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Senate

LEGISLATIVE SESSION

LAKEN RILEY ACT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 5, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 5) to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

Pending:

Thune (for Ernst/Grassley) amendment No. 8, to include crimes resulting in death or serious bodily injury to the list of offenses that, if committed by an inadmissible alien, require mandatory detention.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak in morning business for 3 minutes.

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

TRUMP ADMINISTRATION

Mr. GRASSLEY. Mr. President, today, we have a new President. So I say congratulations to President Trump.

As we turn a new page from one administration to another, we can put a contentious campaign and all the negative rhetoric behind us.

There will be plenty of time for arguments, and those arguments can be about policy and personalities in the days and years to come, but today, this very day, is a day that all Americans can celebrate in their own way.

With today's inauguration, there is a sense of optimism that always comes with a new President and a rededication of our republican form of government.

Even those who voted another way on November 5 can take the opportunity to pause and enjoy the excitement of their fellow Americans and even allow themselves to share in some of that optimism.

Of course, a new President must assemble a Cabinet of people he trusts to carry out his agenda and do that under the Constitution with the advice and consent of the Senate, with the expectation that before the day is out, we will approve the nomination of Senator MARCO RUBIO to be our Nation's 72nd Secretary of State. I am proud that today we can do that.

No one in this body can doubt that MARCO RUBIO is a very intelligent man with a remarkable understanding of America's foreign policy and a very deep commitment to the American dream. That dream comes from the fact that his family has a history that started with the immigration to the United States from Cuba and then watching their former homeland fall into a communist dictatorship that still exists to this day. That helps explain his love for America and his drive to oppose oppressive, autocratic regimes that threaten freedom.

Even in this time of intense partisanship and intense time of character assassination, I expect Senator RUBIO will receive an overwhelming vote for his confirmation. His colleagues know his talents and his character firsthand. I expect most, if not all, of my colleagues will vote based on what they have seen with their own eyes rather than blind partisanship.

I look forward to MARCO RUBIO continuing his passionate defense of freedom in his role as our next Secretary of State.

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.

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

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

S. 5

Mr. GRASSLEY. Mr. President, last week, you heard me speak in support of

The Senate met at 4:30 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, on this Martin Luther King and Inauguration Day, we thank You for being our hope for the years to come. You store up blessings for all who honor You. If angels must veil their faces in Your presence, shouldn't we mere mortals embrace referential awe?

Empower our Senators to be strong and courageous as they make loyalty to You their highest priority. Lord, smile on them with Your blessings, for You are the author and finisher of our salvation. Grant that our lawmakers may know what is conducive for Your glory.

Today, we lift our hearts in ceaseless praise to You, our strong deliverer.

We pray in Your magnificent Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BUDD). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S245

the Laken Riley Act, a vote that we are going to have later this afternoon. Today, I would like to discuss a related bill called Sarah's Law.

Sarah Root was a young woman from Iowa who had a bright future ahead of her. Her life was tragically cut short just 1 day after she graduated from college with a 4.0 grade point average. She was killed when an illegal migrant who was street racing while heavily drunk crashed his car into Sarah Root's while she was stopped at a red light. In an outrage of justice, this illegal migrant was released after his arrest.

Sarah's Law requires immigration authorities to detain criminals responsible for a death or serious bodily injury.

Illegal migrants shouldn't be here in the first place. Everybody knows that it is against the law to enter the United States without our permission. Even so, if they come here violating our law, they hurt and kill an American, the Federal Government must prioritize their detention and deportation.

The Trump administration has promised to remove dangerous criminals who cross our borders illegally. Sarah's Law will support these efforts.

I would like to thank my colleague Senator ERNST for her long and tireless efforts to get this bill passed. Senator ERNST first introduced Sarah's Law almost a decade ago, and I was proud to join as an original cosponsor and colead this effort. Since then, she has reintroduced the bill with each new congressional session.

We haven't forgotten Sarah Root, and it is long past time for Congress to pass this legislation that we have named after Sarah—Sarah's Law.

I urge my colleagues to pass the Laken Riley Act as amended with Sarah's Law included.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

60TH INAUGURAL CEREMONY AND CABINET NOMINATIONS

Mr. THUNE. Mr. President, I want to offer my warmest congratulations to President Trump and Vice President VANCE.

There is a sense of optimism today in Washington as we turn the page on the past 4 years, and I am looking forward to working with President Trump and Vice President VANCE in the coming months and years to build a bright new future for our country.

Our priority here in the Senate for the next few weeks is getting President Trump's nominees confirmed so that he has the team that he needs in place to deliver. We have already been hard at work on that.

