

turn it on. He said this bill is a “sell out, a complete betrayal of the nation, a slap in the face to millions coming here legally.”

He referred to the people in 1986 who passed the 1986 act and promised it would do things as our masters and our mandarins, who said the bill was going to work and it never worked. He said:

Based on my experience, it's a disaster.

Kurt Lundgren, national chairman of the Association of Former Border Patrol Agents said this:

There are no meaningful criminal or terrorist checks in the bill.

He said:

Screening will not happen.

He said:

Congress is lying about it.

With regard to the proposal that record checks would be performed within 24 hours, he said:

There's no way records can be done in 24 hours. As to the proposal that Senator CORNYN tried to fix that allows gang members, MS-13 international gang organization groups to get amnesty by simply saying they renounce their allegiance to the gang, he said:

What planet are they from?

Jim Dorcy, an agent for 30 years and inspector general with the Department of Justice that handled investigations into all these areas involving the Border Patrol, internal investigations, he said:

The 24-hour check is a recipe for disaster.

Referring to the bill, Mr. Dorcy, 30 years with the Border Patrol said:

I call it the al-Qaida dream bill.

Roger Brandemuehl, chief of the Border Patrol from 1980 to 1986, second one I am calling on here that was chief of it, said:

We have fallen into a quagmire.

He said:

The so-called comprehensive reform is neither comprehensive nor reform.

He said:

It's flawed.

He set forth some principles that he thought would actually work. When asked had he been consulted by the masters of the universe who cobbled this bill together, a bunch of politicians who have never arrested anybody in their lives, they joked about it. They never have been consulted. Nobody wanted to know what they knew or cared about.

I will just wrap up and say I am not comfortable with the way this bill is going. I think we have been slow-walked in the way the majority leader and the group that is trying to move this bill forward is doing this. They are objecting to having amendments pending. So when cloture is filed, if an amendment is not pending, it fails. It can't be voted on postcloture. So this way they have been able to maintain control over the amendment process and will be able to maintain it, even if cloture is obtained tomorrow. I don't know what will happen tomorrow, but I know this: There are a lot of good

amendments. I have seen some of the amendments Senator CORNYN has that are important. I know some of the amendments I have are important to having a good, lawful immigration system. There remain major flaws in this legislation. We should not pass it in its present form.

In rebuttal to the constant refrain that somehow this bill is going to end the lawlessness and create a lawful system, I point out that the Congressional Budget Office, just 2 years ago, issued their analysis of the bill and concluded there would only be a 25-percent reduction in the number of people coming into our country illegally. We have gone through all this, and we are only going to get a 25-percent reduction in the number of people who come here illegally, when we arrested last year over a million people. What kind of system is this?

I wish the principles and goals contained in the talking points that were bandied about early on in this process could have been achieved. I had hoped they would and said some good things about it because I thought some of the principles involved in this year's process were a bit better than last year, but the truth is, when you read the fine print, very little progress was made in those directions, and the major flaws continue. I just wish it weren't so. But that is my opinion of it. I don't think we are on the road to improving the bill. I don't think we are proceeding effectively to allow full debate and amendment.

I yield the floor.

AMENDMENT NO. 1311, AS MODIFIED, TO  
AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Good morning, Mr. President.

On behalf of Senator COBURN, I call up amendment No. 1311 and ask that the amendment be modified with the changes at the desk and then be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for Mr. COBURN and Mr. DEMINT, proposes an amendment numbered 1311, as modified.

The amendment, as modified, is as follows:

(Purpose: To require the enforcement of existing border security and immigration laws and Congressional approval before amnesty can be granted)

Strike section 1 and all that follows through page 4, line 11 and insert the following:

**SECTION 1. EFFECTIVE DATE TRIGGERS.**

The provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully

present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z non-immigrant status under title VI of this Act,