

right wing, you should take away the obstacles we have and take the easy way out, actually. Do the right thing. Seek votes from Democrats and Republicans. America deserves the common-sense approach. That is what we used to do. We should do it once again.

I suggest the absence of a quorum.

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

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, what is the pending business?

The PRESIDING OFFICER. We are currently in leader remarks. No bill is currently pending.

Mr. REID. I would ask the Chair to close morning business and move to whatever the business of the day is.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The bill clerk read as follows:

A bill (S. 744) to provide comprehensive immigration reform, and for other purposes.

Pending:

Leahy Modified amendment No. 1183, to strengthen border security and enforcement.

Boxer/Landrieu amendment No. 1240, to require training for National Guard and Coast Guard officers and agents in training programs on border protection, immigration law enforcement, and how to address vulnerable populations, such as children and victims of crime.

Cruz amendment No. 1320, to replace title I of the bill with specific border security requirements, which shall be met before the Secretary of Homeland Security may process applications for registered immigrant status or blue card status and to avoid Department of Homeland Security budget reductions.

Leahy (for Reed) amendment No. 1224, to clarify the physical present requirements for merit-based immigrant visa applicants.

Reid amendment No. 1551 (to modified amendment No. 1183), to change the enactment date.

Reid amendment No. 1552 (to the language proposed to be stricken by the reported committee substitute amendment to the bill), to change the enactment date.

Reid amendment No. 1553 (to amendment No. 1552), of a perfecting nature.

Reid motion to recommit the bill to the Committee on the Judiciary, with instructions, Reid amendment No. 1554, to change the enactment date.

Reid amendment No. 1555 (to the instructions of the motion to recommit), of a perfecting nature.

Reid amendment No. 1556 (to amendment No. 1555), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 5:30

p.m. will be equally divided between the two managers or their designees.

The majority leader.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to S. 744, a bill to provide for comprehensive immigration reform, and for other purposes.

Harry Reid, Patrick J. Leahy, Michael F. Bennet, Charles E. Schumer, Richard J. Durbin, Robert Menendez, Dianne Feinstein, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Mark R. Warner, Thomas R. Carper, Richard Blumenthal, Angus S. King, Jr., Christopher A. Coons, Christopher Murphy.

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The bill clerk read as follows:

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Harry Reid, Patrick J. Leahy, Michael F. Bennet, Charles E. Schumer, Richard J. Durbin, Robert Menendez, Dianne Feinstein, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Mark R. Warner, Thomas R. Carper, Richard Blumenthal, Angus S. King, Jr., Christopher A. Coons, Christopher Murphy.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived for these two cloture motions.

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

Mr. REID. I ask unanimous consent that the time be divided equally.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURPHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURPHY. Madam President, I rise today to speak on the immigration bill presently before the Senate.

First, I wish to congratulate the leaders who have been able to bring this bipartisan bill to the floor. The

Gang of 8, of course, gets all the attention, but Senator LEAHY, the majority leader, and so many others who have added both merit and momentum to this bill deserve to be praised as well.

I particularly wish to congratulate Senator LEAHY, the majority leader, and the authors of the bill for the transparent process with which we have debated this bill. I don't know the sum total of all the amendments that were considered by the Judiciary Committee, but it was a long markup with virtually every idea and every amendment vetted.

We have been standing on the floor of the Senate for nearly 2 weeks debating this bill. That is right and that is good. This is one of the most important bills the Senate will talk about. This matters to millions of undocumented people all across this country, but it also matters to millions of other individuals, families, and businesses who have been weighed down by an immigration system that doesn't work any longer.

Today we will be debating a new amendment on border security that will, for many of us, be overkill. In order to make sure the perfect doesn't become the enemy of the good, this will bring this very important debate near to a close.

I rise to talk about one additional amendment I am offering that I hope the Senate will consider, amendment No. 1451. It would, very simply, prohibit the Department of Homeland Security from housing children in adult detention facilities.

There is already fairly good law and some good regulation on the books today that protect a lot of immigrant children from being held in difficult detention facilities. Many of these children who are classified as "unaccompanied alien children" are required to be transferred to HHS custody within 72 hours. There is some good law and good regulation built up around this issue already.

The data we have been getting over the last several years does tell that current law doesn't work for every child in the system. As we learned recently, ICE data says as many as 1,336 children were placed in adult facilities between 2008 and 2012. Of these children, apparently 371 of them spent more than 3 months in an adult facility—3 months in an adult facility.

I want you to put yourself in the shoes of a little 12-year-old boy who may just be learning how to speak the English language, who maybe came here with his parents and his family but was picked up by himself, somehow through the system was separated from his family, locked up, and his family may have some reluctance to come and claim him because they, themselves, are undocumented. They worry they will be deported along with the child.

Think about sitting, as a 12-year-old little boy, alone, perhaps uncomfortable about communicating, in an adult facility for 1, 2, or 3 days and then imagine that for 1, 2, and 3 months. It is unacceptable.

While DHS disputes some of these numbers and is certainly doing what it can to make sure these children don't spend time in adult lockups, the law can be clear and we can create, with this amendment, a very clear line for all children, no matter how they are categorized, to make sure they do not spend time in adult facilities.

There are some very harsh realities for children who are locked up with adults. We know this because we, unfortunately, do this for documented children—for American citizens. Too often when children are arrested on the streets of this country, they get housed in adult criminal facilities within the American justice system. The National Prison Rate Elimination Commission Report found incarcerated minors are much more likely than adults to be sexually abused, especially when they are locked up with adults.

Sometimes, to try to prevent this from happening, these children are put in isolation in ICE detention facilities. That may protect the child from abuse, but the isolation itself, which can go on for days and days and days, causes serious psychological problems and sometimes, the data shows, can lead to suicide.

Think also of one particular case—Mariana, we will call her—of a 17-year-old who came from Guatemala. Mariana was brought through the Mexican desert by one of these coyotes. The journey was so difficult, the coyote just abandoned her, 17 years old, by herself in the middle of the desert. She managed to find her way to a highway and at that highway the Border Patrol picked her up and took her to one of the holding facilities and threw her in with a bunch of adults.

She was 17 years old, but the Border Patrol officers insisted she looked like she was in her twenties, and she didn't have her birth certificate with her. So the default was to put her in an adult facility and to not believe her. Finally, a couple of kind women in the facility intervened and allowed her to call her mother in Guatemala and get a copy of her birth certificate. Finally, after all this, she was transferred to HHS.

This shouldn't happen. With this amendment we can create a clearer line to make sure children such as Mariana, and the hundreds who are even younger than she, when they are picked up for whatever reason, are not housed with adults. The amendment would require DHS to determine the child's age when there is any notice or suspicion the detainee is a child under the age of 18. Then DHS would have to transfer or release the child, after determining the child's age, so children such as Mariana would not have to wait and struggle themselves to get out of an adult detention center.

My amendment also would make it clear the best interest of the child should be the main concern in transferring or releasing the child. Finally, building on some of the data reporting requirements that are in the under-

lying bill, my amendment would include a couple of additional categories that DHS is required to report so we know where all these children are, the conditions in which they are being housed, and whether they have a lawyer trying to look out for their interests.

I think this is an amendment that can get bipartisan support. No matter where we stand on issues of border enforcement or a pathway to citizenship, we all believe a child that has been detained by ICE, likely through no fault of their own, deserves to be treated like a child; that they deserve to be housed with other children, if they can't be returned to their family. This amendment would do that and I think would be another way, as we conclude the debate on one of the most important bills this body will take up this year, for Republicans and Democrats to come together around our common values.

I yield the floor. I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, under the rule, I believe I am allowed to use the time of Senator GRASSLEY.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SESSIONS. Madam President, the vote we will be having later this afternoon is not on a Corker-Hoeven amendment, as I think most Senators may have thought when they left town Thursday and Friday. In fact, Thursday night we were told the Hoeven-Corker amendment would be filed and, presumably, we would then be debating that amendment. As we went into the night, every hour being told it would soon be filed, it turned out it wasn't filed until almost noon Friday, and it wasn't filed as the Corker-Hoeven amendment dealing with Border Patrol officers and fencing and some other issues, it was filed as a complete substitute to the whole bill.

This vote this afternoon will give Majority Leader REID procedural control of the debate. It is his motion to shut off debate on a 1,200-page substitute—200 pages more than the bill we were looking at last week and that no one has read.

Our Senators haven't had a chance to read the bill to see how the merged language falls throughout the legislation and to see what other changes may have been made over the weekend. I was here. We have been trying to get through this, but it is not easy. I am sure my colleagues haven't been able to do so.

The majority leader has filed cloture and is blocking any further amendments from being in order unless he personally approves them. That is the parliamentary situation we are in today. We are in a situation in which the majority leader will approve, personally, any and all amendments that get voted on. So he has once again created a situation where Senators have to play "Mother May I" to get a vote on an amendment they feel is important. This is not how the Senate should be run.

A duly elected Senator from any State in America should be able to come to the floor and get an amendment voted on without having to have the personal approval of the majority leader. This trend has accelerated in recent years where it is truly damaging the whole role of the Senate, and we need more attention to that issue. This is exactly what happened with ObamaCare. The majority rushed through a complex bill so there would be no time to digest what was in it.

Just yesterday, on one of the Sunday programs, Bob Woodward, the famed writer who dealt with the Nixon scandal and other issues over the years, said this:

When you pass complicated legislation and no one has really read the bill, the outcome is absurd.

I think that is too true, unfortunately. Senator REID has said many times we have to pass this bill by July 4. Why is that? Is that his decision to make?

Is it the other Senators' decisions to make? So to accomplish that goal, he has filed cloture immediately on this new substitute bill. He filed cloture as soon as it was filed to shut off debate. That is the effect of what we are doing.

Why is there such urgency to pass legislation of this importance by Friday? I am not aware that we have any big business after the July 4th recess. We could stay here through the July 4th recess, for that matter. As Bill Kristol, the writer and commentator, noted yesterday on one of the programs:

There's no urgency. Can we at least let people read it for a week?

The last thing Republicans should do is be enablers in the majority plan to rush through the bill before people know what is in it. Why should we enable that? If this bill is so good, what is the harm of letting the Senators and the American public have a while to digest what is in it? Why not commit to open and extensive debate? We have an obligation to read a bill before we pass it. If Senators have not read the 1,200-page substitute bill, they shouldn't vote to cut off debate. They should vote against that.

Let me say what the problem is here. This is a new technique. Senator LAMAR ALEXANDER said some time ago, that the truth is the Senate doesn't do comprehensive well. I think that was a very serious comment after the failure of this last bill and after ObamaCare and its massive power and overreach.

So what has happened? What has happened is Senators got together, as they did with ObamaCare, basically in secret, they wrote a 1,200-page bill in this case, and they did talking points. The talking points in a big bill like this—and particularly this one—have had political consultants, pollsters, all kinds of people organizing this campaign to drive this legislation through the Senate. They have had a response to every criticism; they have had spin in every different way. They are running TV advertisements right now, I suppose, still promoting this legislation as something it is not.

The talking points are designed to be very popular. The talking points are designed to be very much in accord with most people's views about what good legislation is. Indeed, I liked most of the talking points myself. I would vote for legislation that did most of that, for sure—if it did what it said. That is what is sold because nobody can articulate and explain the details of it, and people's eyes glaze over when you talk about it and people don't understand it fully. So they promote the bill as if it is the talking points, when the talking points do not comply with what is in this legislation.

That is why we have an obligation to study it, read it, and vote on the bill, and not the talking points. A few weeks ago, former Attorney General and Reagan's close friend, Ed Meese, wrote a letter to the editors of the Wall Street Journal and said:

On legislation as important as this, lawmakers must take the time to read the bill, not rely on others' characterizations of what it says. We can't afford to have Congress "pass the bill to find out what's in it."

So at this point in the legislative process, a "yes" vote on cloture tonight means Senator REID will have gained complete control of the process. No amendments will be voted on he does not approve. His goal is to drive the train to passage by this Friday. Public policy, public interest is beside the point.

So the vote this afternoon is to proceed again to the altered substitute—the entire substitute—of the Gang of 8 legislation, and the flawed framework of this bill remains immediate amnesty, which will never be revoked. That will occur within weeks, with no enforcement measure ever effectively having to occur. In reality, it will not have to occur.

According to the June 7 Rasmussen Report, the American people want enforcement first by a 4-to-1 margin. The Gang of 8 initially promised their bill would be enforcement first, but that is not what the bill said. Today, no one disputes that it is amnesty first. In fact, the lead sponsor of the bill, Senator SCHUMER, on "Meet the Press" conceded this point shortly after the bill was filed, saying:

... first, people will be legalized. ... Then, we will make sure the border is secure.

"Then, we will make sure the border is secure." This is important because

this is what happened in 1986, and Senator GRASSLEY is so clear about that. He voted for the 1986 bill, and he saw the enforcement never occur.

Under the substitute, illegal immigrants can still receive amnesty—not when the border is actually secure but when Secretary Napolitano tells the Congress she is starting to secure the border. So it occurs when Secretary Napolitano—who is now not enforcing our laws—tells Congress she is starting to secure the border.

Within 6 months of enactment, Secretary Napolitano need only submit to Congress her views on a comprehensive southern border strategy and southern border fencing strategy and give notice that she has begun implementing her plans.

At that point—which will likely occur earlier, as Secretary Napolitano indicated during her testimony before the Judiciary Committee—she may begin processing applications for and then granting legal status, granting amnesty, and granting work and travel permits. She will grant Social Security account numbers, the ability to obtain driver's licensing, and many Federal and State public benefits, all without a single border security or enforcement action having been taken.

Madam President, I ask unanimous consent that I be notified after 20 minutes. How much time has been consumed at this point?

The PRESIDING OFFICER. The Senator has consumed 11 minutes.

Mr. CORKER. Madam President, if I could, I had a time of 12:50 that I have actually done to accommodate the Senator from Alabama who was coming down at 1:00. My understanding is the Senator showed up 20 minutes early, which I applaud him for being prompt and early. But I do wonder what is happening. I would be glad to go back and forth.

Mr. SESSIONS. I didn't understand it. I am sorry. Was there a UC on the Senator taking the floor? If so, I will certainly yield and wrap up.

Mr. CORKER. I think we had an agreement with those who manage the floor as to how we were to come down and talk. But I would be more than glad to give a moment or two to let the Senator finish and then go on. But I want to make sure this is going to allow me the opportunity to speak.

Actually, the Senator has been so involved, I would love for him to listen to what I might have to say and then respond because I think there have been a lot of myths out there that seem to be continuing.

Mr. SESSIONS. Madam President, I will conclude by 5 till and yield to the Senator at that time. I think that will get us on the right track.

I know there were discussions, and I was told earlier that would be the time that I would have. Then I was told they want you to come earlier, and I didn't realize the Senator was in on part of that agreement. So that is perfectly all right, and I will accommodate the representations we have been given.

Madam President, Senators have been talking a good bit about the enforcement that would occur under the substitute that has been offered, but the substitute does not change the fact that no reduction in illegal immigration is ever required.

In the beginning, proponents touted the bill's requirements that the Secretary achieve and maintain 90 percent effectiveness in apprehending illegal border crossers. We don't hear so much about that anymore. That is because all that the bill requires now is that the Secretary submit a plan for achieving and maintaining that rate, not that it actually be achieved. Even if this was a real requirement, it wouldn't matter because it does not account for those who evade detection at the border.

During her testimony before the Judiciary Committee, Secretary Napolitano all but acknowledged the effective rate is meaningless because by definition Homeland Security has no idea how many border crossings go completely undetected. So it is not subject to real enforcement.

I appreciate my colleagues, Senator CORKER and Senator HOEVEN, and those who have set forth their goals to produce legislation that would be good for America. I appreciate the vision that has been stated. But having been involved in this now for quite a number of years—not because I desire to, but because I felt an obligation to do so, having been a Federal prosecutor for almost 15 years—I want to see the system actually work.

I am aware this bill is an authorization bill. It may authorize Border Patrol officers. It may even authorize fencing. But until Congress appropriates the money over a period of a decade, the way it is set up, it will never happen. I am confident all the promises made in the legislation underlying and in the additions that have been made to it, it will not be accomplished in their entirety; and under this legislation we will be sure to have a vast increase in illegal entry under the entry-exit visa system, as the Congressional Budget Office has stated, and we will still have illegal entrants from the border.

Madam President, I yield the floor and reserve the remainder of the time that is reserved for Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Tennessee.

On whose time is the Senator proceeding?

Mr. CORKER. As I understand it, Senator LEAHY.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CORKER. I thank the Presiding Officer.

The Senator from Alabama has done an outstanding job in talking about the many frailties that exist in the base bill. I do want to say that the vote tonight is not on the base bill; the vote tonight is on an amendment.

Many people on our side of the aisle have had concerns about border security. The way the base bill reads is the

Secretary of Homeland Security, Janet Napolitano, would decide what border security measures would be put in place, and she would implement those after 180 days. Candidly, that calls for people on both sides of the aisle to be somewhat concerned about what kind of border security measures would be implemented.

The base bill, as the Senator from Alabama just mentioned, leaves all of that discretion 100 percent to the person who leads Homeland Security. On the Senate floor we have had numbers of measures that we voted on to try to strengthen border security. All of those measures have failed. I have voted for almost every single one of those that has come up. As a matter of fact, almost every Member on our side of the aisle other than the Gang of 8 has voted for those measures.

What we have before us tonight, though, is another border security amendment. This amendment puts in place five triggers that are tangible. It says if these five triggers are not implemented, then those who are here who are undocumented and who become in temporary status do not receive their green cards. Let me go through those five measures that have to be put in place before that occurs.

First of all, there have to be 20,000 more Border Patrol agents deployed and trained and on the border. That is one of the triggers, a doubling of our Border Patrol.

Second, the additional 350 miles of fencing that Republicans have longed for has to be in place. That is very tangible.

Third, we have to have bought and deployed over \$4 billion worth of technology on the border, which will give our Border Patrol 100 percent awareness. This is a list that they have been seeking for years, and before anybody can achieve their green card status this list has to be bought and deployed.

Fourth, we have to have a fully implemented exit and entrance visa program—something that, again, Republicans have pushed for for years; and fifth, we have to have a fully deployed E-Verify system. All five of those measures have to be in place before somebody can move from a temporary status to a green card status. Those are tangible triggers.

When I was in the shopping center business—before coming to the Senate, I used to build shopping centers around the country. It was very evident in the community that I was in when I was completed. Always when I completed those shopping centers I was paid. I didn't have to go through some kind of process that said: Did we meet 90 percent of the retail needs of the community? We tried to design the center so that it met the needs, but it was very tangible when I was completed, and I was paid.

What this amendment seeks to do is to put in five very tangible elements as triggers. These elements are all elements Republicans have pushed for for

years. So it is my hope that this evening Republicans will join me in putting in place the toughest border security measures we have ever had in this Nation.

The Senator from Alabama has talked about the length of this amendment. The length of this amendment is 119 pages long. Because of Senate procedure, it had to be added to the base bill, which made it a little bit over 1,200 pages. But the base bill has been around since May. It has gone through committee. Most every one of us who is serious about this bill has gone through its many provisions.

The amendment we offered on Friday—which has given people 75 hours to look at it—is 119 pages long. For those who are listening in, in legislative language we write pages such that they are triple-spaced and they are very short, so 119 pages is really 25 or 30 pages in normal people's reading. I would say to the Presiding Officer that any middle school student in Tennessee or Alabama could read this amendment probably in 30 to 40 minutes. To ask Senators given an amendment on Friday that deals with five basic things and a few others, to ask them to read the amendment over the weekend—again, the equivalent of 25 or 30 pages, really—is certainly not something major to ask when you are serving in the Senate. So the length issue is something that is a total myth.

