easy thing for some, but when it comes to this, it is not easy for me. It is something I will not do. I want to stand by it.

Let me say a word about the rest of the bill. There are provisions in this bill that deal with things we do not think about. Here is the reality: If you happen to be a grower, growing fruits and vegetables in America, and you put out a sign ''Help Wanted''—would you like to come and pick strawberries in Salinas Valley in California; would you like to come pick apples in southern Illinois—there are not a lot of local kids who sign up. It is hard work, some say dangerous work, and I believe it is. Those who do these jobs—the migrants who come in and work—do it for a living. It is hard, tough labor. Without them, these crops do not get picked and processed and we suffer as a nation.

This bill has a provision on agricultural workers that is extraordinary. MICHAEL BENNET of Colorado and DIANNE FEINSTEIN of California are two who sat down with MARCO RUBIO of Florida, and others, and they worked out an agreement that has been signed on to by the growers and the unions representing the workers. How about that. A business, management, and labor agreement when it comes to ag workers. That is in this bill too. Should we walk away from that?

There is a provision as well to try to tap into the talent that is educated in America that can help us create jobs.

Let me say that one of the things I insisted on in this bill is that before anyone is brought in to fill a job from overseas, you first offer the job to an American. That, to me, is the bottom line. That is my responsibility as a Senator who represents many of the people who are unemployed today. But this bill takes a step beyond that. If you cannot fill that position, you have an opportunity to fill it with someone brought in from overseas.

I will give an illustration. The Illinois Institute of Technology—which is an extraordinary school for engineering and science in the city of Chicago—at their commencement a few years ago when I spoke, virtually every advanced degree was awarded to someone from India. Today, virtually every advanced degree is awarded to someone from China.

I have met some of these graduates, and I have said to them: With this education—the best in the world—would you stay in America if you were offered that chance? They said yes. Why would we educate them and send them off to compete with American companies? If they can be brought into our companies and create American jobs and opportunities with them, it is good for all of us. That is part of this bill as well.

As I look at this bill, this is a historic opportunity to solve a problem which has not been addressed seriously in 25 years, a problem which we know confounds us as we deal with 11 million undocumented people within our borders and one which truly reflects on our values as a nation.

I gave a speech last week to a group in Chicago, and I talked about the diversity of this group, the group that was gathered—Black, White, and Brown, young and old, men and women—and I said: If I asked everybody in this ballroom to write their family story, their personal story, each would be different. But there would be two chapters in that story that would be the same. The first chapter you might entitle ''Out of Africa'' because that is where we all started. It was 70,000 years ago when the very first immigrants left Ethiopia, crossed the Red Sea into the Arabian Peninsula, and literally populated the world. How do we know that? Because we can find chromosomal DNA that dates back to those original immigrants in every person on Earth. We all started in the same place 70,000 years ago, emigrating out of Africa.

The second chapter would be entitled ''Coming to America.'' Every single one of us has a different story. My chairman is proud of his Irish and Italian heritage. His wife is proud of her French-Canadian heritage. I stand here proud of the fact that my mother was an immigrant to this country from Lithuania, brought here at the age of 2. Now it is my honor to stand on the floor of the Senate and represent 12 or 13 million people in the great State of Illinois.

As I have said before, that is my story, that is my family's story, that is America's story.

We have to get this right because immigration is not just a challenge, it is part of the American heritage. It is who we are. The courage of Senator LEAHY's family, the courage of my grandparents, to pick up and move and come to a place where many of them did not even speak the same language is part of our American DNA. That is what makes us different, and that is what makes us better, I guess I might say with some pride in where I came from.

We have to honor that tradition with this immigration reform bill, and I believe we do. To walk away from it at this point in time, to find some fault or some section that you disagree with is just not good enough. We have to accept our responsibility.

Yesterday 67—maybe 69—Senators were ready to do that. By the end of the week, stay tuned. We have a chance to pass this bill and make America a stronger nation, be fair and just to people who are here, and honor that great tradition of immigration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

DREAM ACT CHAMPION

Mr. LEAHY. Mr. President, one, I wish to applaud the senior Senator from Illinois for his statement, and I will say publicly on the floor of the Senate what I have said to him privately, what I have said to him in our leadership meetings, and what I have said to him in our caucuses, that he is the champion of the DREAM Act. That act—when it finally passes, will give these DREAMers a better life, and there will be one person they can thank most and that will be Senator DICK DURBIN of Illinois. Because for the time I have known him—and it has been years—this has been first and foremost over and over again, and I just want to state my admiration for the Senator from Illinois for doing that.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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 assistant legislative clerk read as follows:

A bill (S. 744) to provide for 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.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, yesterday the Senate voted to adopt an amendment offered by Senators CORKER and HOEVEN relating to border security.

I have some misgivings about the policy contained in that amendment, and I have spoken to that on the floor. But, at the same time, I commend these Senators for engaging on this legislation and taking the steps they feel are necessary to gain broader support for the underlying bill. We are now one step—one big step—closer to a

Senate vote on comprehensive immigration reform legislation.

I would like to take just a few moments to reflect on why this legislation is so important and to remind the Senate that as we consider the bill, we should remember that at its core it is about people. It is about families seeking the promise of America. It is about children whose parents want what any parent wants for their child—the opportunity to succeed, to prosper, to live in a free, open and welcoming society.

To me, the bill is less about numbers and metrics or border fences and technology than it is about human beings and the natural desire we all have to better ourselves, our families, and to give our children the lives we wish for them.

The measures in this legislation will give those affected by it the freedom to get on the path to becoming Americans. Our history of immigration is one that honors our free and open society and which has strengthened it.

Immigration has, in part, been the story of enlarging a society made up of individuals who, no matter their vast differences, all believe in the promise of American democracy and the values given to us in our Constitution. When we welcome those who yearn for these values, we strengthen and renew them.