Last week, Senate committees held hearings on 12 nominees. On Wednesday, we held hearings on a total of six Cabinet nominees—the most Cabinet confirmation hearings in a single day since 2001. I am hoping to begin floor votes imminently.

I am excited to vote to confirm a longtime colleague, Senator MARCO RUBIO, as Secretary of State this week as well as former Congressman and Director of National Intelligence John Ratcliffe as head of the CIA. Both of these men will bring a renewed focus to restoring American strength, knowing that the surest guarantee of peace here at home and in other regions of the globe as well is a strong and prepared America. More confirmation votes will follow, and I will work to have the President's Cabinet in place in the very near future. President Trump and Republicans have been given a mandate by the American people, and the President needs to have his team in place so that we lose no time in delivering.

Along with approving President Trump's nominees, Republicans are hard at work on our legislative priorities. Among other things, we are focused on extending tax relief for American families, lifting burdensome Biden administration regulations, building up our military, and securing our border.

The Senate took an initial step on border security this past week with consideration of the Laken Riley Act, which hopefully will pass the Senate today. This legislation will ensure that illegal aliens who steal or assault a law enforcement officer are detained by Immigration and Customs Enforcement instead of being allowed out on the streets. I am looking forward to getting this legislation to the President's desk.

When I was elected majority leader, I talked about my commitment to empowering Members and restoring the Senate as a place of discussion and deliberation. I think we achieved that this past week. We have had an extended debate on the Laken Riley Act, with multiple amendment votes already and one more scheduled for this evening, and we passed Senator CORNYN's amendment with a strong bipartisan margin.

I am grateful to Senator KATIE BRITT, author of the Laken Riley Act and manager of the bill, for all her work and to Senator BUDD for his leadership on these issues, and I am grateful also to Senators CORNYN and ERNST for their amendments to further strengthen this legislation.

ISRAEL

Mr. President, before I close, I want to mention the cease-fire between Israel and Hamas, agreed to at the end of last week. This agreement is due in no small part to the unequivocal message President-elect Trump delivered to Hamas and the world after his election and, above all, to Israel's unwavering commitment to crippling the terrorist organization that has dedicated itself to wiping Israel off the map.

Thirty-three hostages—women and children, the injured, and those over 50 years old—will be released during the first phase of the cease-fire, including the three hostages who were released yesterday. The rest of the hostages are scheduled to be released over the next two phases of the cease-fire, and the families and loved ones will continue to wait in agony until they are safely home.

It is intolerable that these innocent individuals have been in the hands of terrorists for more than 15 months, and I want to underscore the absolute imperative of the return of all hostages as soon as possible. Hamas should be on notice that the United States is watching and that we will not tolerate further delays or further aggression.

I want to again offer my warmest congratulations to President Trump and to Vice President VANCE. I look forward to all that we can achieve together, and I pray that God will bless their new administration.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

60TH INAUGURAL CEREMONY

Mr. SCHUMER. Mr. President, a few hours ago, beneath the dome of the U.S. Capitol, with the eyes of the world upon us, the United States carried out, yet again, a peaceful transfer of power. We fulfilled the sacred commandment handed down to us by the Framers nearly two and a half centuries ago. We observed the inauguration of Donald Trump, the 47th President of the United States.

I congratulate President Trump. I congratulate Vice President VANCE. The prayers of the American people are with them.

Today, let me also thank one more time our Nation's 46th President, Joe Biden. History will look kindly on President Biden's 4 years in office. He lifted America out of the abyss of crisis. He restored decency and integrity to the White House. His bold agenda, made possible by Democrats in Congress and particularly in the Senate, will stand the test of time.

When Americans drive on better roads, breathe cleaner air, enjoy good-paying manufacturing jobs, and save on prescription drugs, it will be because of the things we accomplished under President Biden's watch. So I thank President Biden and I thank Vice President HARRIS for their service to our Nation.

The peaceful transfer of power is the defining feature of a free society. It is what separates nations like the United

States from the wastelands of despotism and autocracy. As we have seen recently, the peaceful transfer of power can never be taken for granted. It requires all sides to accept the will of the people and affirm the results of the democratic process, no matter the outcome.

That is what Democrats firmly believe in. Democrats believe in the peaceful transfer of power, and we showed it today. Democrats are loyal, above all, to our Constitution and to our democratic principles, and today we practiced what we preached: the democratic transfer of power. I hope that today's inauguration shows the world that the chaos of 4 years ago was an unfortunate aberration and not the norm.

It is now time to look to the future. The challenges that face America are many and great. The Senate must respond with resolve, bipartisanship, and fidelity to the working and middle class of this country. While President Trump and I often disagree, I stand ready to work with him and with anyone, regardless of party, to advance the Nation's well-being. The American people want us to work together to make their lives better. Democrats are ready to do just that. We have been and always will be.