Some people have talked about the cost. Let's talk about that. First of all, the cost would only happen if the bill passes, but it is estimated that the cost of these border security measures and the other measures in the base bill would be about \$46 billion. That only happens if the bill passes. I think you have seen that the CBO score on this bill is \$197 billion. So if this amendment were to pass and the bill were to pass, we would have a situation where over the next 10 years we would be investing \$46 billion in border security—almost all of which are measures Republicans have pushed for years—but we would have \$197 billion coming back into the Treasury.

I have been here 6½ years, and never have I had the opportunity to vote for something that costs \$46 billion over a 10-year period and we received \$197 billion over a 10-year period and we did not raise anybody's taxes and it promoted economic growth. To those people who are talking about the cost, I would just say show me one piece of legislation we have had the opportunity to vote for that has that kind of return. I think every private equity, every hedge funder in the United States of America would take those odds.

Finally, let me say to the Senator from Alabama, Governor Brewer from Arizona was just on the television. She read this amendment over the weekend. As I mentioned, it only takes about 30 to 40 minutes, and she took the time to read it. What she just said on national television is that this

amendment is a win, a total victory for the State of Arizona. And she knows more about border security probably than any Governor and any person in the United States of America.

Let me say one more time what we are voting on tonight. We are voting on a very tough border security amendment. If you vote for this amendment, it will mean that five very tangible triggers have to be in place. Whether the money is appropriated or not, they have to be in place before you can have a green card. So if it is not appropriated, no green card. When people say that Congress may not spend the money on this, if Congress does not spend the money on it, people will not move from the temporary status into green card status. So it is totally up to us.

But the fact is that if you vote for this amendment tonight, you will be voting that all five of those provisions have to be in place—tough border security measures. They are very tangible. The entire American population can see whether they are in place. And until those are in place, people do not move to the green card status.

If you vote against this amendment—which I am getting the indication the Senator from Alabama and others may be thinking about—what you will be saying is, no, I would rather not have these five tough measures in place. I would rather let Janet Napolitano, the head of Homeland Security, decide what our border security is going to be. I don't think that makes anybody in this body particularly comfortable.

People have talked about the fact that Congress needs to weigh in on this border security measure, and we have with this amendment.

What I would say is that if you really believe in making sure we address our border security, this amendment is something you should support. If you would rather go to the status quo, if you would rather leave it to the administration—which I agree has not done the things they should do to secure the border—then don't vote for this amendment; vote for Janet Napolitano to secure the border.

I have a feeling people on this side of the aisle will see the light. And to people on the other side of the aisle who may resist this, what this amendment does is it balances out the bill. It balances it out. It says: Yes, we are going to put the kind of border security in place that will cause the American people to trust us. At the same time, in doing so we are going to put in place very tangible triggers, triggers that cannot be moved. You cannot move the goalposts because of interpretation. They are there. They are concrete. If we meet them, people will have the pathway to be the kinds of productive citizens they would like to be.

To me, this amendment satisfies people on our side of the aisle who want border security. To me, it ought to satisfy people on the other side of the aisle who acknowledge that we need to do both.

With that, I yield the floor. I would love to enter into a colloquy with the Senator from Alabama. I know there has been a lot said, but I urge every Member of this body to take the 30 to 40 minutes—not much, as a Senator on one of the biggest issues we have dealt with in the Senate—to read the amendment to see how superior it is to the base language. I applaud the folks who created the base language, but this is an effort to improve a bill.

Read the amendment and then decide: Do you really want to vote against an amendment that the Governor of Arizona, who has dealt with this issue more closely than any of us in the body, has declared as a total victory for their State? Do you want to vote against this? Do you want to vote against this really, I ask this body. I think we ought to send this amendment onto the base bill with a tremendous majority. Then we can debate the other pieces. We have an entire week. There are all kinds of votes.

I would like to see a vote on the Portman amendment. As a matter of fact, my understanding is that some of the people who disagree with this bill do not want to see a vote on the Portman amendment. They are blocking the Portman amendment. The Portman amendment will actually make this bill even better. I hope we will hear from him on the amendment. I hope we will hear from other Senators as they seek to improve this bill. But I hope we will do that after voting cloture tonight on a border security amendment that I know strengthens this bill, puts it in balance, creates trust with the American people, and creates the kind of pathway many people are seeking.

I yield the floor.

The PRESIDING OFFICER (Mr. KING). The Senator from Alabama.

Mr. SESSIONS. Mr. President, the Senator will acknowledge that his amendment was filed Friday afternoon, at a time when probably 90 percent of our Senators had left town. It was not his 200-page amendment or just his interests; all kinds of special interests and Senators' interests have been added to the bill. It was filed as part of the overall bill. So the Senator would acknowledge that the replacement that we would be voting cloture on tonight is 1,200 pages, a little less than 200 pages more than the bill was on Friday morning?

Mr. CORKER. May I respond?

Mr. SESSIONS. Yes.

Mr. CORKER. Mr. President, in responding to the good Senator—the Senator with one of the best temperaments in the Senate, the Senator from Alabama, someone I enjoy working with—I respond that there is no question that our amendment is 119 pages long and that it does incorporate input from other Senators.

What I would say is that the Senator was a great jurist from the State of Alabama. He worked on all kinds of legal documents, I am sure, before he

came to serve in such a distinguished way in this body. I know that he understands well—because I know he has had to do it many times—that when you have an amendment that touches many parts of a bill or you have a contract that has changes that touch many parts of the contract, what people do to cause people to understand how it is written better—and actually it has to be a rule of construction here in the Senate—is add those 119 pages throughout the text of a bill that has been around since May that the Senator from Alabama was able to go through in detail as a member of the Judiciary Committee and offer all kinds of amendments. He has seen that base text now for a long, long time. He went through it more—I know more than most here in the Senate.

So, yes, we added an amendment. It does have other concerns. That is what you do when you try to write a piece of legislation that solves the problem. It is 119 pages, and it was added to the base text. That is true. I would have to say on any measure for somebody who cares about border security, it is much stronger than the base language.

Mr. SESSIONS. Mr. President, I am going to talk about what the amendment does. The Senator has not seen quite as much—although he is an experienced and very able addition to this Senate but has not, perhaps, seen how over decades promises about enforcement at the border are not fulfilled, and that is important. I will go through the amendment the Senator has offered, and make some comments about why I think it does not do what my colleague believes it does, why we should not pass this, and why we absolutely should not move forward on the substitute which is basically the bill that has been put out by the Gang of 8, which fails in a whole host of ways. I would also be concerned—and I will ask the Senator, does he believe that Senators who have concerns about the bill should be given the right to have amendments voted on in an up-or-down way as long as reasonably necessary, to be able to offer amendments to fix the legislation?

Mr. CORKER. Mr. President, I could not agree more with the Senator from Alabama. As I mentioned in my comments, I hope this body—I hope Senators on my side of the aisle—will not block Senator ROB PORTMAN's amendment on E-Verify, which greatly strengthens the bill. But, yes, I agree with the Senator. I hope we have a plethora of amendments offered this week, debated this week, and voted on this week.

I would say to the good Senator from Alabama, with whom I really cherish serving, I have not blocked one single amendment from being voted on. I do not know if the Senator from Alabama has blocked any. But the fact is, I say let's let it roll. I would love to see another 50 or 80 amendments this week if time will allow, so let's let it roll. I am all for that. I agree 100 percent.

Mr. SESSIONS. I appreciate the Senator saying that, but it is not going to happen because when we have cloture tonight, Senator REID is going to be in complete control of the voting process. Amendments will be at his pleasure. There will be the amendments he is willing to vote on, and the ones he doesn't approve of will not be up for a vote.

So that is where we are, and that is a fact. We are going to have other cloture motions, and the goal will be to drive this bill to passage by or before Friday. There will be far less votes than the last time the immigration bill came up.

The last time the big immigration bill came up, there were 45 or so amendments that we voted on. So far we have had nine votes on amendments. There were discussions Wednesday and Thursday night that we would have another 16 amendments. I was advocating for more amendments to be brought up. I thought we had an agreement to do that, and we were moving that way until this great amendment—the grand amendment that fixes things—came up.

I will point out a few things I think are troubling with the legislation, and we can then go to Senator CORKER for his remarks. I just want to make my points now.

First of all, Senator CORKER said there is a trigger, and that trigger is 10 years from now. It has to do with whether individuals are going to get permanent legal status in 10 years. What if it turns out the Congress has not appropriated money to complete the fencing as promised? What if it turns out Congress has not funded the Border Patrol agents they promised?

Are we are going to end up saying to these people: You don't get your status.

They are going to say: What's the problem? We did everything we were told to do, and Congress didn't do it. Give us our green cards.

People are going to say: We cannot deny people their green cards. These are people who have been here for 10 years, not to mention the time they have already been here and probably had children born in this country who are citizens. This is not a practical or realistic guarantee this will ever happen.

Based on my experience, I don't believe we are going to add 20,000 agents. We probably don't need that many, although we do need more agents and better effectiveness at the border. The impact of the trigger is the legal status and the Social Security card. The right to work anywhere in America is given within 2 months of the passage of the legislation. They are making promises 10 years down the road that I am saying are not likely to ever happen. In fact, I don't think it will happen in the way it was said.

The Secretary has the power to re-allocate personnel under this bill, and it gives her broad power to do that. She

will say she has done what is required—or the next Secretary will say that—and I am concerned about that.

As far as the costs, Senator SCHUMER and the Judiciary Committee promised that the bill was paid for by the fees, the punishment, and the fines—and I will talk about that at some length later—from the people who entered the country illegally. They claim they will have as much as \$8 billion, and maybe that is so. I am not sure.

They would not say how many people would be legalized. I asked that question twice to Senator SCHUMER. He refused to say how many people would be given green card status in the next 10 years in America. Maybe he doesn't want us to know. If he doesn't know, that is a big gap for somebody who is writing a 1,000-page bill and doesn't know how many people are going to be legalized.

This is what he said: What we are simply doing is making sure all the expenses in the bill are fully funded by the income the bill brings in. This is to make sure this bill does not incur any costs on the taxpayers to make it revenue neutral.

He said: It provides startup costs to implement the bill repaid by fees that come back later. So what we are basically doing is setting up two pots of money that have startup money, and it is repaid. Both the companies pay when they get new workers, and the immigrants who get RPI status pay in terms of their fines as they go through the process.

That is what we were told in their talking points. This is their poll-tested talking points when they were drafting the original version before Senator CORKER was involved. Now it is \$46 billion. Where is the money coming from? Well, they say the bill creates more revenue.

The Congressional Budget Office—our budget accounting firm—said before Senator CORKER's bill raised the cost from \$8 billion to \$46 billion, it would increase the on-budget deficit by \$14 billion, and then it would reduce the off-budget deficit by \$211 billion. So isn't that good news? It improved our off-budget deficit.

What is the off-budget deficit? The off-budget deficit is the Social Security withholding the newly legalized persons will pay when they get their Social Security cards. So they will be paying withholding on their checks that maybe they were not paying before, and they score that as increased revenue, and it certainly is increased revenue. One form of our accounting will show that as an increased revenue, and that money in that form of accounting, unified-budget accounting, allows us to think we can spend it for anything we want.

Wait a minute. What is the reality? The person is paying their Social Security and Medicare withholding, and it doesn't go to the U.S. Treasury. It goes to the Social Security and Medicare trust funds. It is not available simulta-

neously to be used to pay for a new bill. This is how this country has been going broke.

The same thing happened during ObamaCare. The night before the vote, December 23—we voted on Christmas Eve to pass that bill—I got Mr. Elmen-dorf to say: You can't simultaneously strengthen Social Security and Medicare with this new money and pay for something else with it. He used this phrase: It is double counting the money. That is where they are coming up with the money here.

So the Social Security and Medicare payroll withholding that people will pay when they are legalized and given a Social Security card is their retirement. We have to have that money to pay for their retirement when they get ready to withdraw Medicare and Social Security. We cannot spend it now and pretend we have free money. The CBO score from just last week shows that is the situation. I am just not happy about the counting of money in that form.

Mr. CORKER. Mr. President, I wonder if the Senator would let me respond in a generous way.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. First of all, I respect the leadership the Senator from Alabama has given on the Budget Committee, and I know he knows all of these things well. I have offered a very detailed piece of legislation to deal with Medicare, and he knows the average American today is paying one-third of the cost of Medicare over their lifetime. In other words, they pay only one-third of the cost of their Medicare Program.

So the fact that we have people who began paying taxes—I mean one of the things the Senator is mentioning is if we pass this bill, those who are here today who have been undocumented and not paying taxes, will be paying taxes. I would think the Senator from Alabama would think that is an outstanding idea.

Most of them are younger, and the fact is they are going to help the baby boomers and senior population in America we have because Americans today are only paying one-third of the cost of Medicare. I know the Senator from Maine is very knowledgeable on this subject. The Medicare fund is going to be insolvent in 2024.

Senator SESSIONS is exactly right—by forcing these folks who are in the shadows today to come out of the shadows for 10 years and pay taxes and not receive, by the way, Federal benefits—no means-tested Federal benefits—until we do the five things that are in our bill.

By the way, the Senator should know that the money for this is appropriated now. If this bill passes, the money is appropriated. It is not subject to appropriations down the road.

I will say one last thing, and I will yield the floor. I appreciate the Senator from Alabama letting me do this.

Mr. SESSIONS. I want to make sure whose time is being used, but go ahead.

Mr. CORKER. As I understand, this is under Senator LEAHY's time.

The cloture vote tonight is not as was described a minute ago. The cloture vote tonight is only on this amendment. It is not on the bill. So for someone to say they are losing some kind of cloture rights down the road, it is not true. The cloture vote we are having tonight is on an amendment that has five strong border security measures that every Republican has talked about for years. It doesn't mean we vote for the bill. We are talking about the amendment. The moneys are appropriated. The cloture vote is only on the amendment. I just wanted to clear that up.

The CBO—which the great Senator from Alabama works with daily and quotes daily—has said if this bill passes, it will help tremendously with this deficit we know is weighing our country down today.

Mr. SESSIONS. I thank the Chair, but the cloture will be on the substitute which is 1,200 pages, not just the Senator's amendment, most of which I am supportive of. I think I could be supportive of much of it if we could make it effective.

The Senator is correct when he says the people who are paying into Social Security and Medicare are not paying enough to produce the revenue that would take care of them for the rest of their lives. The Senator is right, and I certainly don't dispute that people who are given Social Security and start to work under this bill, which provides them amnesty and legal status, that they are going to pay Social Security and Medicare money they were not paying before, but that is their money. That money has to be used to pay for their retirement. Where is the money going to come from to pay for that?

All I am saying is that it is quite plain, and that is why the CBO score said the on-budget deficit gets worse. In the 10-year window, the Social Security account looks better, but they are not counting the younger—the average age is 35. Workers will be retiring in the years to come and will demand their Medicare and Social Security. If the money is spent now, it will not be there in the future. That is how a country goes broke.

Senator CORKER is one of the most knowledgeable, hard-working, courageous, and determined people in the Senate in trying to fix the financial path we are on, but I think the Senator is misinterpreting that issue.

Mr. President, how much time has been used on my side?

I am going to have to save some time for other people who are due.

Maybe the question should be, how much time have I used?

The PRESIDING OFFICER. The Senator has used 60 minutes.

Mr. SESSIONS. Sixty? Senator CORKER said he was using some of his time.

The PRESIDING OFFICER. Forty minutes.

Mr. SESSIONS. Mr. President, I better wrap up. I know others want to speak in opposition to the legislation.

With regard to the fence, there is a statement from the sponsors of the Corker-Hoeven amendment that we are going to have a bunch of new workers at the border—Border Patrol officers that will be guaranteed. I pointed out how that is going to be funded for over 10 years. This is not an appropriations bill; it is a promise. The legality—the amnesty—occurs first. Just like so often happens in the past, the promises are never fulfilled when competing interests start fighting over money. It just doesn't happen.

There are some people who have opposed fences and opposed Border Patrol agents religiously by using every excuse possible in this body. It will not be easily accomplished in the future. In fact, in my opinion, it will not be fully accomplished.

With regard to the promised fencing that is in the bill, the new substitute requires the Secretary submit her southern border fencing strategy to Congress and certify that 700 miles of pedestrian—not double-layered, reinforced fencing, is in place. Congress first passed a law requiring double and triple layer fencing in 1996. In 2006, Congress overwhelmingly passed a law requiring a double layer fence. That never happened. Then-Senator Obama voted for it and then-Senator BIDEN voted for it. It never happened. Only 36 miles of that ever got built because there was discretion given somewhere a little later and all of a sudden they talked about a virtual fence that never occurred. So this weakens current law, or it weakens the law we passed previously.

The new bill says the second layer is to be built only if the "Secretary deems it necessary or appropriate." That is what happened in 2008. The new bill keeps the language from the Gang of 8 bill addressing limitations on the requirements for strategy. This was offered in the Judiciary Committee by Senator LEAHY. I was rather taken aback by it because they had been promoting the bill as being a bill that had fencing in it. Senator LEAHY offered the amendment. The Gang of 8 all supported it—those on the committee. It said this:

... notwithstanding [the requirement that the Secretary come up with a Southern Border Fencing Strategy], nothing in this subsection shall require the Secretary to install fencing, or infrastructure that directly results from the installation of such fencing, in a particular location along the Southern border, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain effective control over the Southern border at such location.

I think that is a fatal flaw in the language. It allows Senators to believe, perhaps, and advocate that their bill guarantees we are going to have 700 miles of fencing when it is not there.

Senator LEAHY knew exactly what he was doing when he offered that amendment in committee. And the 1,200-page substitute includes this exact Leahy amendment language. It has not changed by the Senator's offer of legislation.

I have spoken more than I intended to. There are a number of other issues I would raise if we had the time. I believe this is close to what we ought to be doing, but we don't have the mechanisms in place to get us there and we can't count in any realistic way on this all happening. As a result, we are going to have, as we had before, the legalization now and a promise of enforcement in the future that does not occur.

I thank the Chair, yield the floor, and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Chair, and I thank the Senator from Alabama for his comments.

I want to rhetorically ask any of those who might share the views of Senator SESSIONS, if you will, on this amendment, that would this amendment—I would ask this question: If one doesn't like the status quo, would this amendment, even if it weren't fully achieved—and I know the language states it has to be achieved before one achieves green card status; it is very specific in that regard—I would ask: Does the Senator from Alabama and do other Senators not believe that if this amendment passes, we would be much farther down the road toward our goals than if this amendment doesn't pass? I would ask that question rhetorically.

What we do a lot of times on the floor is we seek to improve a piece of legislation. I know the Senator from Alabama is not going to vote for this bill regardless of what the security measures are, in all likelihood. But I would ask if he and others who share his views, which are critical of this overall legislation, would they not support an amendment that certainly is a vast improvement over the status quo?

I think the Senator has pointed out it is very unlikely that Homeland Security is going to do the things we would all wish for them to do. But in this amendment we have five of the things that for years Republicans have hoped to achieve, and the administration clearly states we cannot move from this temporary status into green card status until these things are tangibly done. Again, it is much better than a trigger that has some superfluous thing where nobody knows what it means, and Democrats are worried we are going to move the goalpost in one direction and the Republicans are going to move the goalpost in another. Instead, we have something here that is very tangible.