Of course, we are a nation of immigrants. Past immigration has helped shape this country and deepen its economic and cultural vibrancy, touching every State and every community—from the Presiding Officer's far western State of Hawaii to my own northeastern State of Vermont.

After the Revolutionary War and into the early 1880s, for example, Vermont had been the slowest growing State in the Union. Old growth forests had been stripped and farms had been worn out. But immigrants helped reclaim forsaken farms and build and operate budding new factories in new centers of industry across the Green Mountain State.

The United States has been made stronger by the diverse cultural background that has been woven into our national fabric. This Vermonter is the grandson of immigrants to Vermont from Ireland and Italy, and our heritage is one of which my family and I are fiercely proud.

To appreciate the values inherent in our immigration policy, I need only to look at the experiences of my own family and the family of my wife Marcelle. Marcelle's mother and father, Louis Philippe Pomerleau and Cecile Bouchard Pomerleau, immigrated to the United States from the Province of Quebec in Canada. Marcelle is a first-generation American born in Newport, VT, and, of course, to me, is the greatest contribution her mother and father made to Vermont and America.

But Marcelle's mother and father contributed much to Vermont and to America in business, in music, and enriched their own community. Members of her family went on to establish successful businesses and become leaders in their communities and they have given greatly to Vermont. Marcelle grew up to serve the communities in which she lived as a registered nurse, caring for others in Burlington, VT, in Washington, DC, and in Arlington, VA.

Similar to many young immigrants in our country, Marcelle grew up in a bilingual household, knowing two different cultures. But this is America for so many, where young people grow up in families where multiple languages are spoken, where traditions from multiple cultures are observed. This enriches America.

My maternal grandparents came to this country from Italy. My grandfather, similar to many others who came to Vermont from Italy, was a granite carver. He opened a granite business in central Vermont. The hard work and determination of my maternal grandparents—who did not speak English when they arrived—to settle in this country laid the foundation for my mother and our family.

My paternal great-grandparents came from Ireland, and my grandfather, who was named Patrick Leahy—and I am named after him—worked in a stone quarry as well. They worked hard. They had a family. I grew up the son of printers in Montpelier, our State capital.

But nearly every American family has a story similar to mine and Marcelle's. We are more alike than we are different from today's immigrants and first-generation Americans.

The majority of new immigrants will continue this proud tradition of hard work, the drive toward prosperity, and embracing the values that make America great. They will someday tell their children and grandchildren of their own immigrant histories, as Marcelle and I learned from our parents and our grandparents. The bill we consider will continue to cycle growth and renewal. It will improve on many aspects of our immigration system.

The bill before us contains measures that are important to many Vermonters. I have a provision that takes an important step toward restoring privacy rights to millions of people who live near the northern border by injecting some oversight into the decisionmaking process for operating Federal checkpoints and entering private land without a warrant far from the border.

The bill contains significant measures to assist dairy farmers and other Vermont growers who have long relied on foreign workers and are going to need them in the future. It contains a youth jobs program proposed by Senator SANDERS to help young people gain employment. It contains a measure I proposed to make sure that no Canadian citizen traveling to Vermont to see a family member will ever be charged a fee for crossing our shared and long and wonderful border.

It contains an improvement to the visas used by nonprofit arts organizations around the country, such as the Vermont Symphony Orchestra that invites talented foreign artists to perform in America. It contains measures to improve the lives and future of refugees and asylum seekers who call Vermont home.

It contains improvements to the H–2B program to help small businesses. It contains a measure to ensure that the job-creating E-B5 program be made permanent so the State of Vermont and other States can continue the great work that is being done—in our State, done to improve Vermont communities.

This is a bill that will help Vermont families and businesses alike. So I discuss this legislation today in the context of my personal history. I do it to take a moment to remind all of us that immigration is about more than border security. It is about more than politics. It is about the lives and hopes and dreams of human beings. It is about those who go on to do great things in America. It is about American communities that benefit from immigration.

That has been our history; it should also be our future. As I said before, the legislation before us will help write the next great chapter in America's history of immigration. I see the distinguished ranking member on the floor.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

Mr. GRASSLEY. As we have seen over the past 2 weeks, immigration is a very emotional issue. It is an issue that engenders strong feelings from both sides of the aisle and maybe out in the grass roots of America even stronger feelings than are expressed on the floor of the Senate.

Everyone wants reform in the Senate. I have not heard anybody say the present situation is A-OK, but everyone has their own ideas and different solutions.

Now, at the grass roots of America, there are people who say we ought to give citizenship yesterday. There are people on the other side who say 12 million people ought to be rounded up and shipped out of the country. Neither one of those are very realistic today, but those are even stronger voices than you hear on the floor of the Senate.

Now, we are trying to find some reasonable solution. I do not think the bill that is eventually going to pass is a reasonable solution. But I will not know whether this is a reasonable solution until we get through the entire legislative process, meaning the House of Representatives and the conference. But I think down the road we can do much better than is going to be done in the Senate.

Now, as I said, everybody has their own ideas and different solutions. Unfortunately, the process has not allowed us to fundamentally improve this bill on the floor of the Senate like we were able to have that chance—not too successfully—but at least we had that chance in committee with that

fair and open process. So out here on the floor of the Senate we have not been able to vote up or down on commonsense amendments or very many amendments at all. I think to this point about 9, 10, 11 amendments are all that we have considered out of 451 that have been offered.

Despite the fact that the American people want the border secured before we provide a path to legalization, this bill appears to be favored by a majority in the body who believe that legalization must come before border security. I ought to say that again. Despite the fact that the American people want border security before we provide a path to legalization, there appears to be a majority in this body who believe that legalization must come before border security.

The polls around America show just the opposite. Border security first, everything else after the border is secured. This approach of legalization first is concerning, not only because the border will not be secured for years down the road, but more importantly because it devalues the principle that is very basic to our country and our constitutional system of government, the rule of law. The rule of law means the government will follow the laws it writes, and we expect the people to do likewise. People need to be able to trust their government and trust that the government will be fair.