MARTIN LUTHER KING, JR., DAY

Mr. President, finally, today, of course, is not just Inauguration Day but Martin Luther King, Jr., Day too.

Today, we remember that the march of justice may sometimes feel slow and halting, but if we persist and persist and persist, then one day we, too, shall reach the Promised Land.

I like to say that Dr. King hoisted a giant mirror on his shoulders and, with his brilliance, his eloquence, and his faith, he forced America to look into that mirror. And America didn't like what it saw, and that began us on a real road, a real path to greater equality, and we still have a long way to go.

But King was an amazing man, and it is fitting that his holiday is the only holiday on the calendar named for just one person. We have Mother's Day for the mothers, Father's Day for the fathers, Presidents Day for the Presidents, Veterans Day for the veterans, but only one holiday for one man. That is because Dr. King was so unique and so amazing.

Now, the work of justice—we all know, and Dr. King taught us—does not happen overnight. Sometimes progress rushes forth like a mighty stream. Other times it may feel as if progress flows in reverse and moves backward. Either way, Dr. King's hopeful message is the same: No matter the odds, we shall overcome.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—AMENDMENT
NO. 90

Mr. BENNET. Mr. President, I would ask unanimous consent of the Presiding Officer to set aside the pending amendment so I may offer my amendment No. 90; that there be up to 15 minutes for debate on the amendment; and that upon the use or yielding back of time, the Senate vote on the amendment without further intervening action or debate.

The PRESIDING OFFICER. Is there any objection?

The Senator from Alabama.

Mrs. BRITT. Mr. President, reserving my right to object, the Laken Riley Act is a targeted, commonsense, life-saving bill. This legislation adds crimes to the mandatory detention provisions of the INA and uses the existing framework of the INA.

What this amendment would do is introduce new carve-outs that don't already exist.

We have a crisis in this Nation. Our border has been overrun, and every city across this country is paying the price.

Today, we return to common sense. We return to practicality. If you come here illegally and you commit a crime, you should not be free to roam the streets of this Nation. Our children deserve better, and that is exactly what we are giving them today.

My colleague from Colorado speaks of DACA. Of the 537,000 DACA recipients in this Nation, there is not one that is under the age of 17.

And, in fact, of the 537,000 recipients, there are only 1,000 between the ages of 17 and 20. When you are talking about other minors across this Nation, some of which may be here illegally, we are seeing the cost to them right now.

Look no further than what is happening in New York. We have teen migrant gangs running rampant, where you have minors as young as 11 being involved in the theft and burglary rings.

What do you think you do if you carve out a certain set of minors? Do you think you make them more safe from the people looking to do them harm? Do you think the drug cartels, all of a sudden, say: Hey, I am going to leave them alone.

No, that is not what happens. What happens is each and every one of those kids becomes a greater target. They become more vulnerable to become a mule to do the work of the drug cartels and the human traffickers.

Again, now is the time to return to common sense. Now is the time to return to law and order. We are a proud nation of immigrants. We are also a nation of laws, and the lawlessness ends today.

I could not be more proud of those who are choosing today to support the Laken Riley Act because what we have done is we have decided we are going to stop talking and we are going to start achieving results. We are looking for

targeted reforms. They are going to keep Americans safe and secure. It is exactly what the Laken Riley Act does. It honors Laken's life and legacy, a beautiful life and legacy. As her mother Allyson and her stepfather John Phillips have said, she brought warmth to everyone who knew her—that she lit up every room, that she found ways to show kindness and her faith and her love for the Lord.

Today, we honor Laken, and we ensure that with this commonsense approach, targeted, making sure that our communities are safe and secure, that no other family has to go through the heartbreak that Laken's did.

So, ultimately, I have to say no to this amendment, and, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. BENNET. Mr. President, I thank the Senator from Alabama for her work on the Senate floor and for coming over. I know this is a big day around the Senate. It is a big day for America, and it is appropriate, I think, that we should be here on this issue today because, over the coming months and years, we are going to be confronting a lot of choices to make. And I think it is critically important that, as we make these choices, we do it in a way that is consistent with our values.

Throughout our history, generations of Americans have tried to secure our heritage as a nation of immigrants and a nation committed to the rule of law. Both of those are important. And when we have fallen short, which we have from time to time, we have battled back to reclaim these moral values.

Our enduring commitment to this imperfect but principled work is why 21st century America has one of the most dynamic economies, vibrant cultures, and an important reputation throughout the world as a beacon of freedom. That reputation, by the way, is not assured. That is a reputation that has to be earned by our Nation every single day.