Every American who is observing will know whether we have 20,000 more Border Patrol agents deployed and trained first. Every American will know whether we have an exit-entry visa program fully deployed. Every

American—every employer, for sure—throughout our country will know whether we have an E-Verify system that is fully deployed. Every American, whether we have 350 miles of fencing—which I would say to the Senator from Alabama, there is no chance in the world—no chance—that any additional border security measures are going to be created that way unless this amendment passes. Then I would say: Think about the \$4.5 billion in technology that will cause us to have situational awareness on the border that is a part of this bill.

Congress constantly talks about the fact that we punt too much to the executive branch. I know many people on my side of the aisle do not want to punt, if you will, the border security plan to the head of Homeland Security, whomever that might be. They want to weigh in. So this amendment gives everyone in this body the ability to weigh in and for the other side of the aisle to ensure we have tangible measures that cannot be moved.

Again, I realize that no matter what this bill says—no matter what it says—as long as the title of it relates to immigration reform, there are going to be people in this body who won't support it. There are measures I don't even want to—I don't want to get myself in trouble by stating the kind of measures that if they were in this bill people would say, No, it has to be even tougher. The fact is we in this body, generally speaking, have worked together to try to come up with a piece of legislation that meets the balance. This amendment, to me, adds that component that meets the balance.

I know some people on my side of the aisle would criticize because they would say, Well, you worked with the other side of the aisle to make this happen. I think that is what we all came here to do. I know the Presiding Officer, who is an Independent, came here to do it, because without working with Republicans and Democrats he couldn't get anything done. So what we have done over the last couple of weeks now is work very closely on both sides of the aisle to come up with a measure that hits that balance. It doesn't move the goalpost because we all know it is tangible.

As I mentioned, I used to build shopping centers all around the country, retail projects in 18 States, and when I finished the project, people could see it. I didn't have to go out and get a survey in the community: Did I meet 90 percent of the retailing needs of this community? And if it was a grocery center they might have said: Well, you did on the grocery side but you didn't on the florist or some other piece. I built something that was tangible and called for and it was paid for.

Let's face it. The reason we have had this trouble is we have been debating a trigger for months that everybody knows can be monkeyed with. If a person sees a Cheetos bag in a crevice some place in Arizona or someplace

else, somebody could say, Well, there were 10 people eating out of that Cheetos bag so we are going to change the denominator. That is what this debate has been about and everybody knows that. This side of the aisle doesn't trust that side because they are afraid we are going to add 10 more folks with that Cheetos bag and we are going to change the denominator, and this side over here is saying we don't trust it because we want to see results. This amendment gives results. It gives results. Every American can see the results.

Again, I cannot imagine how anybody on this side of the aisle who is serious about border security could want the text that is in the base bill that doesn't stipulate anything—it stipulates nothing—I don't know how they could want the text that is in the base bill over the text that is in this amendment, which clearly lays out those five things we have discussed over and over. They include 20,000 trained and deployed border agents; 350 miles of additional fencing on top of the 350 that is there. Republicans have tried for years to get 700 miles. We add the \$4.5 billion in technology. The chief of the border control area, Chief Fisher, has been in our offices for years wanting this equipment to do what he needs to do, and it is in this bill. There is an entry-exit visa program. We have 40 percent overstays on our visa program. That is terrible. But it has to be fully deployed before a person moves to green card status. And, again, E-Verify, which, let's face it: Why are people coming across the border? They are coming across the border to take care of their families. They want to work hard. That is what we want our kids to do. They are walking across the border to work hard and to do all kinds of things, including to create companies. They are entrepreneurs. But they also raise our kids, they serve us meals, they bring our crops in, they build our homes, they build our buildings. They want to participate in the American dream. And what this bill—not our amendment—lays out is a path for them to be able to do that. It is a tough path. They get at the back of the line. They pay taxes for 10 years and receive no means-tested Federal benefits and, somehow, we have people opposing that, even though these triggers have to be in place.

All I can say is this is a great Nation. This is a Nation that has laws, and we are laying out in this amendment the way those laws have to be.

I hope people will look at this amendment for what it is. It is an opportunity for both sides of the aisle to succeed, for Republicans to have those tough border control measures people want.

I was in a restaurant Saturday night in my neighborhood, a place I go often, a place that serves great hamburgers. When I walked in, what do people say? They want border security. So we have an amendment that puts in place what

is, as Governor Brewer of Arizona has said, "a victory for Arizona." It is a victory for Arizona. On the other side of the aisle, what people have pushed for is a clear path. They want to know that we are not going to wait 10 years and then move the goalpost. Let's have tangible goals people can see.

I hope everybody will get behind this amendment—people on our side because of border control and people on both sides because it achieves the balance, if passed, that a piece of legislation such as this ought to have.

I want to say again I have enjoyed working on this amendment and this piece of legislation over the last 10 days more than anything I have done in the Senate. We have an opportunity to do something great for this Nation—great for this Nation—and the passage of the cloture vote this night on this amendment is something that takes us a step closer. Even if a Member opposes the underlying bill, those people who hear concerns all over the country about border security should support this. This is better than in the base bill.

This is a 119-page amendment. People know the way we write legislative language. It is triple-spaced, big letters. We have a lot of seniors in this body. We write in big letters. About 3 or 4 pages of legislative language is the average page for most Americans and what they read on a daily basis. A middle school class person in Tennessee could read this amendment in 30 to 45 minutes—30 to 45 minutes. It has been available for 75 hours. It has tangible goals we have all sought.

Voting for cloture tonight does not end debate on the base bill. That is not true. It ends debate on this amendment. There are still cloture votes into the future that close off the debate, if you will, for those people listening in, that close off debate on the overall bill. So nobody has given up rights. Why not strengthen the bill even if a Member opposes it? If a person is for the bill, why not vote for a measure that might add people to this piece of legislation and send it over to the House of Representatives where they will create their own bill—and there are improvements they can make—why not do that?

I urge a "yes" vote tonight. I hope people will actually read this language and see what it does to the underlying bill.

I thank the Presiding Officer for his time this afternoon.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TREASONOUS BEHAVIOR

Mr. NELSON. Mr. President, I would like to speak about the immigration

bill, but first I wish to make a comment about this international drama that is going on from Hong Kong to—well, I guess it started in Hawaii—from Hawaii to Hong Kong, now Hong Kong to Moscow. Then the question is, Where does the fugitive go from there?

I think we ought to face facts that the Government of China would not have let him go without making the decision with regard to Hong Kong. I would not have been surprised if they did not get certain information from him if, in fact, he has anything. But the fact that he is now in Moscow and did not get on the airplane for Cuba tells me that the old KGB officer—now President of Russia—Putin is directing the show. I would not be surprised if the President of Russia is giving the orders to milk him for every piece of information he has. If he does not have anything, then I think the President of Russia is going to decide whether he wants to have a good relationship with the United States and might allow him to be extradited to the United States.

It may well be that since he was released from Hong Kong—which is under the direction, in this case, of President Xi of China—that he may not have all the information he is claiming to have.

Presumably, he is carrying a bunch of laptops. One would have thought they would have taken them into custody, and maybe that is what is happening right now in Moscow.

However it plays out, as I have said from the beginning, I think his behavior is treasonous behavior and that the full extent of the law ought to be applied and those countries that have a formal legal relationship with the United States ought to obey the law and have him extradited to the United States so he can face the charges.

By virtue of his escapades all over the globe, I think it is clearly indicative that he does not want to face the full extent of the law. I think all the more that would justify the Department of Justice in the charge they have brought already on espionage.

I wish to say a word or two about the immigration bill. Clearly, on the first day of the debate I came out here and embraced it. Clearly, we need comprehensive immigration reform.

When I was a young Congressman back in the 1980s, I voted for it then. The big difference back then was that we only had about 2 million illegal folks in the country. Now the new term is "undocumented." Of course, that has swelled now to over 11 million undocumented.

In large part, the law that was passed back in the 1980s was never observed. Businesses did not obey the law, and that is one of the things we are looking at in this comprehensive immigration package—that businesses will have to obey the law and still will be able to get the labor source they need in order to conduct business and that through a series of E-Verify and other provisions they can then have the security of knowing that the individual they have hired is in legal status.

I think it is clearly the right thing to do. There are 11 million people here. These folks who are saying, oh, well, deport them, that is not common sense. We cannot deport 11 million people; the economy would collapse. Just look at the agricultural community. We have to have the source of labor to pick the crops when the crops are ripe; otherwise, the whole crop is lost. So too as we go through so many of the nuances of this bill—it is all put together, and I think they have done a good job.

I have one bone of contention. I came to the floor today absolutely shocked that the amendment Senator WICKER, Republican of Mississippi, and I have offered is—it is questionable whether, with all this falderal that is going on about not accepting any additional amendments, if it is going to be accepted.

This amendment says that in addition to the land border security, which has been the story for the last week, laboring over how do we increase border security—and the estimate on this new amendment we are going to vote on today is that it is costing an additional \$20 to \$46 billion; that will really tighten up border security—but if you have made the land border almost foolproof, what do you think is going to happen? How are the smugglers going to get the illegal immigrants across? How are the smugglers going to continue to try to get across all the illegal drugs?

Similar to water, if you dam it up in one place, it is going to try to go around. Where is “going around”? The maritime border. If you make the land border on the southern United States foolproof, where do you think the smugglers and the illegal immigrants are going to go? They are going to go to a very porous border that is from Texas to Louisiana, to Mississippi, to Alabama, to my State of Florida, which has the longest coastline of the continental United States, and then up the eastern seaboard: Georgia, the Carolinas, Virginia, et cetera. They are going to do it also by going in through some of the Caribbean Islands, including U.S. territories—Puerto Rico and the Virgin Islands—because if they get there, then they are on U.S. territory.

So if we are spending—this is where the common sense comes in—if we are spending \$46 billion additional to secure the land border, why wouldn't we want to spend an additional \$1 billion to help secure the maritime border? California would be another one. You can come up the coast of Central America into California. It, perhaps, is a more daunting task because of the waters of the Pacific. But look at all the opportunities on the coast of a State such as mine, Florida, of bringing in smugglers. Of course, we have seen this over the years. So what do we do? What is the \$1 billion for? Simple, real simple. We already have an unmanned aerial vehicle like a drone, such as we read about over in Afghani-

stan—a Predator or some version thereof, unarmed.

Today, it is flying out of the Cape Canaveral Air Force Station. But that is one. When it is down for maintenance, there is zero. So why wouldn't we enhance one UAV with more stationed strategically around the coastal maritime border to stop what is supposedly going to happen if this impregnable land border is there?

No. 2, the U.S. Navy is experimenting with a stable platform that is very cheap to operate called a blimp. I have flown in this blimp. You can station blimps with a long dwell time because the amount of fuel that is used in a blimp from start to finish for upward of a 24-hour mission, if you had two crews on board—that amount of fuel is the same that it takes to crank up an F-16 just to get it out there on the runway. It is a huge cost savings, and it gives us a lot of dwell time. So why wouldn't we enhance for the U.S. Navy the blimp that is being tested for the 4th Fleet headquartered at Mayport Naval Station? We should.

Thirdly, the U.S. Coast Guard. Why wouldn't we enhance the Coast Guard's ability to patrol not just for drugs, but for some of those who are trying to come into the United States illegally now through the maritime border, so why wouldn't we enhance the Coast Guard?

With \$20 billion to \$46 billion extra for this amendment that we are going to vote on this afternoon, why wouldn't we add another \$1 billion to stop the illegal immigration and drug smuggling that is going to occur on the maritime border? Just think about it. Just think, when you try to stop water from rushing forward and you put some kind of dam that stops it, if there is any break or leak or hole, where is that water going to go? It is going to go in the place of least resistance. So, too, smuggling of illegal aliens and drugs. If they do not get across the land border because of my friends insisting that it become impregnable, why would they want to block Senator WICKER's and my amendment that says we are going to enhance modestly because we can handle it with overhead and on-the-sea assets through the Department of Homeland Security and the U.S. Coast Guard and the U.S. Navy?

It is common sense. Common sense ought to rule.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON. Would the Senator yield. The Senator—the esteemed chairman whose leadership has brought us to this point, that we are on the brink of passing a major immigration

reform bill—the Senator heard my comments earlier. Does it not make common sense that if we are making as secure as possible the southern land border of the United States for illegal immigration—which also includes drugs, by the way—would it not make sense that we would want to increase the maritime border security?

Mr. LEAHY. In answer to my friend from Florida, who has been a friend for decades and knows the coastal area far better than anyone else, the more secure we make the land border for those who want to have illegal entry into the United States, the more they are going to look for other ways. Water is one of them.

The distinguished Senator from Florida has seen everything from boat lifts on through coming into his State. Without naming the countries, we know them all. So that is long way around of saying “of course.”

Mr. NELSON. I thank the Senator, the esteemed chairman of the Judiciary Committee. It is common sense. I appreciate him underscoring that. I hope our brethren and sistren on the other side who are questioning whether they are going to allow my and Senator WICKER's amendment to be considered will reconsider their decisions.

Mr. LEAHY. Mr. President, I would note that there are some in this body, I am sure, who want no immigration bill. I get the feeling that is a smaller and smaller group. I imagine they would love to just keep killer amendments going for weeks and weeks and hope the bill might die.

On the other hand, we have some very legitimate requests made on both sides of the aisle. I have been told that some of the ones we might want to bring up that we would pass probably unanimously, the other side will not allow them to come up unless we allow these other amendments.

I would hope that during the next 2 days both sides would allow the distinguished ranking member and me to sit down and go through and accept—as we normally do on a bill such as this—a package of amendments that are acceptable.

I suggest the absence of a quorum and ask that the time be equally divided.

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

The clerk will call the roll.

The assistant 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.

Mr. GRASSLEY. I know that when I come to the floor and remind my colleagues about my involvement in the 1986 immigration bill, it sounds like a broken record. I said early on this year that I wanted to educate my colleagues about the mistakes we made in 1986 so those mistakes were not repeated in the first immigration bill to pass the

Senate since 1986. Because I was here in 1986, I thought I could share the experience we had. I know firsthand that we screwed up in that 1986 legislation. I was certain other Members in this body could learn from our mistakes.

However, today we are right back to the same place, talking about the same problems, proposing the same solutions.

In 1981, as a freshman Member of the Senate, I joined the Judiciary Committee and was very active in the subcommittee process. We sat down and wrote the legislation. We had 100 hours of hearings and 300 witnesses before we marked up that bill in May of 1982. Hundreds more hours and a dozen more hearings would take place before the bill actually became law in 1986. This year we had 6 days of hearings. We spent 18 hours and 10 minutes listening to outside witnesses.

The Judiciary Committee received the bipartisan bill at 2:24 a.m. April 17. We held hearings April 19, 22, and 23. We heard from 26 witnesses in those 3 days. We heard from the head of the Immigration and Customs Enforcement agency union. We heard from economists and employers, law enforcement and lawyers, professors and advocacy groups. We even heard from people who are undocumented, proving that only in America would we allow somebody who has violated our laws, is not right with the laws, to be heard by the American people.

One of the witnesses on April 23 was Secretary Napolitano. We attempted to learn about how the bill would affect the functions of the executive branch—after all, that is where it is going to be carried out—and whether she saw some flaws, the same flaws many of us were finding in the legislation.

We asked follow-up questions of the Secretary that were thoughtful and focused on the mechanics of the legislation. We wanted to know the Secretary's thoughts since she would be implementing the legislation. Unfortunately, we still have not received responses to questions we raised. Today it has been 2 months since the Secretary has failed to answer our questions—in a sense, ignoring us. She has refused to cooperate. She has refused to tell us how the bill would be implemented by her department. Is it amazing—at least it is to me—that the majority puts up with this, let alone some of my own Republican colleagues?

After the committee hearings, we started the markup process on May 9. We held five all-day sessions where Members were able to raise questions, voice concerns, and offer amendments. Commonsense amendments offering real solutions were repeatedly rejected. Those that were accepted made some necessary improvements. But the core provisions of the bill have remained the same yet to this very day.

I respect the process we had in committee. It was open, fair, and transparent, even though the end result was almost determined. We had a good dis-

cussion and debate on how to improve the bill. It was a productive conversation focused on getting immigration reform right for the long term, not to make the same mistakes we did in 1986. Yet I was disappointed that alliances were made that actually ensured nothing passed in that committee process that would make substantial changes and improvements to the bill. Those alliances remain in effect when we are out here on the floor of the Senate.

As of this morning, 349 amendments have been filed to the underlying bill. We started off the debate on the Senate floor with my amendment that would require the border to be effectively controlled for 6 months before the Secretary could process applications for registered provisional immigrant status, RPI, or another way of saying it: legalizing those who crossed the border without papers. That is pretty darn important because we have been told since this bill was put to the public by the Gang of 8 that we were going to secure the border. Well, we are going to secure the border after legalization because a plan put before Congress is not securing the border. Securing the border is only if that plan actually secures the border. But legalization is going to take place before the plan is put into effect. That is what I consider a major shortcoming of this legislation because it makes the same mistakes we did in 1986. We thought we secured the border. We did not secure the border, but we legalized.

My amendment was surely feared by the other side because it would fundamentally change the bill. It would not fundamentally change what the authors of the bill said they were going to do—secure the border and then legalize—but it changed what was actually in the language of the bill. So in order to keep my amendment from being adopted, they insisted on a 60-vote threshold for the amendment to pass, which I refused. So in response they moved to table my amendment.

We were promised an open and fair process. Why wasn't that promise kept? We learned on day one that all the talking about making the bill better was just hogwash. It was a phony and empty promise. They would take to the floor and they would say they were ready to move and vote on amendments. Boy, that sounds very fair and open, doesn't it? Yet, in reality, they were afraid of all of the amendments that could be offered. They refused to let Members offer any amendment of their own choosing. They wanted to pick which amendments would be considered on the floor of the Senate. Does that sound fair and open? Well, it obviously does not. They wanted to decide who, what, when, and how it would be disposed of. That is not right.

What is even more disturbing is the fact that the alliances made thwarted the ability of the minority to have any say whatsoever. Republicans were obstructed even by Members of our own party. They voted to table amend-

ments, and they refused an open amendment process. One Republican said:

I am confident that an open and transparent process, one that engages every Senator and the American people, will make it even better. I believe this kind of open debate is critical in helping the American people understand what's in the bill, what it means for you, and what it means for our future.

That was never carried out here on the floor of the Senate.

The same Senator also wrote Chairman LEAHY on March 30, saying:

I write to express my strong belief that the success of any major legislation depends on the acceptance and support of the American people. That support can only be earned through full and careful consideration of legislative language and an open process of amendments.

That was a letter to Senator LEAHY on March 30. It was well-intended, but I don't see a defense of that position out here on floor of the Senate as we are steamrolled.

In a letter to me on April 5, the Senator wrote:

If the majority does not follow regular order, you can expect that I will continue to defend the rights of every Senator, myself included, to conduct this process in an open and detailed manner.

As we are being steamrolled with just a few amendments being considered, we can see that may have been well-intended, but it is not carried out.

When the bill was introduced, the senior Senator from New York said:

One of the things we all agree with is that there ought to be an open process so that the people who don't agree can offer their amendments.

Well-intended. The Gang of 8 called for a robust floor debate. They said they supported regular order. I asked them do they think that having only considered nine amendments equates to a robust and open process.

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

Mr. GRASSLEY. I will yield for a question. I may not answer it, but I will yield.