I empathize with people who come into this country to have a better life. Who is going to blame them for doing that? We would do anything to give our kids a better life. Some people see no other choice but to cross the border without papers to find work and sacrifice everything they have to do it and to take a chance that they are going to run up against the law and be deported. But they do it because they want a better life. That is very basic to the American way of life. It is a natural right of most people around the world, a natural right that most of them are not able to bring to fruition.

The American people happen to be very compassionate. I know they are just trying to find a better opportunity and live the American dream, those people who come here undocumented. We are the best country in the world. We should be proud of it. We are an exceptional nation. But we are a great country because we have always abided by the rule of law. The rule of law is what makes all opportunities we have possible.

In 1903, President Theodore Roosevelt sent a message to the Congress, the State of the Union Message. He talked about how man must be guaranteed his liberty and the right to work. But so long as a man does not infringe upon the rights of others, he said this:

> No man is above the law and no man is below it, nor do we ask any man's permission when we ask him to obey it.

Meaning the law.

> Obedience to the law is demanded as a right, not as a favor.

I am a believer, just like everybody in this body, in the rule of law, despite what some say, including the majority leader. That does not mean we want to deport 11 million people. I want a humane and fair process for them to live, work, and remain here. I have said many times, and I have said it many times particularly in the past few months, that we do not necessarily need more laws, but rather we need to enforce the laws that are already on the books.

That is what I hear at my townhall meetings when people come to them and I start to explain about immigration. Somebody pops up: Right. We do not need more laws; we just need to enforce what we have on the books.

I agree. We need to enhance and expand legal avenues for people who want to enter, live, and work in this country. But we have laws that have gone ignored for 17 years. We have laws that are undermined and disregarded. The country will benefit if we have sensible immigration laws. One of the failings of the 1986 law was that it did not do enough to create avenues for people to work here. Advocates for reform claim they want a long-term solution, but what we have before us is nothing but a short-term bandaid. Really, what the bill does is clean the slate.

Those words ''clean the slate'' was a phrase that we used in 1986. That was the goal, to clean the slate, and we would start all over again. I referred many times—it is probably sickening to a lot of people in this body when I refer to the mistakes we made in 1986, not to repeat them. But here we are. We want to clean the slate again and start over. The problem is, if we just do the same thing we did in 1986, we will be back here in 25 years or less wanting to do the same thing.

So some Senators are going to say: In 2038, all we need to do is clean the slate. Well, we said that in 1986. We did clean the slate. We are back here in 2013 cleaning the slate again. We should have a long-term solution to these immigration issues. We should pass true and meaningful reform; and in doing so, we should not be ignoring the very principle on which our country was founded, on the rule of law.

We should not have to in any way be apologetic for taking this position either. One would get the opinion by hearing some speeches on the floor of the Senate that some people have more respect for people who violated our law than they have respect for the rule of law or people who have abided by the law. We have people from all over the world at our embassies, standing in line for long periods of time to come to this country legally. Those are the people whom we ought to be respecting.

I do not mean we disrespect people who come here to work. But there is one thing: They did violate our laws to come here. We do not have to apologize for not accepting the fact that it is OK to violate the laws. So we should not be apologetic for any position we take that is backed by the rule of law, the foundation of our society.

Why should we have to apologize for wanting to ensure people live by the laws that we set? We will not survive as a country if we allow people to ignore the law and be rewarded for it. We just cannot be a country of lawlessness. Why is wanting to secure the border anti-immigration? It is not. We are a sovereign nation. It is our duty to protect the people of this country. That is the first responsibility of the Federal Government, to guarantee our sovereignty because it is basic to our security. It is our right to create procedures whereby others can come to this country and make a living for themselves.

This does not mean we do not want other people from other countries. After all, except for Native Americans we are all a country of immigrants, some first generation and some, I suppose, fifth or sixth generation. We want to ensure that we protect our sovereignty. We want to protect the homeland.

So I ask my colleagues to think about how our country's immigration laws will survive the test of time. If this bill passes as is, will it be a temporary fix or something that we can be proud of for generations to come?

It is my understanding that, so far, 449 amendments have been filed to this underlying bill, including second-degree amendments. We started off the debate on the Senate floor with my amendment that would have required the border to be ''effectively controlled'' for 6 months before the Secretary could legalize people who are already present. We would call them, under this bill, registered provisional immigrants, and we referred to it as RPI status.

Clearly, the other side was afraid of the amendment I offered because it would have fundamentally changed the bill by requiring that the border be secured before granting 11 million undocumented workers a pathway to citizenship—but not, contrary to what the polls of the people of this country are telling us—they want security first, legalization after security of the borders. They have already cooked the books on this bill and don't want to make fundamental changes, regardless of whether they are good changes, because they don't want to upset their deal. They have insisted on a 60-vote threshold for amendments to pass.

When my amendment was up, I refused that 60-vote requirement and so they tabled my amendment. This raises the question: What about the open and fair process that we were promised? We learned on day one of the immigration debate that all of this talk about ''making the bill better'' was just plain hogwash. It was all just a phony and empty promise.

The sponsors would take the floor and say they were ready to vote on amendments, but in reality they were afraid of any good change. They refused to let Members offer amendments

of their own choosing. Instead, they wanted to pick what amendments Members would offer. They want to decide who, what, when, and how it would be disposed of. Of course, that is not right, that is not the open process that was promised.

In the last 2 weeks we have only debated nine amendments on this bill. Of those amendments, the majority leader tabled three amendments on a rollcall vote. Of the nine, we adopted three amendments by a rollcall vote. We rejected three amendments by a rollcall vote, and we adopted another three amendments by a voice vote.

