after 10 years, the Secretary may adjust the status of those illegal immigrants who receive amnesty to lawful, permanent resident or green card status. So the Secretary can adjust the people who came here illegally from their temporary legal status to permanent resident of the United States, or green card, and then be on a guaranteed pathway in 3 years to full citizenship. But that is supposed to only be done when? The Secretary certifies to Congress that her border security strategy is substantially deployed, substantially operational, and that her fencing plans are implemented and substantially completed. These terms are undefined, leaving these determinations to the sole discretion of the Secretary, and she said we don't need anymore fencing. She gets to decide about fencing.

What is she required to do? Her fencing plan has to be initiated and approved, or her plan has to be implemented. But the plan doesn't have to call for a single foot of fencing.

Also, the green card status can be given when she has implemented the new—this is important—employment verification system required under the bill, which is for new employees, not current employees. They do an E-Verify system to check on something like that, and it is not mandatory for all employers until 5 years after the regulations are published. So the employment effort is not effective for at least 5 years after the amnesty has been provided, and it could take even longer for it to become fully effective.

The real deadline for implementation of the employment, the E-Verify successor system they would like to develop, may be as long as 10 years. That is less than what the 2007 bill called for, the bill that failed. In 2007 E-Verify was required for all new hires 18 months after the enactment of the bill and for all current employees 3 years after the enactment of the bill. So their plan for the E-Verify system is far weaker than the plan in 2007, and it suggests that by putting it off and not having current employees have to have it used for them that they are not very serious about it.

Also, she is using an electronic but not biometric system exit system at air and sea but not land ports of entry. So another requirement for a trigger is that there must be an end use and an electronic, not biometric, exit system for air and seaports but not land. Experts have told us if we don't do land, we never know when anybody has left the country.

Unfortunately, as are most seemingly tough provisions in this bill, it is followed by an exception that swallows the rule. The bill allows the Secretary to grant green cards to those given amnesty without satisfying these triggers if litigation or an act of God has prevented one of the so-called triggers from being implemented, or implementation has been held unconstitutional by the Supreme Court, or the Court has simply granted certiorari in a case challenging its constitutionality; and ten years have elapsed since the date of enactment. There are so many loopholes in it, and so she can certify she has a plan. She can certify that with expanding the system electronically but not biometrically, in airports and seaports but not land ports, we end up with what would appear to be a big improvement over current law, but it is not. Current law requires biometric in land, sea, and air. So this reduces that.

The bill undermines the ability to deport people who are in the country illegally. There are a whole lot of examples I could give at this point, and I won't—not tonight, to the Chair's relief.

So, as in 1986, amnesty comes first. It will occur. The deportations will stop, and it happens now. But the enforcement that is promised will not happen in any effective way. That is clear. If we read the bill, we see there is not a real sense that anybody who knows anything about enforcement was there in the room drafting the bill, driving the legislation, to close loopholes and make this system enforceable in the future and end its brokenness today, end the illegality today, and put us on a path we can be proud of for our future. The bill does not fix illegality that dominates so much of our current system. It surrenders to illegality and does not stand up and fix it. This is not what the good people of this country want for their future: another long period of illegal immigration and another inevitable amnesty.

We can fix the border. We can do that. We can fix our visa system. It is not that hard. We know how to do it now. We can fix and dramatically increase the ability of employers to ensure they hire only legal workers and not hire illegal workers, leaving Americans unemployed at record rates. We can establish a strong interior enforcement system, one that has integrity and fairness. This bill is not close to that goal. Even though we could do it, it fails to move us where we need to go to put this system on a sound path. It should not become law.

I thank the Chair and yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 7:44 p.m., adjourned until Tuesday, June 11, 2013, at 10 a.m.