kind of legislation we should be moving. It was not moved in the normal process on the floor of the Senate, where amendments could be offered and a bill could be studied over months of time before final passage, perhaps. So with regret and a good deal of frustration, I urge my colleagues to oppose and reject this proposal.

I would also just mention one more thing, and then I will wrap up. Senator SHELBY and I wrote a letter to the Appropriations Committee on November 16, asking for Congress to assume its constitutional duty ensuring immigration laws are uniform by approving the number of refugees who come to America, and not leave that as an open-ended power given to the President, who can execute it in an arbitrary manner.

We also said that no benefits should be provided to future refugees until the Congressional Budget Office submits a score—a simple report on the cost of this program. How long would it take? Not that long. Don't we need to have a score, a cost number?

We also asked that no refugees be admitted until the Department of Homeland Security submits a report on terrorist and criminal refugees.

None of those provisions were included in any of the legislation before us. I think all of those are logical.

I also previously wrote letters asking for other provisions, such as prohibiting funds for lawsuits against States that are trying to help enforce immigration laws, to bar funds for attorneys for illegal aliens through these grant programs that are being utilized. Fundamentally, it has never been the responsibility of the Federal Government to prepare and provide free attorneys for people who have entered the country illegally. It never has been the law.

I also asked that no funds be provided for sanctuary cities.

I asked for language that prohibited funds for Executive amnesty policies; that prohibited funds for the DACA Program; that there would be no spending of funds in the Immigration Examinations Fee Account for anything other than naturalization and immigration benefits provided by Congress.

I asked for language that would bar funds for salaries of political appointees or other employees who direct employees to violate the law. Why should we be paying people who direct their own subordinates to violate fun-

damental provisions of immigration law?

I asked for language that would prevent funds from being used to grant "prosecutorial discretion" to aliens in removal proceedings, no funds for an extension of Temporary Protected Status unless approved by Congress, and no funds to continue the Administration's abuse of the parole authority. We shouldn't be funding these abusive practices that undermine the certainty of immigration laws.

I asked for language to prohibit funds to grant H-1B visas to companies that have replaced American workers. I asked for restrictions on the issuance of Employment Authorization Documents, and that no funds be used to add new countries to the Visa Waiver Program until implementation of a biometric exit system.

This bill does direct some money to a biometric exit system, which, if this Administration would act, would begin to do something significant. But they have resisted what the 9/11 Commission has said we must have. When people come into the country, they are checked in, they are fingerprinted, and they are biometrically identified, but nobody checks if they left. So you can come into America on a visa and never go home. This is why almost half of the people illegally in America today came lawfully on a visa. They just didn't return when they were supposed to.

I asked for money to establish—notably, there has been an advocacy unit in U.S. Immigration and Customs Enforcement in the past to protect illegal immigrants and give them all kinds of additional rights—an advocacy unit for victims of immigrant crimes.

I asked for others, too.

I would just say that I, and others, have raised a series of important issues that need to be fixed, and would receive, if understood by the American people, 90 percent support. Senator GRASSLEY, chairman of the Judiciary Committee—of which my Subcommittee on Immigration and the National Interest, is a part—has also been active in these things. It is a deep disappointment that this last piece of legislation that could make some improvement in a number of these issues will do nothing of significance, but it will increase by four-fold the number of low-skilled, low-wage workers allowed to enter this country from 66,000 to 264,000. They will pull down wages and reduce the job prospects of struggling Americans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WILDFIRE PROVISIONS IN THE OMNIBUS APPROPRIATIONS BILL

Ms. MURKOWSKI. Mr. President, most of us are busy today reviewing the contents of the Omnibus appropriations bill that was released late last night—actually, early this morning. I come to the floor this afternoon with my colleague from Washington, the ranking member on the Energy and Natural Resources Committee, to speak about the wildfire provisions. More specifically, I am here to explain why Congress chose not to accept a flawed proposal from the administration and really, I think, to be here to give hope and optimism about a path forward for next year.

I think it goes without saying that our Nation's wildfire epidemic is a serious challenge that demands attention from each one of us. Each year the wildfire season seems to include new "worsts" and shattered records, and 2015 has been particularly devastating. It seems as though we didn't have a wildfire season; we've had a wildfire year. We all know that we have seen too much acreage burn, too many western communities have suffered damage, and, tragically, lives have been lost.

According to the National Interagency Fire Center, more than 9.4 million acres of our country had burned through October 30 of this year. In Alaska, where most of these fires occur, we lost over 5 million acres during this period. For perspective, that is about the size of the State of Connecticut. That is what we saw burn in Alaska alone this year.

Those of us whose States are impacted by wildfire started this year in agreement that the way wildfire management has been funded is broken; and that it is past time we fix it. We know we can't continue to underfund fire suppression, only then to scramble to borrow money to fight fires—and all this while the fires are many times burning out of control. We know that we need to end this very disruptive and unsustainable cycle of fire borrowing, which drains funds from other programs as agencies desperately seek resources. I think this fire borrowing concept is one area where we have all been able to come together, whether it is those within the agencies or those of us looking to address policy, the appropriators. We have to figure out how we are going to stop the fire borrowing that goes on within the various accounts in an effort to respond to these wildfires.

Earlier this year, as the chairman of the Interior-Environment Appropriations Subcommittee, I set out to fix this very broken system. Under my direction, our committee reported a bill to do just that. The Interior appropriations bill included a permanent, fiscally responsible fix for fire borrowing. It would have provided resources to the agencies up front—enough funding to fully cover the average annual cost of firefighting over the past 10 years—while allowing for a limited cap adjustment in have truly catastrophic fire