I am sure everyone would agree that debating 9 amendments out of 450 is not a fair and open process. We have a lot more amendments that have been filed and not considered. These amendments would make this bill better. The sponsors of the bill are arguing that because we had a process in the Judiciary Committee that I have applauded as fair and open, that means we don't need such an open and fair process on the floor of the Senate.

What does that say about the other 82 Members of this body, that they shouldn't be allowed to offer amendments? The problem is while the committee process was open, many amendments were defeated, and no amendments were offered that substantially changed the bill in committee.

In order to address many issues with this bill, we would like to vote on more amendments before the end of the week. I wish to discuss some of the amendments we would like to see debated and considered before this immigration debate comes to an end, so people have a flavor of the kind of issues we believe have not been fully vetted on the floor of the Senate in this process that we were promised was going to be fair and open.

A number of amendments we would like considered would strengthen provisions of the bill dealing with border security, something that the current bill fails to do in a satisfactory manner. As everyone knows, this has been a serious deficiency in the immigration reform bill, regardless of the fact that the polls in this country say people want the border secured first and then legalization. This does it the opposite way: legalizes and then maybe the border will be secure.

For example, Lee amendment No. 1207 would prohibit the Secretaries of the Interior and Agriculture from restricting or prohibiting activities of the U.S. Customs and Border Protection on public lands and authorize Customs and Border Protection access to Federal lands to secure the border.

Coats amendment No. 1442 would require the Secretary of Homeland Security to certify that the Department of Homeland Security has effective control of high-risk border sections at the southern border for 6 months before the Department can process RPI status applications. The Coats amendment would also require the Secretary to maintain effective control of those high-risk sections for at least 6 months before the Secretary may adjust the status of the RPI applicants.

Coburn amendment No. 1361 would allow Customs and Border Protection to enforce immigration laws on Federal lands. What is wrong with that amendment, to enforce immigration laws on Federal lands?

Other amendments would beef up our interior enforcement, which we all know is absolutely critical with respect to the success of our immigration system. This is an area where the underlying bill doesn't do enough.

An excellent amendment we haven't had an opportunity to debate and vote on is Sessions amendment No. 1334. That amendment would give a number of tools to State and local governments to enforce the immigration laws, including giving States and localities the ability to enact their own immigration laws, withholding specific grants from sanctuary cities that defy Federal immigration enforcement efforts, facilitating and expediting the removal of criminal aliens, improving the visa issuance process, and, lastly, assisting U.S. Immigration and Customs and Enforcement officers in carrying out their jobs.

Another amendment is Wicker amendment No. 1462, which would require information sharing between Federal and non-Federal agencies regarding removal of aliens, which would allow for quick enforcement against individuals who violate immigration laws. The Wicker amendment would also withhold certain Federal funding from States and local governments that prohibit their law enforcement officers from assisting or cooperating with Federal immigration law enforcement.

Some of the amendments that we haven't considered would ensure that our criminal laws are not weakened by the bill. I have an amendment, No. 1299, that would address some of the provisions in the underlying bill that severely weaken our current criminal laws.

Isn't that funny. We want to have a better immigration bill, and we are going to weaken certain laws that are already on the books?

Specifically, my amendment No. 1299 would address language in the bill that creates a convoluted and ineffective process for determining whether a foreign national in a street gang should be deemed inadmissible or be deported. I offered a similar amendment in committee where even two Members of the Gang of 8 supported it. My amendment would have closed a dangerous loophole created by the bill that will allow criminal gang members to gain a path to citizenship.

Specifically, in order to deny entry and remove a gang member, section 3701 of the bill requires that the Department of Homeland Security prove a foreign national, No. 1, has a prior Federal felony conviction for drug trafficking or a violent crime; No. 2, has knowledge that the gang is continuing to commit crimes; and, No. 3, has acted in furtherance of gang activity.

Even if all of these provisions could be proven, under the bill the Secretary can still issue a waiver. As such, the proposed process is limited only to criminal gang members with prior Federal drug trafficking and Federal violent crime convictions and does not include State convictions such as rape and murder.

The trick is while the bill wants you to believe that this is a strong provision, foreign nationals who have Federal felony drug trafficking or violent crime convictions are already subject to deportation if they are already here and denied entry as being inadmissible.

The gang provisions, as written in the bill, add nothing to current law and will not be used. It is, at best, a feel-good measure to say we are being tough on criminal gangs while really doing nothing to remove or deny entry to criminal gang members.

It is easier to prove that someone is a convicted drug trafficker than both a drug trafficker and a gang member. As currently written, why would this provision ever be used and, simply put, it wouldn't be used.

My amendment, No. 1299, would strike this do-nothing provision and issue a new, clear, simple standard to address the problem of gang members. It would strike this do-nothing provision and include a process to address criminal gang members where the Secretary of Homeland Security must prove, No. 1, criminal street gang membership; and, No. 2, that the person is a danger to the community.

Once the Secretary proves these two things, the burden shifts to foreign nationals to prove that either he is not dangerous, not in a street gang, or he did not know the group was a street gang. It is straightforward and it will help remove dangerous criminal gang members.

My amendment also eliminates the possibility of a waiver. Amendment No. 1299 should have a vote to make sure the bill doesn't weaken our current law.

There are a number of other amendments that we would like to see considered that would help ensure that individuals comply with the immigration law requirements and ensure that the RPI process does not allow individuals to game the system.

For example, Rubio amendment No. 1225 would require RPI immigrants 16 years old or older to read, write, and speak English.

Fischer amendment No. 1348 would also insert an English-language requirement as a prerequisite to RPI status.

Cruz amendment No. 1295 would require States to require proof of citizenship for registration to vote in Federal elections.

Hatch amendment No. 1536 would ensure that undocumented immigrants

actually pay their back taxes before gaining legalization.

Another amendment, Toomey amendment No. 1440, would increase the number of W nonimmigrant visas available during each fiscal year and would help improve the visa system.