Mr. LEAHY. Is it not a fact that the first amendment that was brought up was a bipartisan one of Senator HATCH's and mine? Shortly thereafter, the Senator from Iowa came with an amendment. Following the normal courtesy done, I allowed mine to be set aside so he could bring up his, but isn't it a fact that when we asked if we could set that aside for some non-controversial amendments on either side, he told me he could not?

Mr. GRASSLEY. The Senator is correct.

Mr. LEAHY. I thank the Senator.

Mr. GRASSLEY. We only had nine amendments. Is that a robust and open process? Do they think the majority has allowed regular order? From my point of view, the answer is a clear and resounding no.

We are at a point where the process has been halted. It is unclear if any more amendments will be debated and

voted on. The only amendment that is in order is the one that was concocted behind closed doors and is loaded full of provisions that are shockingly close to what can be called earmarks.

We are back where we started—with a gang of Members promising that their legislative text is the best thing to happen to immigration reform, that their solution is the end of future illegal immigration. Does anyone really think this will solve the problem once and for all? From my point of view, based upon my experience in 1986 and since, the answer is a clear and resounding no.

There are fundamental flaws in this amendment we call the Schumer-Corker-Hoeven amendment—legalization first. I am going to take the opportunity to walk through some changes.

The authors claim the amendment is a border “surge” that leaves no more doubt about whether the border will be secure. Yet the border changes only account for about half of the total amendment. There are changes to every title. There are changes to exchange visitor programs, the future guest worker program, and visas for the performing arts. This isn’t just a border amendment; there are provisions in the bill to attract other Senators to support its passage. I will dive into those provisions in detail in a moment, but first I wish to focus on border measures.

The sponsors of this bill want you to believe it is different from the 1986 legislation. They say it will be a tough and expensive road and it would be easier for individuals to go home than to go through the process. What the sponsors don’t like to admit is that the bill is legalization first, enforcement later—and I have to add, enforcement later, if ever.

Take, for example, the fact that one of the sponsors who went on Spanish television tried to apologize for speaking the truth. He said:

Let’s be clear, nobody is talking about preventing the legalization. The legalization is going to happen. That means the following will happen: First comes the legalization. Then come the measures to secure the border. And then comes the process of permanent residence.

He spoke the truth.

The fundamental flaw underlying the bill has not changed with this amendment. Let’s be clear. No one is preventing the legalization. It is going to happen, as opposed to the promise when this bill was put forward that the bill was going to secure the border first.

There is a lot of money in this bill, there is a lot of micromanaging in this amendment, and there are more waivers. Remember, this is already on top of—I think one Member counted 222 waivers for the Secretary. We write a piece of legislation. We are supposed to legislate. We legislate and then say to the Secretary: Well, you can ignore what we legislate in certain conditions.

We ought to be making broad policy here and not delegating to the administration the way that we too often do—not just in this legislation but, as a matter of fact, on most everything.

What the amendment does is require more boots on the ground. It increases the presence of Border Patrol even though the Members of the Gang of 8 had long opposed that idea. They said it was unnecessary and costly. But let’s be honest with the American people. The amendment may call for more Border Patrol agents, but it doesn’t require it until the undocumented population, who are now called RPIs, apply for adjustment of status or a green card. It is legalization first, border security long down the road.

I am all for putting more agents on the border, but why wait? Why allow legalization now and simply promise more agents in the future? Even then, who really believes that the Secretary, like the one we have today, will actually enforce the law?

Then there is the fencing. One of the conditions that must be met before the Secretary can produce green cards for people here illegally is that the southern border fencing strategy has been submitted to Congress and implemented. This fencing strategy will identify where 700 miles of pedestrian fencing is in place. Note that this is not double-layered, as in current law; the amendment states that a second layer is to be built only if the “Secretary deems necessary or appropriate.” Can the authors of this amendment say that is a promise to the American people to build a fence if somehow the Secretary is given the authority of whether it is necessary or appropriate? Additionally, the underlying bill still specifically states that nothing in this provision shall be interpreted to require her to install fencing.

The amendment also requires that an electronic entry-exit system is in use at all international air and sea ports but only “where U.S. Customs and Border Protection are currently deployed.” This is actually weaker than the bill that came before the Senate a few weeks ago. That bill required that an electronic entry-exit system be in use at air and sea ports, not just internationally. It is still weaker than current law, which requires biometric entry and exit at all ports of entry, including air, sea, and land. That current law has been on the books for a long period of time—not carried out by both Republican and Democratic administrations. So what certainty do we have that this is going to be carried out?

The Schumer-Corker-Hoeven amendment border proposal adds technology in addition to manpower at the southern border. It authorizes the Secretary to purchase and deploy certain border technology. I will give some examples that are included in this amendment.

In Arizona, the Secretary is allowed to deploy 50 fixed towers, 73 fixed camera systems, 28 mobile surveillance systems, 685 unattended ground sensors,

and 22 hand-held equipment devices, including night vision goggles.

In San Diego, the Secretary is allowed to deploy the same type of equipment but of different quantities. They also will deploy nonintrusive inspective systems, a radiation portal monitor, and a littoral detection and classification network.

In El Centro, CA, the Secretary is allowed to deploy the same equipment, but the list also includes two sensor repeaters and two communications repeaters.

They will also get 5 fiber optic tank inspection scopes, a license plate reader, a backscatter, 2 portable contraband detectors, 2 radiation isotope identification devices, 8 radiation isotope identification devices updates, 3 personal radiation detectors, and 16 mobile automated targeting systems.

That is not all. The list goes on. It includes certain helicopters and aircraft upgrades. It includes 10 Black Hawk helicopters and 30 marine vessels.

I would like to know what some of these items are. Who provided the amendment sponsors with this list? We had a hearing in January, and not once did the list appear. Secretary Napolitano did not provide the committee with any list. Did Sikorsky, Cessna, and Northrop Grumman send a wish list to certain Members of the Senate?

While the Senate micromanages what technology is to be purchased and deployed, we should take note that the bill allows the Secretary to “reallocate” the personnel, infrastructure, and technologies laid out. It is pretty simple: A Secretary who says the border is secure right now can change all of this stuff specifically mentioned in this amendment.

Let’s also not forget about the litigation exception. The triggers or conditions may never have to be met. Green cards can be issued if the Supreme Court grants review of litigation on the constitutionality of the implementation of the conditions. Under the bill, if any court in this country issues a stay on implementing one of the conditions, then green cards are to be issued after 10 years. The bill does not specify what sort of ruling must prevent implementation or even that the ruling be on the merits, nor does the bill require that appeals run their course, even if the appeal upholds the conditions.

We still maintain this toothless commission called the southern border security commission, but it retools it a little bit. It still does not give it any teeth whatsoever. The amendment requires the creation of the commission 1 year after the enactment, which is probably better than the 5 years that is in the bill. They would also be required to hold public hearings once a year. Under the original version of the bill, the commission would be in existence until they submitted a plan. Under this amendment, the commission will live for 10 years. Yet, the recommendations they provide still do not hold any

weight. They can be ignored. They are nonbinding.

There is a lot of spending in this amendment as well. In addition to micromanaging resources in each sector, the amendment increases taxpayer spending by \$40 billion over the introduced version of the bill before this amendment was added to it. Originally, the legislation called for spending \$100 million for startup costs and \$6.5 billion for the Secretary to carry out the law. When we got to committee, there was a technical amendment that increased that startup cost from \$100 million to \$1 billion. During markup, Senator SCHUMER and his allies increased the trust fund allocation from \$6.5 billion to \$8.3 billion. The Schumer-Corker-Hoeven amendment increases the trust fund to \$46.3 billion. Now, think, going from \$8.3 billion to \$46.3 billion. Add the \$3 billion for the Secretary to have startup costs, and we are at \$50 billion. That is over a 500-percent increase in spending. You know, a billion here and a billion there, and it soon adds up to real money.

Note that this isn't shifting money from the trust fund, such as the Cornyn amendment would have done. And that amendment was defeated on the floor of the Senate. Instead, it is just plain old brand new spending. The sponsors found a money tree to pay for the wish list provided by Secretary Napolitano and the aerospace industry.

Based on reports of how this deal was struck, we have a pretty good idea of why spending has increased. According to a Politico article from last week, negotiations for this deal were at a standstill until the Congressional Budget Office's score was released. The CBO's score stated if the bill becomes law it would cut the deficit by almost \$1 trillion over the next 20 years.

Thus, with this estimate in hand, the Politico report tells us how the negotiators were able to find a solution: "Throw money at it." According to the article, it was suggested Senators could funnel some of the savings into border security, and that is what has been done. Again, as is often the case in Washington, the solution always seems to be just throw more money at the problem. But the money has to come from somewhere.

Furthermore, paying for the agents requires raiding the Social Security trust fund. Indeed, the bill sets aside \$30 billion to pay for Border Patrol agents. But when asked on the floor how the Gang of 8 found the money, Senator HOEVEN said he and Senator CORKER were able to add the \$30 billion in spending because the CBO projects that S. 744 will bring in more revenue than it requires in expenditures. Upon closer examination, it is clear the projected revenue under CBO analysis is due to an increase in Social Security and Medicare taxes.

This money must be set aside if Social Security and Medicare are to remain solvent. Thus, taking that tax revenue and using it for the fence

means raiding the Social Security and Medicare trust funds. You know how the Medicare trust fund was raided for health care reform? Sounds like the same thing is happening here.

On the date of enactment, the Treasury will transfer \$46.3 billion to the trust fund. The sponsors claim the Treasury will be repaid. But when will the funds be paid back to the Treasury? When will the American people be reimbursed? The sponsors of the bill are saying taxpayers would not bear the burden. Yet there is no requirement the funds be paid back. There is no time limit or accountability to ensure they are repaid.

The Schumer-Corker-Hoeven amendment increases fees on the visas for legal immigrants in order to replenish the trust fund and the Treasury. It happens that employers, students, and tourists will pay the price. The bill allows the Secretary to increase those fees, so employers who bring in high-skilled workers will bear the burden. Students and tourists who come in the legal way will bear the burden.

But guess what. The amendment goes on to say the fees for those who cross the border in violation of our laws cannot be charged more than what is allowed. The Secretary cannot adjust fees and penalties on those who apply for or renew RPI status or even blue card status.

There is no interior enforcement in here, and there is a real problem when we don't have more interior enforcement than is here because we will have more people coming here who are undocumented. The amendment in the underlying bill will not end undocumented immigration. The Congressional Budget Office reports that illegal immigration will only be reduced by 25 percent due to the increased number of guest workers coming into the country. The amendment does nothing to radically reduce illegal immigration in the future and does not provide any resources to interior enforcement agents whose mission it is to apprehend, detain, and deport undocumented immigrants. Just like with the 1986 legislation, we will be back in the same position in 10 years facing the same problems.

The amendment, for instance, in section 1201, attempts to address people who overstay their visas. It says the Secretary shall, one, initiate removal proceedings; two, confirm that immigration relief or protection has been granted or is pending; or, three, otherwise close 90 percent of the cases of nonimmigrants who were admitted and extended their authorized period of admission by more than 180 days.

So while it appears to be tough on overstays, it only affects people who overstay their visa by 180 days or 6 months. It also allows the Secretary to close the cases.

What does it mean for the Secretary to close these cases? Under current law, an immigration judge has the power to administratively close a case.

It is used to temporarily remove a case from the calendar. Sometimes a judge waits for further action to be taken. An administrative closure is not a final order. Closure does not mean termination. It does not mean deportation. So I think it is unclear what this language does and who it is applying to.

Moreover, it is unclear how the Secretary would know who has overstayed if no exit data or tracking system exists. Also, why doesn't the amendment require the Secretary to deal with 100 percent of the people who overstay their period of authorization? Given there are no ramifications for the Secretary if she does not capture 90 percent of visa overstays, this, again, is another law that will not be followed.

It does nothing to end this administration's anti-enforcement policies but, instead, gives the Secretary of Homeland Security vast discretion to ignore serious criminal convictions of immigration violators, including gang-related crime, domestic violence, drunk driving, and child abuse.

The bill would not only create an immediate legalization program for those here illegally today but also a permanent legalization program for future undocumented immigrants. The Schumer-Corker-Hoeven amendment includes a provision that would make individuals admissible despite the 3- and 10-year bars.

I would like to know more about the rationale from the sponsors as to why this language was included. There is no doubt this amendment was crafted in the back rooms on Capitol Hill, and it is no secret some Members were able to insert provisions in the Schumer-Corker-Hoeven amendment while the rest of us attempted to work out an agreement on pending and filed amendments.

While some of us were trying to legislate and bring up amendments for votes on the floor, others were taking advantage of the pay-to-play game. Clearly, some of the amendments filed were included. Let me share some examples.

No. 1, the amendment now authorizes funds for an educational campaign to help deter illegal crossings into Mexico from the South. This amendment would put American taxpayer money toward training for law enforcement officials in Mexico, Honduras, El Salvador, Guatemala, and other countries. It would allow for taxpayer expenditures to educate nationals of other countries "about the perils of the journey to the United States."

This amendment should have been considered under regular order.

No. 2, the amendment now includes a provision that would require Customs and Border Protection officials to reduce airport wait times.

This amendment which was filed should have been considered under regular order.

No. 3, the amendment now makes it harder for Border Patrol agents to enforce U.S. immigration law along the

northern border by limiting the mileage or distance agents can search vehicles or other forms of transportation.

This amendment which was filed should have been considered under regular order.

No. 4, the Schumer-Corker-Hoeven amendment includes amendment No. 1283 that creates a "Youth Jobs Fund" using \$1.5 billion from the U.S. Treasury to be repaid through fees. The goal of the fund is to "provide summer and year-round employment opportunities to low-income youth."

This amendment should have been considered under regular order.

No. 5, the Schumer-Corker-Hoeven amendment includes amendment No. 1493, which designates zones 1, 2, and 3 occupations involving seafood processing in Alaska as shortage occupations. It also includes amendment No. 1329, which extends the J visa Summer Work Travel Program to seafood processing positions only in Alaska.

These amendments should have been considered under regular order.

No. 6, the amendment now includes amendment No. 1183, which was actually pending before the Senate. It would allow for fee waivers on certain visa holders, namely O and P non-immigrants, who come to the United States to work in Hollywood or play professional sports.

We could have voted on this and had regular order on that amendment.

Well, there are a lot more amendments I could go through, but I will just suggest some clarifying amendments. And there probably should have been more clarifying amendments.

The amendment by SCHUMER, HOEVEN, and CORKER also includes so-called "technical fixes." One fix is related to the H-1B visa cap. The sponsors of the bill, and those who worked behind closed doors to devise an H-1B visa package, stated the annual cap would not exceed 180,000. Yet the language didn't do what they said it did. As written, it provided 20,000 more than they claimed. So this amendment includes a clarification to say the cap shall not exceed 180,000.

The second clarifying change in the amendment is related to visas for countries that have entered into free-trade agreements with the United States. During committee consideration, the Senator from New York added an amendment that would provide 10,500 visas for countries in the African Growth and Opportunity Act and the Caribbean Basin Economic Recovery Act. The change in this amendment clarifies that only a total of 10,500 may go to those countries rather than to each country that is described under the act. Still, it is not 100 percent clear the clarification achieves the goal.

So it is legitimate with these clarifications and fixes, but how many more clarifying amendments are necessary? These two provisions were included because my staff caught them and brought them to the sponsors' attention. But how many more provisions

are not written properly that we do not know about?

At the end of the day the Schumer-Corker-Hoeven amendment doesn't do what the sponsors say it will. As we have seen all along, we are being promised one thing and sold another.

I am frustrated with how the majority has processed this bill. We should have had 3 genuine weeks on this bill processing amendments and having votes. Yet we are forced to vote on packages that were concocted behind closed doors. We were given 72 hours to read the legislative text. That may be plenty of time to read it, but it is not plenty of time to actually study it and know what is in it. Even then, the American people would have had a difficult time getting their hands on the bill over the weekend or understanding its true ramifications.

It is quite obvious I am going to vote against this amendment. It does nothing to change the legalization first philosophy and offers little more than false promises the American people can no longer tolerate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business, without delaying or affecting the time of the cloture vote today.

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

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1215 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HOEVEN. Mr. President, I ask unanimous consent that I be recognized for up to 10 minutes under Senator LEAHY's time.

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

Mr. HOEVEN. Mr. President, I rise today to address comprehensive immigration reform and to talk specifically about the Hoeven-Corker amendment.

The Hoeven-Corker amendment is to secure the border. Besides myself and Senator CORKER, this is bipartisan legislation that has 11 Republican and 4 Democratic cosponsors. This is all about securing the border first. This is a first step for comprehensive immigration reform, and that is what we are seeking to do.

I come to the Senate floor today to address some of the misperceptions that have already been circulating

about our legislation. Throughout the weekend some of the pundits and others have put out information that is incorrect with regard to the Hoeven-Corker amendment to the new immigration bill. As the old saying goes, people are certainly entitled to their opinions, and we respect all opinions, but they are not entitled to their own facts. So I want to separate some of the myths or misperceptions from the facts in regard to our amendment.

Let me say at the outset we welcome the debate, and we welcome the opportunity to provide information. This is truly about coming up with legislation that wins the support of the American people as well as bipartisan support in the Senate, the House, in this Congress, and that is what it takes to meet a challenge of the magnitude of immigration reform. So I will clear up some of the misperceptions or myths that have been circulating and put forth the facts.

Myth No. 1: Somehow people have not had time to read this 1,200-page amendment—and somehow this myth keeps getting repeated. Well, the fact is it is not 1,200 pages. This new amendment is about 120 pages that have been added to the underlying bill. So, yes, all told it is 1,200 because 1,100 pages is the existing bill, and we are adding an additional 120 pages. The underlying bill—the 1,100 pages—has been out there since May for people to read. The roughly 120 pages right here is it. This is the new material. This is 120 pages. We are adding 120 pages, which I think somebody could read in a short amount of time.

This was filed at about 2 p.m. on Friday, and it has been available to all of the Members. They had all of Friday to read the 120 pages. This is the new material—not 1,200 pages. They had all of Friday to read it, all of Saturday to read it, all of Sunday to read it, and today until now to read it. If there is anybody who still hasn't read it, there is plenty of time to read it before the vote at 5:30 p.m. today.

There is 120 pages of new material. Let's be clear about that. There is no purpose for folks to misunderstand or to create misunderstanding. Why would anyone do that? Why would anyone want to say there are 1,200 pages of new material when there are 120 pages of new material? Well, that is the first myth.

Myth No. 2: The southern border fence does not need to be completed before people are eligible for green cards. That is the second thing that is not correct. What is the fact? Because that is wrong. The fact: The trigger explicitly states that at least 700 miles of fencing along the southern border must be built before individuals can receive a green card. A subsequent provision says DHS may decide where that fence gets constructed, but the trigger language is clear: We have to build 700 miles of fence before anyone gets a green card.

The southern border is roughly 2,000 miles from Brownsville, TX, to San

Diego, CA. A minimum of 700 miles of fence has to be built before anyone can get a green card, and they have to go into what is called provisional status for 10 years as well.

As for this provision, the Secretary of Homeland Security does have some discretion to decide where on that 2,000-mile border they are going to put the 700 miles of fence. That makes the most sense, doesn't it? Shouldn't we put the fence where it does the most good? Why would anyone try to say the subsequent provision—which says they can put the fence where they need to put it and where it does the most good—get construed to somehow mean we don't have to have 700 miles of fence? It clearly says we have to have 700 miles of fence.

Again, let's make sure people understand what is in the bill rather than confusing them about what is in the bill. It seems to me we can debate this, and we should debate it, but let's debate it on the facts, not on creating misperceptions.