Although our Founders were famously suspicious of overreaching by the Federal Government, they recognized the obvious national imperatives—the national security and foreign policy imperatives—and the problems that would arise if every State and county and city were to enforce its own immigration laws. And that is why the Constitution of the United States says that the Congress, working with the President, should administer those laws, and, therefore, logically assigned the responsibility to our national government—not to our State government, not to our local government—to enforce our immigration law.

Throughout our history, the American people have been welcoming to new immigrants—and sometimes less so. Understandably, chaotic and changing circumstances like the ones we face today sometimes raise alarms among the American people. Unfortunately, in

our time—and I would agree with the Senator from Alabama on this—we have not addressed the chaos at the southern border of the United States, and politicians have used this crisis for years to divide the American people on one side of the partisan divide and as another. And as a result, the failing immigration system that we have has only become more broken.

The thing that I want to make sure of is that, as we think about the chaos that we are facing, the complexity that we are facing, is that we don't—as we have occasionally in the past—abandon our values and our commitment to the rule of law.

In more inspired times, we have used these crises to actually burnish our great global advantage as a nation of immigrants that is committed to the rule of law.

In 2013, we had what was, in my view, an important chance to embrace those values with the Senate's work on the Gang of 8. The Senator of Alabama might remember it. To her, that seems like ancient history. I was one of the members of the Gang of 8. I was a lot younger than I am today and so were the other members of that gang too. But we seriously tried to take on meaningful immigration reform in this Chamber.

We had a tough but fair pathway to citizenship for those who could earn it in the United States. We included the Dream Act. We had a massive overhaul—massive overhaul—of our visa system so our farms and ranches and high-tech industries, even our ski industry, could continue to compete with the rest of the world. We had \$46 billion of border security money in there—I hate to think what that money was in real dollars today, what that \$46 billion would look like today; I bet you it is around \$60 billion—that 68 people in this Chamber agreed to support together.

There was so much money in that bill that LINDSEY GRAHAM—Senator GRAHAM from South Carolina, who was another member of the Gang of 8, used to say there were going to be so many border patrol agents that they could literally hold hands from one end of the border to the other across the United States of America.

I can see that the Senator from Alabama has heard that story before.

There has been a huge cost of inaction, not just the money that if we had spent it then would have made such a huge difference but the painful consequences the Senator from Alabama and others have talked about, I have talked about, for the American people and for our country.

In the end, after months of going through the legislative wringer, as I mentioned, we got 68 votes over here in the Senate. If it had been given a chance—read Speaker Boehner's book; he will tell you this. If it had gone to the floor, it would have gotten a majority vote on the floor of the Senate. But the Freedom Caucus killed that bill in

a legislative back alley before it could see the light of day on the House floor.

And since then, like with so many of the American people's most fundamental concerns, the Federal Government and this Congress has been immobilized on the subject of immigration, for sure, under both Republican and Democratic Presidents.

In the meantime, transnational gangs have seized full opportunity of our inaction, raking in billions of dollars smuggling human beings and drugs and weapons to the southern border of the United States. These criminal syndicates have perfected their worldwide smuggling operations. They have trained people how to exploit our asylum system, and they have weaponized social media to enable thousands of people to travel all over the globe to present themselves at the southern border of the United States or to come through the southern border. And the result of that paralysis has been, at times, an overwhelmed southern border.

For this reason, in 2022, I urged the Biden administration never to lift title 42 without a plan and without the resources to execute it. They were unprepared for what was to come, and they were too slow to act.

It is clear to almost everybody today that our system isn't built for today's conditions. We need to fix it, and we need to give the American people confidence that we have a fair and secure system in place.

So how do we do that? Well, tonight, we are going to vote on the first response from the Congress, the Laken Riley Act, which I think is neither focused on driving resources to the border or establishing a more robust and rigorous system of immigration. Instead, contrary to our constitutional obligation, today's bill devolves authority away from the President and Congress to 50 State attorneys general, in ways that seem extremely counter-productive to me.

I hope I am not right about this; although, you can already see a battle brewing in the administration about this.

This bill provides State attorneys general the power to seek nationwide injunctions to completely block certain countries, like India and China and El Salvador, from sending immigrants here.

Imagine a Salvadorian farmworker on an H-2A visa living in Florida or Louisiana committing a violent crime leading to a deportation order.

He should be deported. I am not here to dispute that. I don't dispute that.

But with this bill, if El Salvador doesn't accept his deportation, Florida's attorney general could ask a court to force the Federal Government to ban all visas from El Salvador or all H-2A visas or all H-1B visas for high-tech workers for all that matters.

Nearly 5,500 people in Colorado today are working on an H-2A visa. Why should Florida's attorney general be

able to dictate Colorado's need for these workers? Why should any State attorney general be able to hammer the economies of 49 other States? It doesn't make any sense.