Other amendments that we should debate and vote on would strengthen our immigration system by making sure that we don't allow criminal immigrants to stay in our country and be put on a path to American citizenship.

For example, Vitter amendment No. 1330 would make sure that undocumented immigrants who have been convicted of crimes of domestic violence, child abuse, and child neglect would be inadmissible.

Inhofe amendment No. 1203, entitled ''Keep Our Communities Safe Act,'' would allow the Department of Homeland Security or a subsidiary agency to keep dangerous individuals in detention until a final order of removal of that individual from the United States.

Cornyn amendment No. 1470 would make sure undocumented immigrants who have committed an offense of domestic violence, child abuse, child neglect, or assault resulting in bodily injury, violated a protective order or committed a drunk-driving violation, would be ineligible for legalization.

Portman amendment No. 1389 would limit the discretion of immigration judges and the Secretary of Homeland Security with respect to the removal, deportation, and inadmissibility of undocumented individuals who have committed crimes involving child abuse, child neglect, and other crimes of moral turpitude concerning children.

Finally, Portman amendment No. 1390 would ensure that undocumented immigrants who have been convicted of crimes of domestic violence, stalking, and child abuse would be inadmissible.

I have gone through a whole bunch of amendments. These are all extremely important amendments that would ensure that the worst kinds of criminal immigrants do not gain a path to citizenship.

I urge the majority to allow us to consider these and other amendments that we would like to offer to improve the bill, instead of cutting us off and shutting off full and open debate of this very important issue—something that we were told from day one, that we would have an open and fair process.

What we are doing, voting this amendment to the House of Representatives on Thursday and Friday, ends up not being a fair and open process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I rise to speak on the immigration bill, and I will do so, particularly on the amendment process my friend and colleague from Iowa has discussed, but first let me say a few words about two of the President's nominees whose confirmations we will address later today or within the next day or so.

NOMINATIONS

Penny Pritzker will truly be a great Secretary of Commerce, in my view. She has experience and acumen and ability that will serve her well in building strong relationships in the Federal Government, but also strong partnerships with the business community in promoting job creation and fostering sustained economic growth. She has been a strong leader not only in her own business, but in her community, and I look forward to working with her as the Chair of the Subcommittee on Competitiveness, Innovation, and Export Promotion in the Committee on Commerce, Science, and Transportation where I serve.

Mayor Anthony Foxx, if he becomes Secretary of Transportation, likewise has a record of accomplishment as a local official, as a strong mayor, and I look forward to working with him on investment in high-speed rail, distracted and drunk driving, air safety, rail safety, and all of the issues that are so important to the infrastructure of our country and to the transportation issues that will help promote jobs and increase economic progress.

I will be submitting statements for the RECORD at greater length on these two nominees who I believe embody the principle of excellence and dedication in public service.

Madam President, we are reaching a fateful and extremely important moment in the history of our country when we have the great opportunity, the exciting and energizing prospect, of providing a path to earned citizenship for 11 million of our fellow residents. They live alongside us, in our neighborhoods and communities, and they serve on community boards and all kinds of activities where they are indistinguishable from citizens except for the fact they are not citizens. There are 11 million people living in the shadows, including young people brought to this country when they were infants or as children, who know only English as a language, whose home is here, and who know only this country as their home, whose friends and life are here, their schools, and even the military many of them serve. The DREAMers are among those 11 million, and their parents and loved ones who came with them to this country.

We have this historic opportunity to provide them with a path to earned citizenship. To earn citizenship they are paying back taxes and penalties, learning English, if they do not know it already, and meeting the other strong standards and criteria this act provides. Along with enhanced border security and a crackdown on illegal employment, this act provides better skilled people more opportunities to come to this country in a program I have helped to lead on, as well as lower skilled workers who want to fulfill the American dream.

This legislation is about the American dream, and it culminates a careful and cautious and deliberate process led by Chairman LEAHY in the Judiciary Committee, where abundant opportunity was afforded to offer amendments and have them pass. In fact, a number of my amendments adopted in the Judiciary Committee strengthen due process, fight human trafficking, afford opportunities for people to seek release from solitary confinement, and protect American workers, and standards and compensation for American workers, against unfair and illegal competition from other businesses and other workers based on substandard conditions and exploitation of workers here.

Those kinds of amendments have improved on the very important work done by the Group of 8. I join in thanking them, the Group of 8, those eight Senators who labored so long and helped to provide such a great model for us to move forward and improve further.

I believe this legislation can be improved. Two amendments I have offered would help improve it. The little DREAMers, who are too young to qualify right now for the expedited path to citizenship that is provided the DREAMers under S. 744, would be helped by an amendment I have drafted, with support from the great champion of the DREAM Act, Senator DURBIN, who deserves so much credit for spearheading this effort over so many years. I have done this at the State level before coming here as a Senator, when I was attorney general, but Senator DURBIN has championed their cause year after year, Congress after Congress, and so I have joined him in supporting an amendment to this bill that would help those littlest of DREAMers, too young now to qualify for that expedited citizenship, and to do so if they are in school or otherwise satisfy the criteria the amendment would provide.

I also thank Senator MURKOWSKI for cosponsoring this very bipartisan measure with me so that anyone left out of the DREAM Act because they are too young would be covered.

A second amendment I believe would improve this bill would provide more whistleblower protections for H–2B visa workers. They come to this country to work here and they are dependent on their employers to remain here. So, naturally, if they are exploited, if illegal working conditions subject them to hazards, and if they provide the basis for unfair competition because they are paid less than the minimum wage, they are fearful of retaliation when they make complaints because their employer can discharge them and they are then automatically deported. So this whistleblower amendment would provide them with protection. This is essential to making possible their redress and remedy when they are victims of illegal violations.