Myth No. 3: Congress will choose not to fund the southern border security in the amendment. Congress will choose not to fund it. Well, the whole law says, in fact, they do have to fund it, and the fact is the bill is fully funded. It is funded upfront. The amendment adjusts the funding for border security by \$38 billion, and that is over a 10-year period. So it is between \$3 billion and \$4 billion a year we spend to truly secure the border. Americans want the border secure, so that is what we do. That cost is over a 10-year period.

Under this legislation, that money—upfront—is authorized and appropriated and put in the comprehensive immigration reform trust fund. Furthermore, that funding is paid for with immigration fees, fines, and surcharges. So the illegal immigrants pay for the border security. I think that is something Americans should understand, and I think it is something they believe should happen. That is the way it should be done.

Again, my question is: Why is the misperception going around that somehow this thing isn't funded or will not get funded when this amendment specifically says it is funded upfront, and the money is appropriated into the trust fund? That is what it says in the roughly 120 pages that constitute the new legislation in this amendment.

Myth No. 4: The amendment puts the American taxpayer on the hook for \$38 billion. I think I covered this one pretty well just a minute ago, but I have additional information to make sure people understand.

CBO says the underlying immigration bill will reduce the deficit by \$197 billion in the next 10 years and by \$690 billion during the second decade. That is almost \$1 trillion in deficit reduction over the next two decades. The total cost of security measures added by the Hoeven-Corker amendment is—as I said just a minute ago—about \$38 billion. The base bill designates \$8 billion to se-

curity measures, bringing the total costs of security measures for the bill as amended to a total of \$46 billion. The U.S. taxpayer will be more than made whole with the visa fees and by the \$458 billion in additional tax revenue that results in the large deficit reduction.

Again, the point I made before: By bringing illegals out of the shadows, making them pay fines, fees, and taxes, we will generate the revenue which not only reduces the deficit, but way more than pays to secure the border. Again, Americans want border security first, which is what this amendment is about.

Myth No. 5: The new border patrol agents will never be hired or deployed. Fact: The amendment mandates that 20,000 more Border Patrol agents be hired and deployed before individuals are eligible for a green card. Let me read that again. The amendment mandates that 20,000 more Border Patrol agents are hired and deployed before individuals are eligible for a green card. That is in addition to the almost 20,000 Border Patrol agents who are on the border now. That is a total of 40,000 Border Patrol agents on the border.

I have heard some of our Members talk about how they want 40,000 Border Patrol agents on the border. That is what this does. It requires that it be done before anyone gets a green card.

Myth No. 6: Section 2302 says if a person overstays their visa in the future, they can still apply for a green card and become a citizen. Fact: That is just plain false. If a person overstays their visa, a removal proceeding must be initiated unless they are in a special legal status because they cannot return to their country due to conditions such as an environmental disaster or a humanitarian crisis.

Myth No. 7: The amendment is only about the border and it does nothing to address the visa overstay issue. Fact: Visa overstays currently account for 40 percent of those unlawfully present in our country. This is an important issue. The underlying bill improves the identification of overstays through a fully implemented entry-exit system.

Our amendment goes a step further by mandating the initiation of removal proceedings for at least 90 percent of visa overstays—holding DHS accountable. The amendment also requires extensive reporting to Congress every 6 months to facilitate oversight of this important overstay issue.

Myth No. 8: The 20,000 additional Border Patrol agents won't begin to be deployed until 2017. Fact: Under the Hoeven-Corker amendment, the Border Patrol must deploy 20,000 additional agents before registered provisional immigrants can obtain a green card. The only reference in the bill to the year 2017, as it relates to the deployment of border security resources, is to a mandate on DHS that says the 3,500 Customs and Border Protection officers assigned to points of entry must be hired by and must be in place by 2013.

This is a positive provision that will ensure additional Customs and Border Protection officers are in place as quickly as possible, and in no way delays the deployment of the additional 20,000 Border Patrol agents.

There are other misperceptions circulating regarding the legislation. That is why Senator CORKER and I put out a fact sheet to rebut them. We do it as simply and as straightforwardly as we can. We say: OK, look. They are saying there are 1,200 new pages. No, there are 120 pages, and on we go down the list.

So I hope people understand we are trying to foster understanding. We want people to understand this. We want people to know what is in it. Again, we are, to the very best of our ability, trying to approach this comprehensive immigration reform issue, we believe, the right way, which means secure the border first. That is what this amendment is about. It is about securing the border first, and we do it as objectively and in as verifiable a way as we can.

We ask our colleagues on both sides of the aisle to join us in rising and meeting this incredible challenge we face for the benefit of the American people and the future of our country.

Thank you, Mr. President. With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that any quorum call time be equally divided on both sides.

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

Mr. MENENDEZ. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORKER. Mr. President, I rise to speak on the amendment at hand. My understanding is Senator LEAHY has allowed me to use some of his time.

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

Mr. CORKER. I will be brief. I spoke at length earlier today on this amendment. I wish to speak especially to my side of the aisle as it relates to this amendment.

There is a lot of confusion over what is happening tonight, and I just want to make sure everybody understands. No. 1, we have a cloture vote this evening on the amendment. It is a border security amendment. It is not the

cloture vote on the bill. There still will be the opportunity for additional amendments to be considered. So people can sense—I do want to say the very people who seem to be wanting amendments are the same people who are opposing amendments, so I hope that will get worked out on the floor. But tonight's vote is simply a cloture vote on an amendment that was offered on Friday, and that is all it is. So there will be another cloture vote. No one is giving up rights relative to this bill.

Secondly, this amendment we are voting on is 119 pages long. Because of the rules of construction in the Senate, this 119-page amendment was added to the base text. A lot of people understand that is just the way we do things here, when an amendment touches various pieces of a bill. But this amendment is 119 pages long. It has been added to the base bill which makes the bill itself over 1,200 pages.

Members of this body have had access to the base bill since May. It has been through committee. It has been amended. People have been able to look at it.

I say to people viewing in, 119 pages in legislative language is triple-spaced, on small pages, and generally is about 25 to 30 pages in regular reading. I would just say that a middle or high school person in Tennessee could read this amendment in about 30 to 45 minutes. I am assuming staff can walk people through much more quickly if they wish or one could go into much more detail. But the point is it is not as if something has been dropped on people that is from outer space. This is 119 pages. It is easy to read. All of us could read it in a very short amount of time. I am sure people would want to spend more time than that.

So let me go back to what this amendment does. In the base bill right now it states the head of Homeland Security would lay out a plan 180 days after passage of this legislation. Then, 10 years from now, this same person—it might be a different person, but the head of Homeland Security—would decide whether that plan has been implemented.

Many people on my side of the aisle viewed that as a little abstract and wanted to improve it. There have been numbers of measures authored on the floor. I voted for almost every single one of them to strengthen the border. It has been something Republicans have championed for years.

So this amendment would take away that base language saying the Secretary of Homeland Security would make a plan and decide and would put in place five very important measures.

The first would be deploying and training 20,000 Border Patrol agents. That is doubling the number of Border Patrol agents we have in the country, something Republicans have wanted for a long time.

Secondly, the amendment authorizes \$4.5 billion on technology to create the kind of technology that gives us situational awareness on the border—some-

thing, again, Republicans have wanted for a long time.

It adds 350 miles of fencing to the 350 miles we now have, creating 700 miles. We have had amendments to that effect that almost every Republican voted for. That is a part of this amendment.

It puts in place an entry-exit visa program. Again, people know 40 percent of the immigration issues we have in this country are because of visa overstays. This attempts to solve that by putting in place a very measurable trigger.

In addition to that, E-Verify has to be fully in place.

Again, all five of these have to be in place before people transition from a temporary status to a green card status. So if you vote for this amendment tonight, you are voting to have those five tangible, measurable issues in place.

Let me talk about this. We have had a big debate over the trigger. By the way, for what it is worth, I understand the concerns on the other side of the aisle about a trigger that is subjective. In essence, what happens down on the border right now is the Border Patrol agent sees a Cheetos bag, literally, and has to decide whether 10 people ate out of that Cheetos bag and left it there or 1. Let's make a subjective guess. So the other side of the aisle said: We do not want anything subjective like that.

Our side has wanted some tangible triggers. I used to build shopping centers around the country—retail projects in 18 States. When I completed the project, the whole community could see it was done and I got paid. I would not have wanted a trigger that said: Did we meet 90 percent of the retail needs of the community? I built what was laid out. That is what this amendment does. It lays out five measurable triggers that people who have wanted border security for years have pressed for.

I am almost finished.

The cost of it. A lot of people have said: The cost of this is \$46 billion over a 10-year period. It is expensive. Some of them are one-time costs. But as it relates to the overall bill—not the amendment—the bill states—by the way, these measures do not go in place unless the bill passes. But there is \$197 billion in return over that 10 years.

I wish to say to everybody in this body, I have never had the opportunity as a Senator—I have been here 6½ years—to potentially be in a place to vote for something that spends \$46 billion over 10 years and generates \$197 billion back to the Treasury over 10 years without raising anybody's taxes. I have never had that opportunity. I would imagine every private equity company, every hedge fund in America would want to participate in that kind of ratio.

I am going to close with this: The choice tonight is to vote cloture on an amendment—not on the bill, an amendment—that has been on the floor for 75 hours—everybody has had the oppor-

tunity to look at it—that takes away the idea that the Homeland Security person will put out a plan 180 days after we pass this bill and, instead, puts in place tangible, measurable criteria, things that every American can see in place before persons transfer from a temporary status to a green card status.

For what it is worth, Governor Brewer, who is the Governor of Arizona, who probably knows more about border security than anybody in this body, today came out and said if we could pass this amendment as part of the immigration bill, it would be a tremendous victory for Arizona, a place that probably has more issues of border security than any State in the country.

So I will just ask my Republican colleagues, why would anyone even consider voting against an amendment that puts in place very stringent border requirements in place of one where we have no idea what is going to take place?

Republicans have asked that Congress weigh in. I do not know how Congress could weigh in any more than spelling out what is going to happen.

To my friends on the other side of the aisle, I would say to you, to me, this is something that allows us to know that once this process occurs, there is a tangible line in the sand we can measure, to know we cannot move the goalposts—we cannot move the goalposts—and at the end of the day we end up with a balanced bill.

I will close with this. I know I said I would close a minute ago. I will say one more thing. I look at what we are trying to accomplish in this bill and I look at the people who have come across our border to work—to work. I know many of them have created companies and have been entrepreneurs and contributed in all kinds of ways. Many of them have just walked across to support their families. They raise our kids in many cases. They pick our crops. They serve us in restaurants. They build our homes. They build our buildings. They do many other things. To me, what people on both sides of the aisle have done in trying to agree to this motion tonight is to put in place something that is tangible, something that cannot be changed down the road.

If this amendment is passed—even though there may be people who vote against the overall bill—voting for this amendment strengthens the bill. It says, if we pass it, we have a bill, in my opinion, that meets the test of the American people. We are securing the border, but we are allowing those people at the back of the line to have some pathway to continue to live the American dream, the same things we want for our sons and daughters all across our country.

I yield the floor and thank the Presiding Officer for the time.

THE PRESIDING OFFICER. The Senator from Louisiana.

MR. VITTER. Mr. President, I rise to also address this most recent backroom

gang agreement—the Schumer-Corker-Hoeven amendment we will be voting on in just a little while.

This amendment is clearly filled with lots of sort of nice shiny objects to try to attract Republican votes. It is clearly supposed to be about border security. But my fundamental concern is simple. I believe this amendment is designed to pass the bill. I do not believe it is designed to truly fix the bill. In that sense, I am concerned this is a fig-leaf border security amendment—again, all about passing the bill, not truly fixing it.

I say that for two simple reasons, the two basic flaws in the underlying bill that this amendment does nothing to address. First of all, the amendment, as the bill, is amnesty now, enforcement later, maybe. Secondly, on the enforcement piece—which the authors of this amendment are arguing for so strenuously—there is no metric about actual effect, actual achievement. The only metric is spending money. We all know the U.S. Government, the Federal Government, is great at spending money. It has never been better at spending money than under this current administration.

But if that were all that mattered, then we would have a rip-roaring economy with unprecedented growth. If that were all that mattered, then we would have the best educational system on the planet. If that were all that mattered, we would have solved problems such as violent crime and many others. But the metric cannot be spending money. The metric has to be achieving security, achieving some reasonable level of border and workplace security.

I am also very concerned about the backroom deal and the process that got us here. I think it is important for the American people to know exactly what happened in the last few weeks and, in particular, at the end of last week. About 350 amendments were filed to this bill. They covered all sorts of topics—certainly including every important enforcement matter. Many of these amendments struck to the very core of the Gang of 8 compromise bill.

As Ranking Member GRASSLEY has noted, the Judiciary markup was an open process in which nearly all amendments were considered in a fair, decent manner. However, as Senator GRASSLEY also noted earlier today, on the floor, it is a very different atmosphere and the fix apparently is in. We are seeing that on the floor. The fix seems to be in—another closed-door agreement, loaded with ideas that have been accepted for “yes” votes to ensure the support of particular Members.

The amendment is 1,100 pages long—longer, I believe, than the original bill—and because of this development, the full and fair floor amendment process has come to a grinding halt.

That is exactly what is broken with the Senate. Rather than doing the people's business out in the open—with floor amendments, with debate—in-

stead, so-called masters of the universe have huddled together, again, behind closed doors, to hammer out a secret agreement, again, virtually cutting off floor amendments and trying to pass the bill.

In 2007—the last time a major immigration bill came to the floor—we had 46 rollcall votes on amendments. This time around we have had only 9, and now we have the prospect of cutting off the amendment process—9 out of 350 amendments filed, 2.5 percent of the filed amendments.

Again, this is what is wrong, in the eyes of the American people, with Congress, with the Senate. This is one of the things I came to change. I came to the Senate to work—developing and introducing legislation, working hard in the appropriate committees, voting, offering floor amendments, voting on those. But these gang deals, negotiated behind closed doors, particularly when they cut off and muffle the amendment process, are not that sort of work.

Again, the masters of the universe have conspired among themselves. They have allowed certain Members into that back negotiating room, undoubtedly for the price of a “yes” vote. Worst of all, this threatens to completely shut off the open, fair amendment process.

That is why this morning I coauthored a letter to Senate Majority Leader REID, with 13 of my colleagues, addressing this very problem. In the letter we state clearly:

We believe that there should be, AT A MINIMUM, this same number of roll call votes—

That is as in the 2007 debate—on serious, contested floor amendments on the Gang of Eight's immigration bill. This can clearly be accomplished this week with a little leadership and coordination through one or more compact series of 10-minute votes with senators seated at their desks.

Continuing with the letter, we say: Further, we will give our consent to any reasonable consent request if this is assured. This would specifically include replacing the one or two cloture votes and one final passage vote on the bill with one final passage vote with a 60-vote threshold late Thursday, as well as clearing all truly non-controversial amendments.

I hope all Members of this body look carefully at this bill we are going to vote on in about an hour regarding cloture. I hope all of us look hard at the details and recognize it does not change the core fundamental flaws of the underlying bill. Still, as in the underlying bill, the amnesty is first, virtually immediately, the enforcement is later, maybe. As in the underlying bill, there is no true metric of effectiveness, of enforcement bearing fruit. There is simply the metric of spending money, which the Federal Government can do very effectively. Surely, any Federal Government, particularly under the Obama administration, will pass that test with flying colors.

The American people do not want amnesty first. They want enforcement first. The American people do not have

as a test of enforcement spending money. They have the same tests they have for important issues and challenges around their kitchen table and at their place of small business—results, actual results.

We should use those same tests. We should use that same approach. The American people get it. Why can't we? The American people also get the very closed backroom deal nature of the process that is going on. They want us to work. They want us to debate. They want us to propose. They want us to vote out in the open, not certain masters of the universe coming up with gang deals outside of here and then shutting down a full, open, free amendment process.

It is not too late. It is not too late to look clearly at this amendment and vote no. It is not too late to have an open amendment process on the floor this week. I urge all of my colleagues—Democrats and Republicans—to do just that.

With that, I yield back the floor.
The PRESIDING OFFICER (Ms. HIRONO). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I wish to make some observations. I know several of my other colleagues will continue to pursue their views on the floor. I did not intend, when I was asked to sit in for Senator LEAHY for a while, to say anything. But some things just cannot go unresponded to.

I heard a lot about the 2007 bill, how that process took place. But what has failed to be mentioned is that the 2007 bill did not go to the Judiciary Committee. It went straight to the floor. Now, this bill, in addition to the time that it was out there when the Gang of 8 proposed it, went through weeks—weeks—of the Judiciary Committee going through its process: 140 amendments were heard and adopted, many of them Republican and most of them bipartisan. So there were 140 changes made to this legislation through the regular order process.

So there is a fundamental difference between 2007 and this legislation. There is another fundamental difference; that is, for the 2 weeks this bill has been on the Senate floor, Republicans, on a series of offers, opposed allowing amendments to go forward, including amendments of their own Republican colleagues. Why? Because they believed amendments being offered by some of their Republican colleagues would make the bill more acceptable to Members on their side of the aisle. So instead of allowing their own colleagues to have the amendments and have their say, they opposed unanimous consent agreements to move forward because they did not want their colleagues to have an opportunity to have that amendment, and maybe if that amendment was adopted then find a way to vote for this bill.

That is pretty outrageous. Then to come to the floor and suggest that there has been an impediment over at least the last 2 weeks to being able to

consider a variety of amendments, when they themselves opposed amendments, including from their colleagues on their side of the aisle—

Mr. LEAHY. Would the Senator yield for a question?

Mr. MENENDEZ. Yes, I will.

Mr. LEAHY. The Senator is probably aware of the fact that we have a large number of amendments that were from both Republicans and Democrats. We suggested that they are all acceptable, could probably be adopted by a voice vote, both these Republican and Democratic amendments, but that has been rejected by the other side. Is the Senator aware of that?

Mr. MENENDEZ. I am aware of that. I heard the distinguished chairman make that offer at various times and I heard that offer rejected various times.

Mr. LEAHY. I might ask another question. The Presiding Officer has an amendment involving women that would be easily accepted, but we cannot get that agreement. The Senator has been here a long time in both bodies. It is my recollection—is it correct at least in the past—that when we have a group like that, both sides should come together and accept them. Is that the normal practice?

Mr. MENENDEZ. The Senator is right. When there is a series of amendments that would improve the bill and are agreed to by both sides and are, in fact, noncontroversial, it has been the regular order to get those amendments disposed of and on the way.

Mr. LEAHY. I appreciate that. The Senator from New Jersey has the floor. I appreciate him coming here and saying this. Nobody in this body of either party has worked harder and more diligently than the Senator from New Jersey on comprehensive immigration reform.

Mr. MENENDEZ. The reality is this is a different process. Now, I know there are allusions that this amendment is 1,100 pages long. We all know this amendment only took the underlying bill and added the amendment to the underlying bill. So to suggest that there is a new 1,100 pages is disingenuous. It is not the case.

Everybody has known what the amendment is about. The underlying bill has been on the floor for 2 weeks. Before that, it came out of the Judiciary Committee. I think everybody knew what it was. So I think it is not fair to have the American people believe that somehow this legislation just came onto the desks of Senators and they are voting in the blind.

I find it interesting—you know, I have listened over the years, the 7 years I have been here, and before that in the other body, in the House of Representatives—I hear those who want a fence. A fence is a significant part of the solution to the question of border security. Yet here we go. There is nearly 700 miles of fencing in this legislation by virtue of this amendment that will be considered. Oh, no, no, no, no. We do not want a fence.