It is because Congress and the administration have abandoned their responsibility here that we find ourselves in this position.

Second, this bill creates mandatory detention policies for immigrants accused of committing nonviolent and also violent crime. And as I said, I believe we should be going after transnational gangs, street gangs, and people who pose a threat to our community. When a brutal crime is committed, as in the case of Laken Riley, we should respond. We have to respond. And we should stand with her family—as the Senator from Alabama has done—and her community and ensure that something like that never happens again.

But in my opinion, this bill is not targeted enough. It would force ICE, working with local law enforcement, to detain immigrants who are accused—not just convicted but accused—of a very broad set of crimes, including shoplifting, without regard to how young they are or, more important, whether they are a threat to our community or a threat to public safety.

There is a good reason—and I know the presiding officer may not agree with this, but I know he knows the logic. There is a good reason why we seldom pass legislation with mandatory detention or jailing. We tend to believe that law enforcement is in the best position to determine in realtime who the threat to public safety actually is. And we know we don't have the resources—we never have the resources—to lock up every nonviolent offender without regard to whether they are a threat to public safety or not.

I know this sounds crazy, but this bill is so broadly drafted that it would compel law enforcement to put a mandatory detention on—you heard it—an 11-year-old immigrant in New York accused of stealing a soda from a gas station. I think most law enforcement agents across the country would tell you that their time would be much better spent tracking down and detaining, for example, a violent criminal who has bludgeoned their neighbor with a hammer. But this bill doesn't distinguish between those two cases. Instead, it strips law enforcement of their ability to make their best judgment about whom to arrest and not to arrest, whom to detain and not detain, and how to focus their precious resources on protecting our public safety.

The proponents of this bill do not deny that children will be swept up in its administration. This is not a drafting error. In this bill, every undocumented person accused—not just convicted but accused—of a list of crimes that is in this bill must be detained. That might sound like law and order,

but it is easy to see how this encroachment on law enforcement's ability to do its job could spiral out of control.

To make matters even worse, this bill does not provide ICE with the resources it needs to implement what is now a massive unfunded liability. And I know that the proponents of the bill say they are going to fix that problem. But just so you understand, ICE says this bill is going to cost \$27 billion a year. That is their number. I have heard much higher numbers than that. Let's take their number: \$27 billion a year. That is three times ICE's annual budget of \$9 billion.

Many of us are used to Congress passing bills without ever paying for them, but this may be one of the worst cases that we have seen.

And I know there may be an attempt here through reconciliation—you know, a tax measure to try to fund this in some way or to pick some other place to do it—but choices are going to have to be made between the mandatory detention of people who may not be a threat to our community and other choices like the funding for border patrol or the Countering Weapons of Mass Destruction Office at the Homeland Security, the disaster relief fund—just three that come to mind.

Put another way, every dollar that ICE spends incarcerating kids is a dollar the border patrol doesn't have to spend on the border itself. Wouldn't the American people be a lot better off if Homeland Security were left to focus on violent criminals and enforcing the border, not on kids accused of non-violent crimes?

I assume no one here really thinks that mandatorily incarcerating children accused of nonviolent crimes is the best, most strategic way to fix our immigration system. We certainly don't want a repeat of the images of children caged in chain-link enclosures screaming out for their parents.

Federal law enforcement does not want a repeat of that, least of all, least of anybody, and I doubt any of us would want private prisons managing that outcome either. That episode was a shameful part of our history. It falls into that chapter of our history.

In another one of our more shameful immigration failures, Congress has never addressed the status of the Dreamers. The Senator from Alabama made this point when she said that there isn't a Dreamer in the country that is less than 17 years old. That is because notwithstanding the American people's overwhelming support for Dreamers who know no country other than the United States, that we have been unable to rationalize their presence in the country.

But 3 million Dreamers—who, after all these years, are now middle-age nurses and teachers and small business owners with families of their own—are also vulnerable.

The PRESIDING OFFICER. Senator, your time has expired.

Mr. BENNET. Mr. President, I ask for 2 additional minutes.

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

Mr. BENNET. We can make this bill better and stronger by focusing on the actual threats to public safety and protecting nonviolent kids from getting locked up, stripped away from their parents, schools, churches, and communities. We can make this bill better by protecting nonviolent Dreamers from mandatory incarceration in the only country they know.

I know my time is almost over.

The American people want us to fix our broken immigration system. They want us to feel safe in our own country. They want us to secure the border and cut down on illegal border crossings. They want us to strengthen rigorous legal pathways to support our economy and attract top talent. They want us to improve our partnerships with other countries so there is a reason for people to stay at home and not just come here. As we fix our broken immigration system, most Americans want people treated with dignity, especially if they are children.