Both those amendments would improve this law. But I recognize this bill is a huge and historic step forward. It

is imperfect, but I will not allow the perfect to be the enemy of the good. I will continue to fight for these amendments, these improvements in this law—enabling the little DREAMers to have those same opportunities as the DREAMers who have been brought to this country and now are here and can contribute so much to our Nation; and I will continue to fight for whistleblower protections for all workers who may be exploited if they are brought here under visa because whistleblowers deserve that protection. They are protecting not just themselves when they complain, but all workers. But I will vote for this measure even if there are no more amendments because I believe this measure fulfills the American dream of opening this country—a Nation of immigrants—to others who have the American dream and see this country as a beacon of hope and opportunity.

Anyone who doubts it should do what I do regularly. Whenever I have the opportunity on a Friday in Connecticut, I go to our Federal courthouse and attend the naturalization ceremonies. People come there with tears in their eyes, accompanied by their families, neighbors, and loved ones to celebrate one of the biggest moments in their lives—becoming a citizen of the United States of America. Many of them come after years of struggle to achieve that status—physical struggle to reach our shores, emotional separation from their families abroad, and professional hard work embodying the best about America. I thank them for becoming U.S. citizens. I thank them for not taking for granted what all too many of us do—the great privilege and right of being a citizen of the United States.

Let us seize this moment as a Nation of immigrants to open our doors once again, open our hearts to those 11 million people who want simply a path to earned citizenship—a historic and rare moment in our history where the American people have come together in a deep and enduring consensus that now is the time to strengthen border security, as the amendment we are considering would do, to crack down on illegal hiring, as this bill would do, and to make possible for millions of Americans what my father did, what others did, which is to become citizens of the greatest country in the history of the world.

We owe it to ourselves, as well as to our children, to give them that opportunity, and we owe our Nation the opportunity to benefit from their strengths and talents and energy and, yes, their dedication to the country that has given them this historic opportunity.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. REID. Madam President, could I ask the distinguished Senator to allow me to offer a unanimous consent request?

Mrs. FISCHER. Of course.

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

Mr. REID. I express my appreciation to the Senator for the courtesy.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 p.m. today, the Senate proceed to executive session to consider Calendar No. 180, under the previous order.

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

Mr. REID. For the information of all Senators, at 2:15 p.m., there will be 30 minutes for debate followed by a vote on the confirmation of Penny Pritzker to be Secretary of Commerce.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I rise today to express my deep disappointment with the current immigration reform legislation and the extremely limited opportunity for Senators to amend this bill. Although I was not a Member of the Senate in 2009, I watched the debate on ObamaCare closely. I was amazed the world's greatest deliberative body could vote on such a massive change to Federal policy without having time to read or adequately amend the bill.

Failure to fully comprehend the consequences—intended or otherwise—left many Americans skeptical, and rightfully so. We were told the need to act justified passage of this massive bill, and we were admonished that we needed to pass the bill to find out what is in it. The American people were not pitched sound policy, the American people were pitched sound bites. Public polling suggests the American people still haven't bought it, and with good reason.

A few years later, Americans are starting to learn the devastating, real-life impact of the flawed health care policy, including the loss of current benefits and the sticker shock of rising premiums. The litany of broken promises seems endless. Yet here we are again, another dire problem in desperate need of a solution, and this time it is immigration.

I agree, and Nebraskans agree, we must address the problem of illegal immigration. The status quo is unacceptable. Our border remains dangerously insecure, and 11 million illegal immigrants currently enjoy de facto amnesty.

We are told there is only one solution—rather, we are only allowed to vote on one solution that has been agreed upon behind closed doors by the majority leader and a small group of Senators. We are told we have no choice but to pass this bill.

The pundits in Washington tell us the failure to pass comprehensive immigration reform will leave the Republican Party in an uncertain electoral wilderness. Well, I, for one, am more concerned about the future of this Nation—the future America I will leave to my children and my grandchildren—than I am about any political party's electoral prospects.

We are told that simply devoting tens of billions of dollars, with no plan, will solve the problem.

We have tried throwing big money at big problems in the past. It didn't work then, and it won't work now.

Some have suggested there has been plenty of time to read the revised bill. They argue there are only 119 pages of changes that have been added to the 1,200-page legislation before us. But those changes are spread across and throughout the entire language of this bill. There have been little fixes here and there. But if you blink, you might miss an important word that has been dropped or a clause that has been added, and the result is a lasting effect for generations to come.

Some of these changes include special carve-outs similar to the cornhusker kickback that helped bring ObamaCare across the finish line. Nebraskans know exactly what I am talking about. These new carve-outs include special treatment for the seafood industry, special treatment for Hollywood, and extensions of the failed stimulus program.

I am disappointed the majority leader has once again rushed a bill of this magnitude and impact. It is another artificial deadline imposed by the leader, so members can make it back for some backyard barbecues. That is disappointing.

I don't sit on the Judiciary Committee. The only opportunity I and 82 other Members of the Senate have to offer amendments to reform the flawed aspects of this bill is through floor debate. Yet we are being denied that opportunity by the majority leader. So far, we have only voted on nine amendments. Given the emotional, controversial, and complicated nature of this issue, reforms are not made easily. We have a duty to make sure we get it right and that we avoid the mistakes of the past.

I have always believed that before we address any form of legislation that deals with legalization for our undocumented population, we must first fully secure the border. Without a fully secure border, the United States will find itself in the same dire straits down the road. Yet the amendment offered by Senators SCHUMER, CORKER, and HOEVEN falls short of this very necessary goal. We need a proposal that brings about verifiable, measurable results along the southern border.

I support a carefully crafted border security plan that is strategy driven, cost effective, accountable, and responsive to the needs of law enforcement officials, and those law enforcement officials have expressed concerns with the legislation before us.

The attempt of the Schumer-Corker-Hoeven amendment to reach a compromise on border security metrics has resulted in vague ineffective standards. The border security amendment I filed

would provide needed oversight to ensure border security goals are being achieved and maintained in a timely fashion.