Then we have heard that having greater Border Patrol agents at the border would dramatically help us achieve border security. Well, this amendment doubles—doubles—the amount of Border Patrol agents at the border. It brings it from about 21,000 to 40,000, 41,000 Border Patrol agents through the course of this legislation. Now we hear: That is just wasting money.

Well, what is your plan? I have heard all of these things that this amendment includes that were part of your plan in the past. But because it is not your amendment, even though it is offered by Members on your side of the aisle, including from border States, suddenly it is not acceptable. Suddenly it is not acceptable.

There is the suggestion that there is somehow a backroom deal. I see this amendment as the personification of what the American people are trying to see this body do, which is Republicans and Democrats from different parts of the country, from different ideological views, coming together in order to compromise, in this case to seek a very strong compromise on border security as part of comprehensive immigration reform legislation, which in poll after poll across the party spectrum has been sought by the people in this country.

That is the essence of what this amendment is all about. So if you bemoan the lack of bipartisanship, then you should not be bemoaning this amendment because this amendment is, in fact, the essence of that bipartisanship and moves us in a direction on border security that I do not believe has existed in any legislative proposal that has come before the Senate. It is an incredible movement toward border security, and it becomes one of several triggers.

What do we mean by a trigger? A condition precedent. We believe these condition precedents can be met because at the end of the day we want to achieve greater security for our country both at the border and in entrance-exit visa issues and interior enforcement issues and in workplace verification, with the E-Verify system. All of these elements are in the legislation. All of them. And many of them are enhanced so that we can get to where we want.

Now the problem is that there are colleagues here who, if 10 angels came swearing from above in the heavens that this is the best legislation to secure the Nation, to promote its economic opportunity, to make sure we have and preserve family reunification as a core value, that we have the future flow of workers so that we can deal with the abilities of different sectors of our economy to have the human capital like the high-tech industry, to be able to produce that human capital so that America can continue to be at the apex of the curve of intellect and globally competitive, they would say: No, these angels lied. We will never satisfy those individuals.

I respect their right to have that view. But to suggest that it is the process, when really what they want to see is no comprehensive immigration reform, I think they should say what they really believe. So that is what is before us.

Finally, on a series of issues that have been raised, for example, on waivers, the reality is the limited waivers do not give anyone a free pass or take away the government's ability to say no to any given individuals. They do not grant unlimited discretion to decisionmakers. Decisionmakers would not be able to exercise discretion in cases involving immigrants who have multiple criminal convictions, who have committed particularly serious offenses or otherwise pose a threat to national security or public safety. Those restrictions, by way of example, apply to terrorists, gang participants, drug traffickers, human traffickers, money launderers, international child abductors, unlawful voters, just to name a few. So I think there is a mischaracterization in order to create the fear.

Finally, they will question that no matter what, no matter what is done in this bill, no matter how many enforcement provisions exist—interior enforcement, an entrance-exit visa requirement, and systems to check that whoever comes in this country, make sure they exit and that there is a follow-up in the E-Verify system, which means everyone in the country, when they go for a job, now they are going to have to go to a system to make sure they, in fact, have the right to work in this country; all of the Border Patrol agents, all of the fencing—despite all of that, there are those—and that the individual who is undocumented in the country will have to wait a decade—a decade—before they will even have the opportunity to adjust their status to permanent residency, assuming, as the legislation calls for, all of these elements I have just talked about are in place—are in place—who suggest that that is amnesty.

Amnesty means you do something wrong and you get forgiven. But you do not have to do anything to be forgiven, you just get forgiven. This is not amnesty. These individuals have to come forth, they have to register with the government, which is incredibly important because I cannot secure America unless I know who is here to pursue the American dream versus who may be here to do it harm. We have millions of people in the shadows, undocumented. We do not know what their purpose is.

Then, after they come forward and register with the government, they have to go through a criminal background check. If they fail it, they get deported. If they pass it, then they get a temporary opportunity to stay here with a permit to work and visit their families.

They have to earn their way, pay their taxes, learn English over the course of a decade, and then, finally,

after a course of a decade, finally be eligible when all of those conditions have been met. That is not amnesty; that is earned. That is earned opportunity toward legalizing their status in this country.

So this is what poll after poll of Americans say they want to fix this broken immigration system. For some of my friends, there will never be a fix sufficient for their view. For some of my friends, it is very clear they do not support any pathway to citizenship under any set of circumstances. That is a view they have the right to hold, but it is a view not supported by the American people. It is a view that does not honor our Nation, which has a history of immigrants. It is a view that has created enormous problems in Europe because immigrants in those respective countries never find a way to earn their way to become a citizen of that country, and you have seen the unrest in those countries. We do not want that in America.

I intend to vote for cloture for the bipartisan amendment. It does a lot that I think in many respects goes way beyond what I contemplated. That is the essence of compromise. It is the essence of moving forward. It is the essence of solving a problem that has vexed us way too long. It is an opportunity to fix our broken immigration system.

I urge my colleagues to cast their votes and be not only on the right side of what is necessary for the country, but be on the right side of history.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, there is first a matter of fairness when it comes to offering suggestions to amend legislation that is on the Senate floor. Under the ordinary practices and procedures of the Senate, the majority and the minority have an opportunity to offer amendments to modify the underlying bill. On a subject as important and as fundamental to who we are as a country and to our country's future as immigration reform, there have been nine amendments voted on in this bill in the last 2 weeks—nine amendments.

To listen to my colleagues in the majority who are happy with the underlying bill because they wrote it, they act as if we have had a fulsome opportunity to offer amendments. We have been willing to have votes as long as we get votes on our amendments. It is not just the majority that has the opportunity to modify the underlying legislation and to debate it, the minority has rights too. Our side wants a right to choose our own amendments, not to have the majority leader choose which of our amendments he is going to deign to allow debate and votes on. That is not democracy. That is not the Senate. That is a dictatorship.

We will not allow the majority to tell us which of our amendments will be allowed to be considered. We can have votes on any amendments the other

side wants a vote on. We are ready, and we have been all along. It is not true to say that the minority has been blocking amendments to this bill. That makes no sense whatsoever. The majority wrote the bill.

The minority has all the incentives to offer amendments. Why in the world would we block our own amendments, but for the fact that the majority leader wants to choose which of those amendments he will somehow allow us to offer. It makes no sense whatsoever. I have heard some suggest that this is a minor vote we are going to have at 5:30, that there are just modifications to the underlying bill.

This is the amendment we will vote on. It was released late Friday evening, and we have been poring over line by detail ever since. This is not a minor matter; this is a serious amendment. The Schumer-Corker-Hoeven amendment makes enormous changes in the underlying bill. I wish to talk about some of those changes.

Back when this underlying bill was proffered, the framework for it was proffered by the so-called Gang of 8, Senator DURBIN, the distinguished minority whip from Illinois, said in 2013 a pathway to citizenship needs to be "contingent upon securing the border." That was the bipartisan framework for comprehensive immigration reform in January 2013.

Six months later we find a different story. He says: "We have de-linked a pathway to citizenship and border enforcement." He was quoted in the *National Journal* on June 11, 2013. He has not suggested since that time that it was taken out of context or a misquote.

What it demonstrates is how far we have come from what was promised 6 months ago and is now being delivered. I believe the American people are enormously generous and compassionate. There are circumstances under which the majority of Americans would say we believe people who have entered our country without complying with our immigration laws or who have entered legally and overstayed, the so-called visa overstays, we believe they should get a second chance—but not by demanding a pathway to citizenship and delinking it from border security and other important measures that will make sure we don't repeat the mistakes of 1996.

When Ronald Reagan signed an amnesty for 3 million people, the American people were told this will never happen again because we are going to enforce the law this time. It didn't happen, and the American people were justifiably skeptical as to whether it will happen again, particularly when this sort of sleight of hand takes place where we are told in January the pathway to citizenship is "contingent upon securing the border," only to find out 6 months later it has been delinked.

If Congress can't keep a 6-month-old promise, it is never going to be able to keep any of the promises contained in this amendment.

For starters, this underlying bill relies upon the same sort of budgetary gimmicks that were used to pass the Affordable Care Act, now known colloquially as ObamaCare. We have been told in the underlying bill that it reduces the Federal deficit by \$197 billion over 10 years. I have even heard some of my Republican colleagues cite that as if this is somehow free money: Hey, we can spend this money because the underlying bill reduces the Federal deficit by \$197 billion.

The Congressional Budget Office has pointed out that the only way we can view that as free money—which is an oxymoron if there ever was one—is by double counting the \$211 billion in off-budget revenue that will be needed to fund Social Security for the newly legalized immigrants. In other words, this is money they are going to pay into Social Security that they are going to eventually take out. To act like you can use it to pay their Social Security benefits and at the same time use it to fund this bill is double counting.

That is a budget gimmick. That is the same sort of gimmickry that has gotten us \$17 trillion in debt, and it is perpetuated under this bill.

If we were to use real-world accounting, the same sort of accounting every family, every small business in America has to use, they can't double count the money. They have to use real hard numbers. If we use the same sort of accounting that families and small businesses across America have to use day in and day out, we will find that the underlying bill actually increases the budget deficit by more than \$14 billion over the next decade. This is spending more money we don't have, adding to our annual deficit, adding to our national debt, putting us further and further in the hole when it comes to our fiscal condition.

One of the other problems is that even since the Congressional Budget Office looked at the underlying bill, we don't yet have an official cost estimate from the Congressional Budget Office for this bill that basically rewrote the entire underlying bill. We still don't have an official budget estimate from the Congressional Budget Office, and we don't know when that is likely to come. Yet we are going to be required by the majority leader, because he is the one who sets the schedule here by virtue of his being the majority leader, we are going to be required to vote on a cloture motion at 5:30 this evening, in about an hour—before we even know from the official scorekeeper for the Congress and the Federal Government exactly how much this costs, what the assumptions are, and whether we are still going to be looking at double counting the revenue that is coming in and looking to that to pay for the costs of this bill at the same time we are going to have to pay it out in benefits—double counting. We don't know if that continues under this bill, but I dare guess that it will.

Some of our colleagues on both sides of the aisle previously expressed real consternation at double counting back when ObamaCare was passed and back during the 2009 stimulus package. Some of them issued press releases saying: You can't spend the same money twice. Yet today here we go again. This is another reason I am so concerned about where we find ourselves: being jammed into voting on this piece of legislation without an official score of the Congressional Budget Office, before, I daresay, every Member has had a chance to read it and understand it, and when it relies on double counting and other gimmicks that have gotten us \$17 trillion in debt.

I also worry that my colleagues who support this particular amendment, while I stipulate to their good intentions, their approach is one based solely on throwing more money at the problem without having any plan, strategy, or any real mechanism for ensuring that money is spent sensibly, and it accomplishes the stated goal.

Last week some of my colleagues gave me a hard time because I offered an amendment which would raise the number of the Border Patrol agents by 5,000. They said: We can't afford it. The underlying bill has zero new Border Patrol.

My amendment offered 5,000 additional boots on the ground. They said: We can't afford it. That is a ridiculous suggestion.

Imagine my surprise when this amendment that was filed so recently calls for 20,000 Border Patrol agents. This is a fourfold increase, even though experts across the political spectrum have said that doubling the size of the Border Patrol in and of itself, while it may provide some political figleaf for voting for this bill, does not and will not solve the problem.

I wish to know, for example, where that number came from. How did my colleagues turn on a dime from saying we needed zero additional Border Patrol, to saying 5,000 was a ridiculous suggestion, and are now saying 20,000 is exactly right? What expert, at what hearing was the testimony offered to support that sort of expense and that sort of approach?

Don't just take my word for it. There was a story in the Arizona Republic, dated June 22, quoting a number of experts on immigration and border security. Doris Meissner, who used to be the head of the Immigration and Naturalization Service, the predecessor to the Department of Homeland Security, called the approach in this amendment "detached from the reality on the ground." She said it is "detached from the reality on the ground" and said it would make more sense to invest in creating "a modern 21st century border, which includes enforcement but also trade and travel and facilitating crossing and reducing waiting time."

This makes more sense to me because part of the underlying premise for the bill was to create a legal way for people

to come, work, immigrate to the United States, and then allow law enforcement focus on the criminality, the drug traffickers, the human traffickers, and other people engaged in illegal conduct.

Ms. Meissner appears to be saying that makes a lot of sense when it comes to "a modern 21st century border."

Other experts have said and quoted in the same article in the Arizona Republic, June 20, Adam Isacson: "There may be some room for more agents, but not for 20,000."

John Whitley said: "We should look at what we are trying to achieve—at the outputs instead of the inputs."

In other words, what this approach does is say we are going to look at all the equipment we can buy, the technology we can deploy, the boots on the ground, but we are going to turn a blind eye to the outputs or the goals that we are presumably trying to achieve. Mr. Whitley agreed with that. He said:

We should look at what we are trying to achieve—at the outputs instead of the inputs. Otherwise, seven years from now we'll be sitting around saying we don't know which bits work and which bits are wasteful.

I know some of our colleagues on the other side of the aisle—Senator LEAHY, for example, who is managing the bill for the majority, the chairman of the Judiciary Committee, said it looks like a laundry list for defense contractors. I think I am paraphrasing correctly. Then he said: If that is what it is going to take to get them to vote for the bill, then I am for it. I am going to support it.

Once again, the underlying bill puts symbolism over substance, and they are hoping the American people will not notice. As I have said repeatedly, the so-called border security triggers in the underlying bill are sheer fantasy and wishful thinking because they are activated by promises of more money and more promises than they are on actual results. I am afraid the underlying Schumer-Hoeven-Corker amendment does nothing to change that.

Here is a comparison of the approach under the underlying Gang of 8 proposal, the Corker-Hoeven-Schumer amendment, and an amendment I offered last week which was tabled. We have the question, Is operational control of the border required? Under the Gang of 8 bill? No. This amendment? There is no requirement.

Under the amendment I offered last week, an individual would not be able to transition from probationary status to legal permanent residency until that happened. That is not to punish anybody, but what it does is it realigns all the incentives for everybody involved in this discussion, whether Democratic or Republican or Independent, whether conservative or liberal or whatever. It would have realigned all the incentives to make sure we would have hit this target of operational control of the border.

Is 100 percent situational awareness required? Not under the Gang of 8 bill. Not under this amendment. There would have been under my amendment of last week.

A biometric exit trigger. There is none under the Gang of 8 bill and none under this amendment.

Here is perhaps one of the best and most obvious reasons why people don't trust promises of future performance when it comes to Congress—because 17 years ago Bill Clinton signed into law a requirement for a biometric entry-exit system. Now, "biometric" is a big word. It could mean just fingerprints or an iris scan or facial recognition, but it is something you can't cheat on because it depends on a bodily characteristic that is immutable and cannot be changed, such as fingerprints.

So it was 17 years ago when President Clinton signed the law which Congress passed, a biometric entry-exit requirement, and it still hasn't been implemented. And while people think that mainly illegal immigration is caused by people entering the country across our borders, such as the 1,200-mile Texas-Mexico border, the fact is that 40 percent of illegal immigration occurs because people come in legally and overstay their visa, and they simply melt into the great American landscape. Unless they commit a crime or otherwise come in contact with law enforcement, we never find them again.

Here is the other problem in the underlying bill. Even if these requirements required results rather than promises of performance, unfortunately, under the underlying bill and now again in this amendment we are going to vote on at 5:30 today, the Secretary of the Department of Homeland Security has the unilateral discretion and authority to waive all of those requirements. This is the same person who said the border is secure even though the General Accounting Office said in 2011 only 45 percent of the border was under operational control. She may well be the only person in America—the only person in America—who believes the border is under control because it demonstrably is not. Yet she is given the authority to waive these requirements in this amendment we will vote on at 5:30.

Then there is this: Under the underlying bill an individual can beat their spouse or their partner, they can drive drunk and threaten the lives and livelihoods of American citizens, and they can still qualify for RPI status and get on a pathway to citizenship. As a matter of fact, under this underlying bill they could actually have already been deported, having committed a misdemeanor, and still be eligible to reenter the country and become the beneficiary of RPI status and put eventually on a pathway to citizenship. That is a terrible mistake. I don't know anybody who believes we ought to be taking people who have shown such contempt for the rule of law and the health and safety and welfare of the

American people and say: You know what, out of the generosity of our hearts, we are going to give you one of the greatest gifts anyone could ever get; that is, an opportunity to become an American citizen.

I would hope most of us in this Chamber would agree that immigrants with multiple drunk driving or domestic violence convictions should never be eligible for legalization, especially after they have already been deported. Yet the underlying bill, the so-called Gang of 8 bill, and the Schumer-Hoeven-Corker amendment will grant immediate legal status to criminals, including those already deported, as I said, and including people who have committed domestic violence, even with a deadly weapon. I still can't quite get my mind around that, but it is true.

Our standards when it comes to granting legal status to people who have come into our country in violation of our immigration laws and/or who have come in legally and overstayed should be crystal clear. We should differentiate between people who have made a mistake and are willing to pay for it—pay a fine, be put on probation, and successfully complete that probation—and people who have come in and shown such contempt for our laws and the rule of law as to have engaged in a history of drunk driving or domestic violence. They should be automatically disqualified from receiving probationary status. I find it remarkable that we are even debating this issue in the first place.

A few final points. We are going to be asked to vote on legislation that was crafted behind closed doors, with no chance for amendments. As a matter of fact, I believe that once the majority leader gets cloture on this amendment, we will have virtually no other opportunities to offer any additional amendments and get votes on those amendments after only having votes on nine amendments so far. That is an outrage. We are going to be asked to vote on legislation filled with special interest goodies, with earmarks and pet spending projects, and we still don't have an official cost estimate by the Congressional Budget Office. We are being asked to vote for legislation that will continue the three-decade pattern of broken promises on border security. In short, we are being asked to vote for more of the same.

I know my good friend from Tennessee Senator CORKER has been one of the best new additions to the Senate. He has remarkable knowledge and experience and great enthusiasm.

He asked me: What more do you want than 20,000 Border Patrol agents and a commitment to spend all these billions of dollars on new equipment? What more could you possibly want?

My answer to that is this: I would like to know that the promises we are making in terms of border security, interior enforcement, and visa overstays are going to be kept; otherwise, all we

will have is 11 million people granted probationary status, with the potential eventually to earn legal permanent residency and American citizenship. And those people who might be willing to consider that sort of arrangement if they had a guarantee that we would not be back here doing this same thing again in 5 or 10 years are going to have nothing but a bunch of broken promises to show for it.

For me, it is a very sad episode in a very important Senate debate that has huge ramifications for the future of our country. At the start of this debate, I had high hopes that the Gang of 8 was serious about keeping promises and delivering real bipartisan immigration reform that could pass the House of Representatives. But now I see it is just the same old beltway song and dance. What a shame. What a lost opportunity that is.

Now I believe all eyes and attention will turn to the House of Representatives, where I hope the House of Representatives will take a more careful, step-by-step approach in addressing our broken immigration system. My hope is that ultimately we will get to a conference committee that will fix the underlying approach and problems in this amendment and in this bill and will allow us to successfully address our broken immigration system that serves no one's best interests.

I am not one who believes "no" should be the final answer when it comes to our broken immigration system. I actually believe we need to fix it, and we need an immigration system that reflects our values and reflects the needs of our growing economy in a globally competitive environment, but this bill is not it.