Immigration is one of the many challenges facing our country today. It touches every aspect of our economy. It directly affects families and often implicates our core values. In their best moments, our parents and grandparents managed to navigate these tough issues by upholding the law and honoring our values. We must not abandon that aspiration in our time.

Mr. President, I am grateful for your patience. I apologize for going over a minute or two.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mrs. BRITT. Mr. President, I ask unanimous consent that Senators ERNST, RISCH, SHAHEEN, and I be permitted to speak for up to 5 minutes each prior to the scheduled rollcall votes.

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

Mrs. BRITT. Mr. President, before I yield the floor to my distinguished colleague from Iowa, I do want to respond to one thing my colleague from Colorado said.

I am glad to see there being a keen interest on what is happening to immigrant children now. My question has been, where has that passion been for the last 4 years when we had over 468,000 unaccompanied minors come across our border?

I just saw my distinguished colleague from Wisconsin walk in, who has tried to bring attention to this, tried to make sure we had a hearing on the 88,000-plus children that have been lost under this previous administration.

Look, additionally, when you talk about ICE, there are 6,000 ICE officers in the interior of our country, and we have over 11 million migrants that have come here illegally, over 7.8 that are actually in removal proceedings, and over 1.4 million that have been given their final orders of removal, and

yet the resources have not been there for them to do that at the level they need. That will change under this administration and under the Republican majority.

I now yield the floor to my colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 8

Ms. ERNST. Mr. President, I rise in support of the Laken Riley Act and ask my fellow colleagues to vote for my amendment, Sarah's Law. Combined, these actions will close the loopholes that for too long have allowed murderers who come here illegally to roam free in our communities and commit more crimes.

These two young women, Sarah Root and Laken Riley, and their families deserve justice. Folks, we can make this happen tonight. After all, this is not a partisan fight. I am honored to have my colleague Senator FETTERMAN from the great State of Pennsylvania co-sponsoring Sarah's Law.

The truth is, the border crisis has impacted every State, not just southern border States like Texas and Arizona but New York, Georgia, Pennsylvania, and, yes, folks, even Iowa.

The end of this month marks 9 years since Iowan's Michelle Root and Scott Root, whom I know personally, woke up to every parent's worst nightmare: Their daughter Sarah was killed by a drunk driver who was an illegal immigrant. Sarah, a 21-year-old from Council Bluffs, IA, had just graduated from Bellevue University in Nebraska with a 4.0 GPA. She was headed home after celebrating this milestone—a very important day in her life—with her family and friends. In an instant, an illegal immigrant, Edwin Mejia, who was drunk-driving, with a blood alcohol three times the legal limit, struck and killed her.

One would think that Sarah's killer would clearly meet Immigration and Customs Enforcement's "enforcement priorities" but no—no. Citing the Obama administration's November 2014 memo, ICE declined to take custody of Mejia. Yes, folks, he had killed a woman, and they declined to take custody of Edwin Mejia despite his repeated driving offenses and history of skipping court dates.

Before the Root family could even lay Sarah to rest in her satin-lined casket in the cold Iowa ground, her murderer had posted bond, never to be seen again and never to face justice.

Since then, I have warned repeatedly against the dangers of letting illegal immigrants who have already broken our laws roam the country and continue their lawlessness.

A loophole in the law meant Sarah's killer escaped justice, but today we can do something to ensure that no other family has to go through the pain and the grief that Scott and Michelle and Scotty and the rest of their family still feel from that heartbreaking day. My amendment would close the alarming

loophole that let Sarah's killer go free. It would simply require ICE to detain illegal immigrants charged with killing or seriously injuring another person so they do not disappear before facing justice.

Let's make this a reality today for Sarah's family, for Laken's family, and for the countless American families we can protect.

I thank the gentle lady from Alabama for spearheading this effort to bring justice for our families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

ORDER OF PROCEDURE

Mr. RISCH. Mr. President, I ask unanimous consent that following disposition of Calendar No. 1, S. 5, the Senate proceed to executive session to consider Executive Calendar No. 2, MARCO RUBIO of Florida to be Secretary of State; further, that the Senate vote on confirmation of the Rubio nomination with no intervening action or debate; finally, that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. I would also ask unanimous consent that immediately prior to that vote, I be given 3 minutes to debate and my distinguished colleague from New Hampshire also be given 3 minutes to debate prior to calling the vote.

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

VOTE ON AMENDMENT NO. 8

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question occurs on adoption of amendment No. 8, as amended.