The border security amendment I filed requires that the Secretary of Homeland Security and the Commissioner of the Customs and Border Patrol submit a written certification that all border goals have been met. The Homeland Security inspector general must also sign off on certification. And, finally, congressional approval must be obtained.

Importantly, the definition of operational control in my amendment would maintain the current law's definition, rather than watering it down. But my amendment hasn't received a vote.

The Schumer-Corker-Hoeven amendment also fails to require a biometric entry and exit system at land, air, and sea ports. Instead, it simply provides a basic electronic screening system—and only at sea and air ports, not land ports of entry.

This is absolutely unacceptable—and it is remarkably weaker than the border security provisions in the 2006 and 2007 comprehensive immigration bills, which required implementation of a biometric entry-exit system.

The border security amendment I filed implements a biometric entry-exit system at all points and ports of entry. But my amendment hasn't received a vote.

Border security is a question of national security. It is not a position that can be watered down or compromised. The Schumer-Corker-Hoeven amendment does just that.

We also need to make sure we are being fiscally responsible. Last time I checked, we are still $17 trillion in debt. Yet this amendment throws $46.3 billion at border security with no plan from the Department of Homeland Security detailing how that money is going to be used. There is no clear justification for the amount detailed in this request. There is absolutely no strategy driving this funding request.

There is also not nearly enough accountability. The reporting requirements to Congress are toothless. I reject—and I suspect Nebraskans reject—the idea that massive amounts of spending alone are the solution to our border security problem.

In addition to the lack of strategy behind the funding, I am concerned this legislation provides legalization first and border security second. Specifically, this legislation creates a loophole allowing certain people who have overstayed their nonimmigrant visas to obtain a green card without returning home. The Schumer-Corker-Hoeven amendment also creates a number of loopholes for criminal aliens to remain in our country.

Under their proposal the Secretary of Homeland Security has broad authority to waive deportations for certain criminal activity. For example, it would allow many members of criminal gangs to gain entry and the legal right to remain in the country.

In a written statement, Immigration and Customs Enforcement council president Chris Crane stated:

> The 1,200 page substitute bill before the Senate will provide instant legalization and a path to citizenship to gang members and other dangerous criminal aliens, and handcuff ICE officers from enforcing immigration laws in the future. It provides no means of effectively enforcing visa overstays which account for almost half of the nation's illegal immigration crisis.

The list of problems goes on.

In short, this legislation and the Schumer-Corker-Hoeven amendment remains fatally flawed. The American people demand—and they deserve—better policy.

I am committed to working on lasting solutions that will reform our immigration system once and for all. But let me be clear: I will not support legislation simply because it might be vogue or politically expedient or could ingratiate me with the inside-the-Beltway club. I vote for legislation if it is sound policy, if it will improve the lives of hard-working taxpayers, and if it reflects the values of Nebraskans. This legislation has a long way to go.

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

Mrs. FISCHER. Yes, I will.

Mr. McCAIN. Has the Senator ever been to the Arizona-Mexico border?

Mrs. FISCHER. I have been, at the Texas border.

Mr. McCAIN. May I ask when that was?

Mrs. FISCHER. That was in the early 2000s.

Mr. McCAIN. In the early 2000s. I would say to the Senator from Nebraska, she is so ill-informed from the statement I just heard. I don't know where to begin, except to say that if she doesn't think this legislation secures the border, she hasn't spent any time on the border—certainly not meaningful time. And I can't express my disappointment in the series of false statements the Senator just made.

Mrs. FISCHER. Madam President, I would say I believe my statement is correct. It reflects the values of my State, it reflects the values of Americans, and it truly reflects their concerns with this piece of legislation that is before us now.

Mr. McCAIN. Madam President, I would welcome the Senator from Nebraska to come to the border and see what has been done and what can be done with the use of technology. And to somehow believe our border cannot be secured by this legislation argues strenuously for a visit, and I invite the Senator. I would be glad to join her at any time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I thank my distinguished colleague and friend, Senator McCAIN from Arizona, and I look forward to accepting his invitation to visit his fine State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for 10 minutes.

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

Mr. UDALL of Colorado. Madam President, I rise again to talk about the critical importance of passing comprehensive immigration reform such as my good friend from Arizona Senator McCAIN has advocated.

When I look at my State, Coloradans from all walks of life—business leaders, religious leaders, our agricultural community, and our civic leaders, regardless of political party—agree our immigration system is broken. Now we have run out of excuses to sit on our hands.

I see this problem as an opportunity, and I want to discuss why I see it as an opportunity.

It has touched every corner of our society, and this call for action has become too loud to ignore. But despite such widespread agreement on the need to move forward, there remains a vocal minority in our Chamber—and across the country—concerned about the consequences of reform.

There is a worry, and that worry that persists is that immigrants will somehow steal the American opportunity, that immigrants will take our tax dollars and take our jobs. But let me say this. All of us here in the Senate agree strongly we should not be writing policy in Washington that would endanger American jobs, and I want to speak to that.

Ever since the economic downturn, Coloradans who have been fortunate enough to keep their jobs or recently find employment as we dig out of recession are holding on tightly to those opportunities.

Coloradans who have been laid off or who have lived through the bitter desperation of extended unemployment look with increasing concern at anything that might stand between them and opportunity.

In the context of these worries, some people look at employed immigrants and see only unemployed Americans. To see things in that light misunderstands this legislation as well as our roots as a country and our long tradition of opportunity.

This bill—the idea of fixing our broken immigration system and providing millions of Americans a pathway to citizenship, which is earned—is not a zero-sum game. In fact, it is built off of one of the reasons our Nation is so exceptional: The broad spirit that any man or woman can pull themselves up from the most challenging circumstances and succeed.

This bill is carefully crafted and balanced. It will extend the American dream to millions now living in the shadows. Important for Coloradans, this legislation creates certainty for businesses and residents already legally here today. This is exactly the

sort of certainty our labor markets need.