There will be no way to enforce the promises that are so readily made today in the future. Notwithstanding the best intentions of the people who offer this amendment, many of us won't be here 10 years from now. No Congress can bind a future Congress. No President can bind a future President. And if we are depending for the next 3½ years on Janet Napolitano, the Secretary of Homeland Security, and President Obama to enforce the mechanisms in this bill, I am afraid we are going to be sorely disappointed. And how can we possibly know what the next President and future Congresses will ultimately do? That is why it is so critical, if we are going to keep faith with the American people, to have a mechanism in this bill that will force all of us across the political spectrum to do everything we possibly can to make sure those promises are kept. And it is not in this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I appreciate the comments of my colleague from Texas and his earnest desire to confront the problems in front of us. I would say at the outset that the recognition over the last 8½ to 9 years of

being in the Senate is that we have a problem we need to solve, and I don't think anybody disagrees with that, but I think there are two important points to which the American people expect us to pay attention. One is what Reagan described as the shining city on a hill and that people coming here make us better. There is no question about that. What he wanted in 1986 was not all walls, as some people wanted, not all doors, as some people wanted, but a wall with doors.

So there are two basic facts that confront us. One is that the rule of law is the glue that holds us together. And when we hear talk about the American people having confidence as to whether we are going to enforce the rule of law, whether it is on immigration or anything, the very fact is that fabric which is holding this Nation together is being stretched very thin right now, and the last thing we should do in an immigration bill is to stretch that fabric further in terms of the confidence of the American people and in terms of the rule of law.

This bill and this amendment is full of holes all throughout as far as the rule of law is concerned. My colleague from Texas outlined some of that. He also outlined the capability of the waiver—waiving the border fence, waving the requirements for RPI status. It is all written, but it is written so that the Secretary of Homeland Security can waive almost every portion of it. So that is not the rule of law, that is the rule of rulers and whatever the rulers decide.

One of my great disappointments in the Senate is that we too often don't follow regular order. This bill was put together. It did go through the Judiciary Committee, but not once did it come through the Committee on Homeland Security and Governmental Affairs, Homeland Security, where Border Patrol, where ICE, USIS—where all the implementation of anything that is in this bill will take place; where, by the way, all the knowledge, all the experience of all the members on that committee for the last 10 or 12 years, with the exception of Senator MCCAIN, was not utilized in putting this bill together. So what we have is some very good effort and well-intentioned effort by a lot of people to do some things, but let me outline where they have it wrong.

The National Association of Former Border Patrol Officers wrote a letter denying the fact that we need 20,000 additional Border Patrol agents. Here are the people who know. How stupid is this?

What we are doing is throwing money and hoping it will stick on a wall and that we can convince our colleagues we have a border security plan when, in fact, there is no border security plan in the United States today. How do I know there is no plan? Because 2 weeks ago I had breakfast with Secretary Napolitano, and I asked her to send—and she said she would—sector by sector, a border plan for the United

States, and I got a 2-page letter that had nothing in it.

This isn't a new border plan. This isn't a specific border plan. The country doesn't have one right now, so we have put this together, outside of the regular order, well-intentioned people trying to solve a problem to assure the American people that in fact we are going to secure our borders.

I will readily admit to you that if I lived in the poverty of some of the Central American nations that I would make every effort on my part to get here—legally or illegally—because the opportunity is here, that opportunity to improve yourself, that opportunity to work hard, that opportunity to live in a Nation that has a justice system where the rule of law reigns supreme. If I were from one of the Central American countries and came here, the very irony would be the fact that I am going to break the law that is the very nurturing thing that gives the opportunity to advance for me and my family.

I ask unanimous consent to have printed in the RECORD the letter from the National Association of Former Border Patrol Officers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
FORMER BORDER PATROL OFFICERS,

Brunswick, GA, June 21, 2013.

The National Association of Former Border Patrol Officers believe that the Information contained in their CIER Proposal for Immigration Reform is a much better path to border security than any other being discussed.

Just putting more Border Patrol Agents on the border would be a huge waste of resources and do nothing to solve the real problems of Illegal Immigration.

We believe that there are a sufficient number of Border Patrol Agents currently on the border. The real question is how many ICE Agents will need to be trained and put in place to handle the sheer volume of Criminal Aliens currently present in the United States. The issue being concealed by the press and Congress is the clear and present danger criminal aliens pose to the American people. Anything resembling amnesty or a path to citizenship at this point in time will ensure further endangerment of the American family unit which is the foundation of American society, by enabling the following type of aliens to remain in the United States:

(http://www.timesdaily.com/news/local/article_989a9996-d4a2-11e2-a29c-10604b9f6eda.html)

(<http://www.immigration911.org/news/2012/01/illegal-alien-rapes-and-murders-one-month-old-baby-in-nm/>)

(<http://www.alipac.us/content/illegal-alien-raped-killed-9-month-old-girl-california-1916/>).

Real border security must begin with effective interior enforcement in every jurisdiction in all fifty states. Achieving real border security requires aggressive expansion of 287(g) authority, closing down sanctuary cities, fair and universal employer sanctions and denial of other benefits such as welfare, public housing, and granting of identification that would enable the criminal element to continue concealing their presence in our communities to include driver's licenses.

For years the illegal aliens being apprehended by percentages ranging from 17-30

percent already have criminal records inside the United States. A significant percentage of these illegal aliens are violent criminals and the number requiring further prosecution prior to removal may exceed three million. Moreover, at this point in time the illegal drug and illegal alien situation in America has spread to over 2000, American cities and those engaged in both of these criminal activities are virtually inseparable. This threat to Public Safety must be addressed first and in that process there is a reasonable likelihood that potential terrorists will also be identified and removed or incarcerated. They live among us.

The second step can be discussed when the Public Safety of Americans has been assured.

ZACK TAYLOR,

*Chairman, National Association of
Former, Border Patrol Officers.*

Mr. COBURN. Now, what has Senator CORNYN outlined that does not fit with common sense? He said people who commit three misdemeanors, whether it be child abuse or spousal abuse or drunk driving, shouldn't be given RPI status. Yet, under this bill you can do that. And for those who are not familiar with courts of law, it is on the date. So if you got two on one date, that only counts as one. Theoretically, you could have 10 or 12 misdemeanors and still qualify for RPI status. How does that fit with the rule of law? How does that fit with the glue that holds us together? What that does is flaunt the rule of law.

The other thing that I think is very problematic in this bill is we have 20,000 Border Patrol agents but no increase in ICE agents, no increase in USCIS, who are the very people who are going to have to handle the 11 million people here who are going to progress to RPI status. So where is the money to handle the 11 million additional people for ICE and USCIS? It is not in there.

If in fact we want the rule of law to work, then we want the people who qualify under this bill for RPI status to do so under the rule of law, which means you have to investigate and do a background check, and make sure the documentation establishes them being here before December 31 of 2011; that in fact they do have residence here, that in fact they have worked here, and that has to be worked on. That can't just be a blanket. Because the opportunists will take advantage of that system. If in fact there are no ICE agents and there are no USCIS agents to actually handle that, that means everything that has been set up in this bill will happen without an investigation, without knowledge that it is true and, in fact, people qualify for RPI status.

The other side of the bill Senator CORNYN made a point about which I wish to expand upon is the fact we are not going to have an entry and exit visa system because 80 percent of the people go through the land ports, and this bill exempts those land ports totally from that.

You heard Senator CORNYN talk about 40 percent, maybe even 50 percent of the people who are here illegally today came here legally, with a

visa. They qualified for a visa, and they overstayed their visa. If in fact we have no internal enforcement, no ICE agents to enforce the visa overstay, we won't change that. The CBO even said you are going to have 7.5 million new illegals—undocumented—come across under this bill. If you have no internal enforcement, there is no way to drive that number down. Yet this bill puts the resources in the wrong place.

You control a border by controlling what the situation is on the border, depending on location, geography, topography, and assets. So throwing 41,000 Border Patrol agents across our southern border might work, but it is a tremendous waste of resources. It might be a jobs program.

The fact is it takes a combination of technology, fencing, Border Patrol, and the right combination for wherever we are talking about to be effective in operational control of the border. But that is not even a part of the bill. It is not part of the bill to have operational control of the border with a 90-percent effective rate. One of the reasons we can't get there—which is one of the things Americans want to see us promise in this bill—is because our control of the border today is somewhere between 40 and 65 percent. That is opposite of what the Secretary of Homeland Security will tell you, but that is what the studies outside of government say when they go to interview those undocumented workers who are here today. They did a very thorough analysis of that and said we are somewhere between 40 and 65 percent.

So the basis of allowing undocumented workers and those who are in our country who can contribute greatly to our country, the basis of putting them on some type of status to move toward a green card status and ultimately citizenship has to be based on some real facts.

Why would somebody not agree to 90-percent control of the border? The only reason they would not agree to it is they don't think it is achievable. The only reason it is not achievable is because we don't have the political will to do it. It is technically achievable. You can't get to 100 percent, but with good leadership, good sector-by-sector planning, good internal enforcement, and great legal immigration so you decrease the illegal, we could get there. Why is that not part of this bill? It is because the rule of law does not reign supreme in the Senate.

Let me make a couple other points. One of the big holes in this bill in section 1202 says the following: The Secretary shall initiate removal proceedings in accordance with chapter 4 of title II of the Immigration Nationality Act, 8 USC 1221; two, confirm that immigration relief or protection has been granted or is pending or otherwise close to 90 percent of the cases of immigrants who were admitted to the United States as nonimmigrants, et cetera.

All that means is she can waive the requirements under the bill. She can

waive the fence. All throughout this bill we are letting a nonelected individual have the power to undermine every aspect of any tooth in this bill.

When the immigration debate started, my hope was that we would do the principle most Americans want us to do, which is we need to solve the problem of the undocumented in this country. We need to bring them out of the shadows. But the price to do that is cogent and realistic control of our borders.

Let me make a point. If in fact you don't have cogent and realistic control of your borders and you do everything else in this bill and everything works as the authors want it to work, guess who is going to be coming across the border. The very people we actually don't want here: the drug runners, the human smugglers, the criminals, the terrorists.

So when I say 90-percent operational control of the border and I am in Oklahoma, people look at me with askance. They say, Well, that means 10 percent of the people are still coming. And guess what makes up that 10 percent. The worst of what tries to get into this country.

So it is not just about getting a border security plan to secure our border, it is about limiting access of the criminals and the terrorists and the worst from coming into our country. This bill is going to allow that to continue. It is not going to stop that. It will continue.

To Senator CORNYN's point, what we need is to take this out of the political arena. We need to make it so the pressure is that we do what is best for America, and one which is best for America is having a lot more people come here and contribute to our melting pot. There is no question about that. But we have to have it where it cannot be manipulated by whoever is in charge for political benefit. That is why the Cornyn plan is novel in terms of actually solving the problem.

I am not going to be here much longer, less than 3½ years, but I can already predict what is going to happen if this piece of legislation comes through: My daughters and their husbands 15 years from now are going to be listening to the same debate on the Senate floor.

The biggest deficit the Senate has, in my mind, is failure to put teeth into what they know will actually fix the problems in this country. This bill has no teeth. This bill has \$48 billion thrown up against the wall to buy the votes to say we are going to have a secure border when in fact we are not.

That doesn't mean we can't get a secure border. I worked for 2 weeks with my staff. I told Senator SCHUMER from New York I would love to try to do that, but in 2 weeks you can't do it. What you have done, you haven't done it either, and you have done it from a deficit of knowledge rather than using knowledge. You didn't use any of the significant historical staff on the committee of jurisdiction to help write this

legislation. The institutional knowledge is not in it. It will not succeed.

I don't know ultimately how I will vote on this amendment, but I am certainly not going to vote to proceed to this until we have had a chance—more than 72 hours—to actually work through and be able to ascertain and also share the flaws in the approach.

For a third of that amount of money you could easily secure the border, and we are going to spend \$48 billion. And in there is another jobs program adding to the 102 we have now, at \$1.5 billion. GAO has already said we need to redo our jobs program. Well, we have. We have an earmark for another youth jobs program, and we won't even fix the youth jobs programs we have now.

Madam President, I yield the floor.

Mr. SCHUMER. Madam President, what is the status of the time that remains for each side?

The PRESIDING OFFICER. The proponents of the measure retain 25 minutes; opponents have 7 minutes.

Mr. SCHUMER. Madam President, I rise in strong support of the Corker-Hoeven amendment. I have listened carefully to those who are opposed who have come to the floor today and Friday, and I have come to one conclusion: They won't take yes for an answer.

Most of the criticism that has come at this amendment is it does too much for the border. Even some of my colleagues who are opposed say it does too much, even though they proposed similar things themselves.

My good friend from Texas says we don't need more border agents but had proposed 5,000 himself. My good friend from Texas also said, well, we need technology, but there was no technology in his bill. My dear friend Senator COBURN, whom I very much like and admire, first says we need money for ICE agents, not Border Patrol. But ICE is funded to deport about 400,000 people a year. Most of the 11 million will become citizens and not be deported. We have more than enough ICE agents to deal with the much smaller number who will be here illegally, certainly in the beginning and throughout the bill.

Dr. COBURN said we don't have more money for U.S. CIS agents. We do—\$3.6 billion more.

Finally, Dr. COBURN talks about the trigger. Let's face it, for many on the other side the No. 1 priority is securing the border. For many on our side the No. 1 priority is achieving a path to citizenship. The bill proposed by the Gang of 8, we believe, did both. But, certainly, there were many on the other side who thought the amount we were putting into border security was not enough, was not adequate, so we were willing to augment that in the Corker-Hoeven amendment, which I am going to talk about in a minute.

Certainly, what we do not want to do is choose one in place of the other. The problem with the 90 percent, which Senator CORNYN proposed, was that

under many different types of scenarios and circumstances—an act of God, an administration that was decidedly against a path to citizenship and counted things differently or held up the count—we could envision no path to citizenship. That was out of the question for us.

What we tried to do is say we can have both. We also said we are going to do border security first. But what we made sure of in the triggers—and there are five triggers now with the amendment in this proposal. We make sure the triggers could not be used deliberately by somebody who was opposed to the path to citizenship as a way to block them—whether that be a Congress or a President or somebody in the administration.

So we have come up with the right compromise. We have not split the baby in half, which is what Senator CORNYN and, I gather, Senator COBURN want to do. We have had both. We have satisfied those who are for border security and those who are for a path to citizenship, and only when we satisfy both will we get a bill. We cannot do it with one and not the other. So let me go over the border security part and why it will work.

First, to say the experts were not consulted, as my good friend from Oklahoma said, is not fair, particularly to Senators MCCAIN and FLAKE, who are probably greater experts on what is needed at the border than any of us. They may not be chair or ranking member of the committee—although I believe Senator MCCAIN is on that committee—but they live on that border. And, to boot, Senator MCCAIN has tremendous military experience in terms of surveillance.

What we have done is looked at each sector. There are nine. They are different. The sector of the Senator from Texas has a river and has private property that goes right up to the edge of the river. It would take 30 years to build a fence on that side of the property because we would need eminent domain, and I am sure there are some ranchers who would say: I don't want a fence on my side, right by the river. That is where my cattle come to graze and drink.

There are parts of the Arizona sector that are heavily populated where a strong fence is needed, and there are parts that are so rugged that have no roads that a fence would be a waste of money.

Our bill relies on different approaches in each of the nine sectors. But the best approach did not just come out of the air. That came with Senator MCCAIN sitting down, working with Senators HOEVEN and CORKER, but also working with the Department of Homeland Security as well as those who work in the Border Patrol as to what is needed. That is in the bill.

We heard the objection from others that they do not trust DHS, either this one or a new one, to implement what is needed. So it is in the amendment.

Why do we need so many men and women on the border? Let me explain. Our American people demand that we make the border airtight. That is why some have proposed a 2,200-mile fence, double. That is what they wanted. The cost would be—I think it might go to the hundreds of billions, but it also would not work in many areas for the reasons I mentioned. But they want it airtight. So here is what we have: We have adequate eyes in the sky, whether it be drones or airplanes. So every person, every single person, 100 percent observability, 100 percent situational awareness is what it is called. Any single person crossing the border will be detected, every single person, whether it is night or day, whether it is sunny or stormy. The technology not available 10 years ago allows us to do just that.

Then we have proposed a large number of Border Patrol. It is true there are enough agents that 24-7 we could station somebody on the border every 1,000 feet, all the way from the western edge of the border in San Diego, CA, to the eastern edge of the border in Brownsville, TX. Why? Because the minute one of those eyes in the sky detects someone approaching the border, there will be adequate personnel there to say we will detain them or turn them back.

It is obvious. It is what the experts tell us will work. It is very explainable to the American people. So, yes, there are a lot of resources on the border. Yes, each of us, if we wrote the bill, might do it a different way or put in more money or less money. But no one can dispute that the border becomes virtually airtight—virtually airtight. That means those who cross the border will be few and far between.

There are two things I would like to mention. It is expensive. This amendment does not come cheap. But the CBO report was a game changer because it said what everyone understands, but it verified it. It gave it the Good Housekeeping Seal of Approval. We all know one of the great economic engines of America—or we should all know; many of us do. I know, Madam President, you know it, being an immigrant yourself—that one of the greatest economic engines America has had to propel it and make it the greatest country in the world is immigrants.

Immigrants are willing to risk everything. They cross stormy oceans, trek across deserts to come to America. What a beautiful, wonderful thing. I am so proud that out the window of my den in Brooklyn, NY, I can see that lady who holds the torch. To the whole world she symbolizes what a great country we are. And people come.

Anyone who doubts and says the Sun is setting on America, just look at how many people risk their lives to come here, how many people separate from families to come here, how many people uproot themselves to come here. If America were not such a great, attractive place, we wouldn't have a problem

of so many illegal immigrants. People want to come here. When they come here they work. Boy, do they work. To be able to send \$10 a week to their mother or kids in Oaxaca Province or in the Philippines or in Bosnia is a huge thing. It gives them joy. That is why they are sometimes willing to work under the kinds of conditions we don't find acceptable for people who are here legally. But it is the greatest economic engine there is.

Immigrants form companies because so many of the smartest and brightest come here. Immigrants make our meat factories and our farms work because even those who may not have such an education are willing to work under very difficult conditions to earn enough money to feed themselves and maybe send a little home to their families. They are the greatest economic engine we have—the greatest.

Republicans say the way to get this economy going is to cut taxes. Democrats say the way to get this economy going is to spend money. You can decide which one you believe in. But I tell you, no one can dispute that a greater economic engine of either of those is the blood, sweat, toil, and tears of our immigrant communities—not just starting today but from the day in my city when the new immigrants were called “English” because the Dutch had settled New York and didn't want these newcomers to come in. In fact, the two oldest high schools in America are in New York City. They are both private schools, but one is called Collegiate. It was formed by the Dutch Reform Church in 1628.

When the English came, they didn't want to go to a school with this Dutch Reform Church. So they formed the Trinity School for the Episcopal English, the Anglican English. There were all kinds of tension. Of course, there is always tension. But when these new English people came, they worked hard and the Dutch saw that.

Peter Stuyvesant recognized it and made New York, actually—the reason so many have written that we have become the greatest city in the world is because, unlike other cities, we would take everybody as long as they worked hard. It is one of the reasons my people settled so heavily in New York, in America. It was a tradition that lasted a long time. Boston was bigger than New York, Philadelphia, but they were closed to outsiders. New York was open.