Ms. ERNST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—75

Baldwin	Gallego	Mullin
Banks	Graham	Murkowski
Barrasso	Grassley	Ossoff
Bennet	Hagerty	Paul
Blackburn	Hassan	Peters
Blumenthal	Hawley	Ricketts
Boozman	Heinrich	Risch
Britt	Hickenlooper	Rosen
Budd	Hoeben	Rounds
Cantwell	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Justice	Scott (FL)
Collins	Kelly	Scott (SC)
Coons	Kennedy	Shaheen
Cornyn	King	Sheehy
Cortez Masto	Klobuchar	Slotkin
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lujan	Tillis
Cruz	Lummis	Tuberville
Curtis	Marshall	Warner
Daines	McConnell	Warnock
Ernst	McCormick	Wicker
Fetterman	Moran	Wyden
Fischer	Moreno	Young

NAYS—24

Alsobrooks	Kim	Schatz
Blunt Rochester	Markey	Schiff
Booker	Merkley	Schumer
Duckworth	Murphy	Smith
Durbin	Murray	Van Hollen
Gillibrand	Padilla	Warren
Hirono	Reed	Welch
Kaine	Sanders	Whitehouse

The amendment (No. 8), as amended, was agreed to.

The PRESIDING OFFICER (Mr. SULIVAN). The majority leader.

Mr. THUNE. Mr. President, I ask unanimous consent that the next vote be a 10-minute vote.

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

The clerk will read the title of the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

VOTE ON S. 5

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass, as amended?

Mrs. BRITT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—64

Banks	Grassley	Peters
Barrasso	Hagerty	Ricketts
Blackburn	Hassan	Risch
Boozman	Hawley	Rosen
Britt	Hoeben	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Justice	Scott (FL)
Collins	Kelly	Scott (SC)
Cornyn	Kennedy	Shaheen
Cortez Masto	Lankford	Sheehy
Cotton	Lee	Slotkin
Cramer	Lummis	Sullivan
Crapo	Marshall	Thune
Cruz	McConnell	Tillis
Curtis	McCormick	Moran
Daines	Moran	Moreno
Ernst	Moreno	Mullin
Fetterman	Mullin	Murkowski
Fischer	Murkowski	Ossoff
Gallego	Ossoff	Paul
Graham	Paul	

NAYS—35

Alsobrooks	Hickenlooper	Reed
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kim	Schiff
Blunt Rochester	King	Schumer
Booker	Klobuchar	Smith
Cantwell	Lujan	Van Hollen
Coons	Markey	Warren
Duckworth	Merkley	Welch
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Heinrich	Padilla	

The bill (S. 5), as amended, was passed as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Laken Riley Act".

SEC. 2. DETENTION OF CERTAIN ALIENS WHO COMMIT THEFT.

Section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)) is amended—

(1) in paragraph (1)—
 (A) in subparagraph (C), by striking "or";
 (B) in subparagraph (D), by striking the comma at the end and inserting " or "; and
 (C) by inserting after subparagraph (D) the following:

(E)(i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a); and

"(ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person,";

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

"(2) DEFINITION.—For purposes of paragraph (1)(E), the terms 'burglary', 'theft', 'larceny', 'shoplifting', 'assault of a law enforcement officer', and 'serious bodily injury' have the meanings given such terms in the jurisdiction in which the acts occurred."

"(3) DETAINER.—The Secretary of Homeland Security shall issue a detainer for an alien described in paragraph (1)(E) and, if the alien is not otherwise detained by Federal, State, or local officials, shall effectively and expeditiously take custody of the alien."

SEC. 3. ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.

(a) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention and removal requirements under paragraph (1) or (2) that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this paragraph to the greatest extent practicable. For purposes of this paragraph, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of \$100."

(b) APPREHENSION AND DETENTION OF ALIENS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by this Act, is further amended—

(1) in subsection (e)—
 (A) by striking "or release"; and

(B) by striking "grant, revocation, or denial" and insert "revocation or denial"; and
 (2) by adding at the end the following:

"(f) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging an action or decision by the Attorney General or Secretary of Homeland Security under this section to release any alien or grant bond or parole to any alien that harms such State or its residents shall have standing to bring an action against the Attorney General or Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on

the docket and expedite the disposition of a civil action filed under this subsection to the greatest extent practicable. For purposes of this subsection, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of \$100.”.

(c) PENALTIES.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by adding at the end the following:

“(e) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging a violation of the requirement to discontinue granting visas to citizens, subjects, nationals, and residents as described in subsection (d) that harms such State or its residents shall have standing to bring an action against the Secretary of State on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subsection to the greatest extent practicable. For purposes of this subsection, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of \$100.”.