It is true—maybe except for the great State of North Dakota—that we have made steady progress, but overall unemployment remains too high. We all want to be similar to North Dakota, with a very low unemployment rate. Our economy—the American economy—continues to grow, with Colorado growing at the fourth fastest rate in the Nation. In doing so, many of our business sectors, economic sectors, and industries are experiencing higher labor demand than there is available domestic supply.

Taking agriculture, for example, which is important to the Presiding Officer's State as well, the demand for labor on farms and ranches across the Nation far exceeds the supply of Americans who are willing to fill those jobs. That labor shortage has resulted in crops left to rot in the fields and, therefore, unacceptable economic losses to our communities.

Farmers and ranchers tell me that today they are often left to hire undocumented workers to fill this labor gap. This unregulated, under-the-table hiring hurts immigrants who experience frequent exploitation, constant fear, and often debilitating poverty. It also hurts Americans who experience depressed wages and higher unemployment as a result of competition with this cheap underground workforce. That doesn't make sense.

This immigration reform bill eliminates this unfair competition and ensures that all Americans receive fair wages.

Our current labor supply challenges extend to many other sectors as well. Jobs in science, technology, engineering, and math are growing at three times the rate of other jobs in the United States. With that in mind, and in spite of high levels of unemployment, nearly 100,000 valuable American-based positions in critical high-tech firms, such as IBM, Microsoft, and Intel, have been left unfilled. By 2018, estimates are that this number will increase to 230,000.

This bill, which we are so close to getting across the finish line, focuses heavily on breaking down barriers in our current immigration and visa system to help fill this staggering labor gap and spur our economy in the process. The more flexible market-based system for visas included in this bill will ensure our immigration system only brings workers businesses need. Moreover, this bill will ensure that Americans get a first pass at jobs before foreign workers are eligible to fill them. That is an important element, one that Coloradans have told me they demand.

But it is not only about ensuring that the bill before us doesn't displace current U.S. citizens, I would point out to my friends who are skeptical of this effort that immigrants in this country also have an incredible and phenomenal history of creating jobs.

Let me share a couple numbers with everybody. Between 1990 and 2005, immigrants started 25 percent of the highest growth companies in this country, directly employing over 200,000 people. Since 2007, immigrant-founded small businesses have provided employment for 4.7 million people and generated almost $800 billion in revenue.

Big-time American companies, such as Intel, Google, eBay, and Sun Microsystems, were all created by immigrants—companies that helped to form the very roots of our thriving tech industry.

I wish to take a minute to thank the Gang of 8 specifically for their efforts to include a section in the bill that creates the INVEST Program, which focuses on incentivizing entrepreneurs, such as the founders of these iconic companies, to come to the United States. This program, which draws on the bipartisan Startup Visa Act I introduced with Senator FLAKE—and includes the work of Senators MORAN, WARNER, and others—will ensure that the next generation of entrepreneurs and job creators can stay in the United States and create good American jobs. Last week, after listening to advocates, Senator WARNER and I filed an amendment that we think will bolster these provisions even further, and we certainly hope our colleagues will think it is a good enough idea to include in the final legislation.

Programs in the underlying bill, such as INVEST, will help supercharge our economy by helping to create thousands of jobs over the next decade.

Ralph Waldo Emerson once said: ''America is another word for opportunity.'' We take pride in our rich history of being a country where the key to earning a valued place in society is through ability and determination, where immigrants from all over the world—alongside third-and fourth-generation Americans—can earn an honest living or start a business. It is incumbent on us, as Members of Congress, to actively ensure that America remains the land of opportunity.

As the Presiding Officer knows, that starts with our children, including undocumented children, our DREAMers, who know of no other place but here as their home.

I wish to close by talking about a DREAMer. His name is Oscar. I wish to make the case for Oscar and his family.

Oscar and his brothers, Juan and Hugo, are the children of parents who illegally immigrated into the United States and brought their kids with them. They now live in my State of Colorado. Throughout their entire lives, they lived in fear of the black cloud of deportation that has hung over them.

I had the pleasure of meeting Oscar here in Washington a couple of months ago. He had a very simple request for a kid who grew up in the United States. He wanted the opportunity for himself and his brothers to come out of the shadows and become someone.

Where are Oscar and his brothers right now? They are in college pursuing degrees in engineering and psychology. Let's design a commonsense policy that will allow them to work after they graduate. Let's give Oscar, and the millions like him, the opportunity to come out of the shadows and become the next generation of American leaders, innovators, and job creators.

This week we are faced with a choice: We can put into place a bill that was negotiated by Members of both sides of the aisle, one that takes historic and far-reaching steps to secure our borders and provides a tough but fair pathway to legal status and an exit from the shadows for those who are here illegally. This bill will help crack down on employer exploitation and help give American businesses the secure and stable workforce they deserve. The other option would be to try and delay this bill and continue on with a broken system that continually undermines our economy by keeping millions in the shadows. We could keep the system that denies the best and the brightest a viable path to citizenship and instead would encourage them to create jobs abroad for our global competitors such as China and India.

Let's not deny Oscar and his brothers the opportunity to come out of the shadows and be the next generation of American workers. Let's continue to work on amendments, and let's pass this comprehensive immigration reform bill this week.

I thank the Presiding Officer for her patience, for her forbearance.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

EXECUTIVE SESSION

NOMINATION OF PENNY PRITZKER TO BE SECRETARY OF COMMERCE

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

The legislative clerk read the nomination of Penny Pritzker, of Illinois, to be Secretary of Commerce.

The PRESIDING OFFICER. Under the previous order, there is 30 minutes of debate equally divided in the usual form.

The Senator from Illinois.

Mr. DURBIN. Madam President, for those who are following the debate of the Senate, we are in the midst of the debate on the immigration reform bill, expecting votes on amendments this