So the greatest economic engine America needs is immigrants and their hard work, whether they are Ph.D.s in nuclear physics or cutting sugar in Florida or Louisiana. The CBO vindicated that report. Amazing. We are busy talking about Mr. Bernanke and how he could twist the dials and GDP growth might go up 0.3 percent. Do you know what the impartial CBO showed? If we did our bill, which both brought 11 million workers out of the shadows and brought hundreds of thousands more in, in the next decade—millions

more in—whether through the Future-Flow Program or Family Unification—GDP would go up 3.3 percent. I know of no government program or tax cut that even professes to do that much. And in the second decade it would go up over 5 percent.

Of course, this is good for America, and we want to secure our borders and we want to rationalize our system and we want to be fair on a tough but earned path to citizenship for those who cross the border illegally. The bill, with the addition of the Corker-Hoeven amendment, will convince everybody they do it all.

One other point. Those who said this new Corker-Hoeven amendment will cost money, it will. But let me read what CBO has just said in the last half hour:

The amendment—

Corker-Hoeven—

would significantly increase border security relative to the committee-approved version of the bill, and it would strengthen enforcement actions against those who stay in the country after their authorization has expired. Therefore, CBO expects that relative to the committee-approved version of S. 744, the amendment would reduce both illegal entry into the country and the number of people who stay in the country beyond the end of their authorized period.

I say that to my colleague from Texas, who is on the Senate floor, and others who say this will not work. CBO: Illegal immigration will decline as a result of the Corker-Hoeven amendment.

Here is something else CBO says:

All told, CBO and JCT—

Joint Committee on Taxes—

expect that enacting the amendment would, like enacting S. 744—

The base bill—

reduce the federal deficit over both the next 10 years and the second decade following enactment—fewer illegal immigrants, higher GDP, more jobs, reduced deficit.

Who could oppose that? I don't know of anybody who could oppose that if they care about America.

Once again, on the border stuff my colleagues just won't take yes for an answer. This is the toughest, strongest, most expensive border provision we have had. It is augmented, of course, by the entry-exit system improvements and the mandatory E-Verify, which many of my colleagues, including my good friend from Alabama, have been calling for for a long time. Illegal immigration will drop dramatically, GDP will go up, jobs will go up, and the deficit will go down.

Pass this amendment and pass this bill. It is good for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, at 5:30 p.m. today the Senate is going to vote on the modification to the Leahy amendment, which is the package that was put together by Senators Hoeven and Corker. The distinguished senior Senator from New York who has led

the so-called Gang of 8 in putting this bill together has just spoken on the floor, as will, I believe, the distinguished majority whip, who is also on the floor.

As I indicated on Friday when I spoke about this, this is not the amendment I would have drafted. I think every one of us, if we drafted the bill, would have drafted it differently. Republicans demanded these aggressive border measures to secure their support for the overall legislation. And while it means spending an enormous amount of money, because their amendment will increase Republican support by spending this money for this historic, comprehensive legislation, I will support it. Ultimately, the comprehensive legislation is most important.

I appreciate that this package includes a provision Senator MURRAY and I worked on that takes an important step toward restoring privacy rights to millions of people who live near the northern border. Over the past decade, the Department of Homeland Security has periodically set up a Border Patrol vehicle checkpoint nearly 100 miles from the Canadian border in Vermont. Many Vermonters have questioned whether this is an effective border security measure or whether it is just a waste of money. Some have wondered why we are doing it when we are 100 miles from the friendliest border any country has ever known.

My provision will make significant progress in addressing that checkpoint by injecting oversight into the decisionmaking process for operating checkpoints so far from the border. While this is an important step in the right direction, I am disappointed that the version of the Hoeven-Corker amendment is limited to the northern border, and I will continue to work on this issue so that all Americans can have their privacy rights protected. Most of us appreciate our privacy rights and don't like to be stopped for no particular reason.

Today's vote for cloture on this Republican package is a vote for bipartisan support for comprehensive immigration reform. It is a vote in favor of taking the bold steps needed to confront the current situation and give the many millions of people living in the shadows the opportunity to come into the lawful immigration system. I applaud those Senators, both Democrats and Republicans, who have come together to get us here. Now is the time for this whole body to come together in support of fixing a broken immigration system that hurts all of us. It stifles our economy and keeps our families apart. We have gotten to this point through compromise, but we have not compromised on the core of this legislation that is intended to set so many on the path to become full and lawful participants in American life. And in that spirit of compromise and cooperation, which was fostered through almost 140 amendments that

were agreed to by bipartisan votes in the Senate Judiciary Committee, I will support this amendment and urge my colleagues to also support this amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I thank the Senator for his leadership on this issue, and I want to make a few brief comments in support of the amendment.

First of all, to those who have been traveling and are just coming in, this is a cloture vote on the amendment only. There will be further cloture votes down the road. This amendment is in legislative language and has 115 pages. It takes about 30 minutes to read. We have had it out there for 75 hours, so people have had plenty of time to look at this.

I especially want to say to my colleagues on this side of the aisle that what this amendment should be measured against is the base text of this legislation. The border security piece would be put in place by the head of Homeland Security. Right now, that is Janet Napolitano. She would have 180 days to put that in place, and then the trigger 10 years down the road is that Homeland Security says that it is 90 percent in place.

What this amendment does is put in a much stronger border security regime that has five triggers in it before anyone can receive a green card: No. 1, there will be 20,000 Border Patrol agents who will be deployed, trained, and in place; No. 2, \$4.5 billion worth of technology that is necessary for us to get 100 percent situational awareness on the border; No. 3, 350 miles of new fencing on top of the 350 miles of fencing we now have; No. 4, the E-Verify system will be fully implemented and in place; No. 5, fully implementing an entry-exit visa program, which is one of the reasons there have been so many overstays.

What I say to my friends on this side of the aisle: You are measuring the base text which says nothing about what we are going to do to this amendment which specifically spells out those things that have to occur before anybody can move from temporary status to green card status.

Some people have talked about the costs. This is a \$46 billion investment. Much of it is one time. The fact is that this only goes in place if the bill passes, and as everyone knows the bill generates \$192 billion to the U.S. Treasury over a 10-year period. I have never had an opportunity to vote for a bill that did that.

Lastly, let me state that Governor Brewer probably knows more about border security than anybody on the Senate floor. She has been dealing with that in Arizona for a long time. Today she said in front of a national audience that this, in fact, was a victory for Arizona if this amendment could be passed.

CBO has scored this today. I tell all the Members that as opposed to the

base text, which just says a plan will be put in place after 180 days—we don't know what that is. But this will significantly reduce the amount of illegal immigration we have in this Nation.

I know there are folks who will vote against the bill regardless of what it says. I just say: Please look at this amendment. This is a strengthening amendment. This is an amendment that every Republican who cares about border security and people on the other side who care about border security should support. I hope everyone will get behind this. This puts a balance in place. I think if this amendment is passed, we will be doing something great for our Nation.

I urge everyone to vote yes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Madam President, we are about to vote to end debate—a debate that never really began on an amendment that is 1,200 pages and was filed on Friday afternoon after many Senators left town. We are now voting at 5:30 p.m. on Monday as many Senators are stepping off the airplane.

This is the 1,200-page amendment. We have seen this play before. It is reminiscent of ObamaCare—yet another bill we were told we have to pass to find out what is in it. Unfortunately, it seems there are some Republicans eager to go along with the Democrats in the mad rush to pass this bill.

In the 2007 immigration debate, close to 50 amendments were considered. In this debate, only nine amendments have been debated. I introduced seven substantive amendments to improve this bill. Not a single one of those amendments has been considered on the floor of the Senate.

Mr. SCHUMER. Would my colleague yield for a question?

Mr. CRUZ. I would happily yield except we have 5 minutes left.

Mr. SCHUMER. Madam President, I ask unanimous consent that I be given 1 minute for both the question and the answer.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. Assuming that the time does not come out of my own, I have no objection.

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

Mr. SCHUMER. Does the Senator deny that of the 1,000 pages, about 100 pages are new text and the rest is just the old text of the existing bill and that over a weekend every Senator should be able to read 100 pages of important legislation?

Mr. CRUZ. As my friend from New York knows well, the amendments are interspersed through a very complicated bill. Analyzing where waivers have been given and what the intersection is of new provisions with old provisions is not a simple endeavor. Indeed, in this particular body, it is not unbeknownst to this body to slide something in text.

My point is very simple: What is the rush? Why are we proceeding gangbusters? The only explanation that makes sense is that it seems there are many Senators in this body—perhaps on both sides of this aisle—who very much want a fig leaf. They want something they can claim they are supporting border security when, in fact, this bill does not do that.

I suggest that if we contrast this amendment to the amendment I introduced, we can see the difference between a bill that actually would protect border security versus something that is merely meant to tell gullible constituents that we have done something.

The first and most important difference is that this amendment provides legalization first and then border security maybe at some time in the future. We have seen this before. In 1986 it was the same promise Congress made. We got the legalization, we got the amnesty, and we never, ever got border security. In contrast, the amendment I introduced reflects the will of the American people to have border security first and only then the possibility of legalization.

Secondly, this amendment does not require operational control of the border. Current law requires that. This amendment weakens current law on operational control. My amendment would require that the problem actually be solved.

Thirdly, this amendment does not require a biometric entry-exit system. It weakens current law. Current law requires that; this amendment takes that out. Instead, it requires essentially a photo ID. For anyone who perhaps has known a teenager, they know that the difficulty of securing a fake ID with a picture on it is not very high. Any flea market in the land will allow it.

Fourth, this bill weakens the requirements of statutes on secure fencing, and it weakens the current law on border security.

Fifth, this amendment is not offset. My amendment was offset. So there is brandnew spending in this amendment with no offset.

Sixth, this amendment has no real enforcement. The amendment I introduced said: If the changes within it on border security were not implemented within 3 years, 20 percent of the salary of political appointees at DHS would be reduced, 20 percent of the budget would be reduced, and it would be block granted to the State to fix the problem.

Fundamentally, this is about political cover. It is not about solving the problem. I suggest the approach is one with which we are all familiar. It is the approach that perhaps in childhood we knew well. It is an approach that says: I will gladly secure the border next Tuesday for legalization today. Now, if we were naive and had not been through 1986 together and had not seen Congress play this same show game with the American people, perhaps we

would fall for it, but I don't think the American people are that gullible. Everyone wants to fix our broken immigration system, but at the same time we should not replicate mistakes of the past.

This amendment and the underlying Gang of 8 bill grant immediate legalization. The border security changes will never be implemented, and the border will not be secured. That is not a solution of which the American people can be proud. I urge this body to reject the amendment, to vote against cloture, and reject the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I understand there will be numbers of people on my side of the aisle who are going to vote against the immigration bill, in some cases regardless of what it says. But this amendment is not about anything relative to amnesty or anything else.

If I could just read to all of my Members what CBO said about this amendment: "The amendment would significantly increase border security relative"—

The PRESIDING OFFICER. The time of the proponents has expired.

Mr. CORKER. I ask unanimous consent for a 1-minute extension.

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

Mr. CORKER. This came out of CBO today. I wish to say this to all the Members on my side. I urge everyone to look at the CBO language, which says if this amendment is passed, it will strongly increase border security and strongly decrease illegal immigration in this country. I don't know how any Republican who says they support border security can vote against this amendment when they are comparing it against the base language which is in the bill.

I yield the floor.

The PRESIDING OFFICER. There is 1½ minutes remaining for the opponents.

The Senator from Alabama.

Mr. SESSIONS. Madam President, this is not a vote on the Hoeven amendment; it is a vote on the complete substitute of over 1,000 pages that includes all aspects of the bill before us. It includes amnesty, and it includes the failed entry-exit visa.

If we vote for cloture tonight, we will be transferring complete control of the entire process for this immigration bill to the majority leader, HARRY REID. We can hear the whistle in the distance right now as the train is arriving in the station. If Senators REID, CORKER, and HOEVEN are able to cut off debate, the next vote will come in about 30 hours and another substitute vote in 30 hours after that.

Senator REID has filled the tree. There will be no amendments allowed—

Mr. LEAHY. Regular order.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. SESSIONS. Without the approval of the majority leader.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Leahy amendment No. 1183, as modified, to S. 744, a bill to provide for comprehensive immigration reform, and for other purposes.

Harry Reid, Patrick J. Leahy, Michael F. Bennet, Charles E. Schumer, Richard J. Durbin, Robert Menendez, Dianne Feinstein, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Robert P. Casey Jr., Mark R. Warner, Thomas R. Carper, Richard Blumenthal, Angus S. King Jr., Christopher A. Coons, Christopher Murphy.

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

The question is, Is it the sense of the Senate that debate on amendment No. 1183 offered by the Senator from Vermont, as modified, to S. 744, a bill to provide comprehensive immigration reform and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), the Senator from Wyoming (Mr. ENZI), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Utah (Mr. LEE) would have voted "nay."

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

The yeas and nays resulted—yeas 67, nays 27, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—67

Alexander	Durbin	Klobuchar
Ayotte	Feinstein	Landrieu
Baldwin	Flake	Leahy
Baucus	Franken	Levin
Begich	Gillibrand	Manchin
Bennet	Graham	McCain
Blumenthal	Hagan	McCaskill
Boxer	Harkin	Menendez
Cantwell	Hatch	Merkley
Cardin	Heinrich	Mikulski
Carper	Heitkamp	Murkowski
Casey	Heller	Murphy
Chiesa	Hirono	Murray
Collins	Hoeven	Nelson
Coons	Johnson (SD)	Pryor
Corker	Kaine	Reed
Cowan	King	Reid
Donnelly	Kirk	Rockefeller

Rubio	Stabenow	Whitehouse
Sanders	Tester	Wicker
Schatz	Udall (NM)	Wyden
Schumer	Warner	
Shaheen	Warren	

NAYS—27

Barrasso	Cruz	Portman
Blunt	Fischer	Risch
Boozman	Grassley	Roberts
Burr	Inhofe	Scott
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	McConnell	Thune
Cornyn	Moran	Toomey
Crapo	Paul	Vitter

NOT VOTING—6

Brown	Enzi	Lee
Chambliss	Isakson	Udall (CO)

The PRESIDING OFFICER (Mr. DONNELLY). On this vote, the yeas are 67, the nays are 27. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to recommit fails.

VOTE EXPLANATION

● Mr. UDALL of Colorado. Mr. President, I was unable to return to Washington, DC, prior to the vote this evening due to unavoidable weather-related delays of my airline flight, which were beyond my control. I was therefore unable to cast a vote for rollcall vote No. 160, the motion to invoke cloture on Leahy amendment No. 1183 to S. 744, the Comprehensive Immigration Reform Bill. Had I been present, I would have voted yea.●

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the exception of 15 minutes for Senator PORTMAN and 20 minutes for Senator INHOFE, and the time count postcloture.

The PRESIDING OFFICER. Is there an objection?

Mr. INHOFE. Reserving the right to object, the mic was not on.

Mr. REID. Rearrange the time. Twenty minutes for the Senator INHOFE, PORTMAN 15, and INHOFE goes first.

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

Mr. REID. I would say to my friend—I am sure he is ready to speak—I may have a little closing business that I may have to interrupt. If he would be good enough to allow me to do that, we would take only a minute or two.

The PRESIDING OFFICER. The Senator from Oklahoma.

DOMESTIC OIL PRODUCTION

Mr. INHOFE. Mr. President, I appreciate the majority leader making this arrangement. I was wanting to get a little more time than that. However, let me just mention two bills that I plan one to reintroduce, another to introduce, which I think are timely tonight because of something that is going to happen tomorrow.

Tomorrow I am going to reintroduce a bill making it clear that States are sole regulators of the hydraulic fracturing process, and there is a reason for bringing this up in the next bill.

I am pleased to be joined by Senators VITTER, PORTMAN, ROBERTS, ENZI, SESSIONS, COBURN, CRAPO, RISCH, SCOTT, CRUZ, HATCH, JOHNSON, and LEE.

Since 2008, domestic oil production has increased by 40 percent. This has never happened before. That is just in the last 4 years. Because of the new applications for such processes as horizontal drilling and hydraulic fracturing, we have been able to do this. But the most interesting thing is that with a 40-percent increase, 100 percent of that has been in State or in private land.

That is critical, because we keep hearing from this administration that they somehow want to take credit for the fact that we have had an increase in that period of time, when the fact is that has all been done on private land or on State land. None of it has been done on Federal land.

In fact, the Congressional Research Service came out earlier this year:

All of the increase from FY2007 to FY2012 took place on non-federal lands, and the federal share of total U.S. crude oil production fell by about seven percentage points.

That means that while we increased 40 percent, that which was on Federal land decreased by 7 percent. It just goes to show the real consequences of the administration's all-out war on fossil fuels. The President has made it so difficult for anyone to lease Federal land or obtain drilling permits that many producers have simply stopped working on Federal lands altogether. For those who remain, the process is dysfunctional and unfriendly.

For instance, it takes an average of 207 days to get a drilling permit on Federal lands. By contrast, in my State of Oklahoma it only takes 10 hours, and 83 percent of the Federal lands are off-limits.

I think we need to understand all the benefits that could be out there are in spite of this administration and the policies of this administration. We shouldn't be fooled. The President may claim he likes natural gas, but he is actually taking every step he can to impose more burdensome regulations on industries so he can shut them down in favor of his beloved renewables. This war against hydraulic fracturing is part of that effort.

I can remember when we had something that took place a few months ago called date night. A lot of the Democrats, on national TV at a joint session of the legislature, didn't like the idea when something came up that was not popular with the people at home and happened to be popular with Democrats, so they had date night, so individuals would be scattered out and they wouldn't have all the Republicans on one side and all the Democrats on one side.

I thought it was kind of interesting because, I won't mention her name, but

one of my very good friends who happens to be a liberal Democrat, when the President stood up and made the statement, he said:

Now there is an abundance of good, clean, natural gas that we can have for the future.

I nudged her and I said:

Are you listening to this?

And she said back to me:

Wait a minute, you are going to hear something else.

He came out, and this is what he said right after that:

[we will be] requiring all companies that drill for gas on public lands to disclose the chemicals they use. Because America will develop this resource without putting the health and safety of our citizens at risk.

Which are other words for: However, we are not going to be doing hydraulic fracturing. This is kind of interesting because we cannot have natural gas production without having hydraulic fracturing.

In response to this charge by the President, the Department of the Interior recently proposed new regulations that would apply to any hydraulic fracturing that occurs on Federal lands. These new regulations cover everything from chemical disclosure to water use and cement bonding requirements. They add a massive new layer of regulatory compliance to any operator looking to develop reserves on Federal lands at a cost of as much as \$250,000 per well. It costs that much more with no environmental benefits.

You might ask: Why no environmental benefits? It is because Lisa Jackson, who is Barack Obama's Director of EPA, stated on the record:

In no case have we made a definitive determination that the fracking process has caused chemicals to enter ground water.

In other words, in the last 60 years—and I can attest to the last 60 years because the first hydraulic fracturing took place in Duncan, OK, in my State, in 1949. Since then, over 1 million wells have been fracked without any ground water contamination.

So why would the President want to take the authority away from the States if they have such an excellent track record? It is because of his war on fossil fuels.

To combat this I am introducing the Fracturing Regulations Are Effective in State Hands Act.

The bill I am talking about simply makes it clear that States are the sole regulators of hydraulic fracturing, as they have been for the last 60 years. It includes Federal lands located within the borders of a State, so my bill would render the President's new regulations moot and ineffective and keep States in the driver's seat, effectively regulating the process.

I urge my colleagues to support this. This is something that would be a major effort. If you stop and think about the people talking about the bad economy and all that, you just go to the oil States and see what has happened. We could be enjoying this prosperity all throughout the country. We