(d) CERTAIN CLASSES OF ALIENS.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) by adding at the end the following:

“(C) The attorney general of a State, or other authorized State officer, alleging a violation of the limitation under subparagraph (A) that parole solely be granted on a case-by-case basis and solely for urgent humanitarian reasons or a significant public benefit, that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subparagraph to the greatest extent practicable. For purposes of this subparagraph, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of \$100.”.

(e) DETENTION.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(2)) is amended—

(1) by striking “During the removal period,” and inserting the following:

“(A) IN GENERAL.—During the removal period,”; and

(2) by adding at the end the following:

“(B) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention requirement under subparagraph (A) that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subparagraph to the greatest extent practicable. For purposes of this subparagraph, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of \$100.”.

(f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended by adding at the end following:

“(3) CERTAIN ACTIONS.—Paragraph (1) shall not apply to an action brought pursuant to section 235(b)(3), subsections (e) or (f) of section 236, or section 241(a)(2)(B).”.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of MARCO RUBIO, of Florida, to be Secretary of State.

The PRESIDING OFFICER. The Democratic leader.

NOMINATION OF MARCO RUBIO

Mr. SCHUMER. Well, tonight, the Senate will vote on the confirmation of Senator RUBIO to serve as the next Secretary of State.

Democrats have been very clear about our approach to President Trump’s nominees. We will neither rubberstamp nominees we feel are grossly unqualified, nor will we reflexively oppose nominees that deserve serious consideration.

Senator RUBIO is an example of a qualified nominee we think should be confirmed quickly. Earlier today, he was unanimously reported out of committee with full support from Democrats, and he should be quickly confirmed here on the floor.

So today, I will vote yes on Senator RUBIO. While I certainly do not agree with many of Senator RUBIO’s positions, in this instance, it is important for the new administration to have a Senate-confirmed Secretary of State as soon as possible. So I will vote yes.

Republicans did the same with Secretary Clinton during the first Obama administration. It was appropriate then; it is appropriate now.

I will vote yes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, it is an honor to be here today to ask the Senate to confirm President Trump’s first appointment, that being our colleague MARCO RUBIO to be the 72nd Secretary of State of this great country.

His nomination was voted positively and unanimously out of the Foreign Relations Committee just moments ago, actually.

Sixteen years ago, I came here and sat down on the Foreign Relations Committee. I took a seat at the very end. That afternoon, I got on the Intelligence Committee, took a seat at the very end. Two years later, MARCO came in and sat next to me. During that period of time, he and I have worked together a tremendous number of hours on many issues.

We are in a time when America faces threats from nearly every corner of the world. It is no secret that hostile powers, from China, to Russia, to North Korea, to Iran, have formed an authori-

tarian axis bent on weakening the United States. We need a principled, action-oriented chief diplomat like MARCO RUBIO to take them on.

Our challenges in the foreign relations lane and the national security lane are enormous and complicated. I can’t think of another person better equipped to tackle these issues than our colleague MARCO RUBIO.

I would encourage anyone who wants a clear understanding of U.S. foreign policy to look at and watch the recording of MARCO’s performance before the Foreign Relations Committee last week. I would say to you, his performance was flawless.

MARCO’s qualifications and ability to stand in the shoes of Thomas Jefferson, our first Secretary of State, and the 70 who followed him—MARCO’s qualifications are unchallengeable.

I urge you all to join me in voting for MARCO RUBIO.

(Applause.)

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, the position of Secretary of State is one of the most important in our entire government. Given the uncertainty around the globe right now, it is in America’s interests not to skip a beat and to fill this role immediately. That is why I am pleased that the Foreign Relations Committee has not only moved quickly today to hold a business meeting but we unanimously confirmed Senator RUBIO’s nomination.

I have had a good working relationship with Senator RUBIO for many years, and I was very impressed at his hearing by his grasp of policy. While we may not always agree, I believe he has the skills, knowledge, and qualifications to be Secretary of State. So I intend to vote in favor of MARCO RUBIO to be Secretary of State, and I urge my colleagues to do the same.

VOTE ON RUBIO NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the great Senator RUBIO’s nomination?

Mr. RISCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—99

Alsobrooks	Collins	Galleo
Baldwin	Coons	Gillibrand
Banks	Cornyn	Graham
Barrasso	Cortez Masto	Grassley
Bennet	Cotton	Hagerty
Blackburn	Cramer	Hassan
Blumenthal	Crapo	Hawley
Blunt	Rochester	Cruz
Booker	Curtis	Heinrich
Boozman	Daines	Hickenlooper
Britt	Duckworth	Hirono
Budd	Durbin	Hoeben
Cantwell	Ernst	Hyde-Smith
Capito	Fetterman	Johnson
Cassidy	Fischer	Justice
		Kaine