

ignore the state of air pollution and the public health challenges it presents is to ignore the reality of the state of our environment and its impact on public health.

Finally, the public approach when it comes to this issue is a war on this Earth we call home. Unless and until the United States shows leadership when it comes to the environment, it is difficult, if not impossible, to convince other nations to do the same.

Today the President is going to make a speech which will be controversial about what to do with our environment. I think he is on the right track to engage us in a national debate, a debate about the legacy we leave our children and grandchildren when it comes to this Earth we live on.

Senator McCONNELL's State of Kentucky is just south of mine. He has coal reserves in his State, as we do in Illinois. We have seen the use of those reserves, because of some of the contamination and chemicals that are associated with that coal, diminish dramatically over the last several decades.

I haven't given up on coal if it is used responsibly. This administration has invested in clean coal projects. One is called FutureGen 2. It is a project to capture the emissions coming out of smokestacks from coal-fired electric powerplants and to bury them deep beneath the Earth, a mile beneath the Earth. It is capture and sequestration of these emissions. It is an energy research experiment which we are engaged in right now in central Illinois which I believe holds promise for the use of coal in the future in a much more responsible way.

How much can you store below the Earth in Illinois? We can store the emissions of over 50 coal-fired electric power plants operating for 50 years. Let's engage in that research. Let's find responsible ways to use coal.

This notion that moving toward energy efficiency and reducing pollution is going to cost us jobs isn't borne out by the evidence. We are seeing dramatic investments being made in manufacturing for solar, wind, and geothermal. We are seeing dramatic investments creating new American jobs because we are setting new standards for more fuel-efficient cars, for example. This is good for every family, every business in America. It is good for the environment, and it creates jobs. To suggest that dealing with the environment costs us jobs—exactly the opposite is true.

Let me also say a word about the Republican leader's concern about working families living paycheck to paycheck. Time and again on this side of the aisle we have offered to the Senator and his colleagues a chance to reduce the tax burden on working families in America by asking those who are doing quite well to pay a little more, and they have consistently said no. Again, we have asked the Republican leader and his colleagues to join us in raising the minimum wage and

they have said no. So this concern about families struggling paycheck to paycheck should be borne out by some of their votes. That, to me, is essential.

Let me close by saying this: I believe the environment is a challenge we must face head on. To ignore it is to ignore reality. Lake Michigan, when measured just a few months ago, was at its lowest depth in any measured time in recent history. What we are seeing in global warming is the evaporation of our Great Lakes. It is a scary thing to think about what this will ultimately do to us.

The President is going to face the issue head on. There are some who want to run away from it. They can do that if they wish. But their war on science, their war on health, their war on those destructive forces that are affecting the Earth is shortsighted. We need leadership on this, bipartisan leadership.

Let me close by saying—and then I will yield to my friend from Maryland—that I will come back shortly after morning business to speak about this historic immigration bill. The 67-to-27 vote on the floor last night—bipartisan vote—is an indication that we have finally come up with a historic measure and one that is important for the future of this Nation. We will do many things around here, and important things, but hardly anything as important as fixing this broken immigration system. The fact that we can do this in the Senate on a bipartisan basis is a tribute to this institution getting back on its feet and putting aside some of the political battles of the past. I only hope our friends over in the House are watching this and understanding that only through bipartisanship can we cure and solve some of the problems our Nation faces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Before my friend from Illinois leaves the floor, I wish to congratulate him on his incredible leadership on the immigration bill. The Senator from Illinois brought many issues to the compromise that was reached, but I particularly wish to thank him on behalf of the children for the DREAM Act that is incorporated in this legislation that will help so many young people.

I told a story on the floor of the Senate about a person who lives in Maryland who was offered a scholarship and had to turn it down. We found out he didn't have legal status in the United States. What a disappointment it was to him. I also told about a lot of other young people who have had the courage now to step forward, and the Senator's legislation will give them hope, in a very relatively short period of time, to be able to accomplish the dream of being in America.

So I wanted to applaud him and all the Senators who were involved—Senator SCHUMER just left the floor, his incredible work with Senators BENNET

and MENENDEZ, and the Republicans the Senator from Illinois worked with, Senators MCCAIN, GRAHAM, FLAKE, and RUBIO.

The Senator is absolutely right. If we want a major bill done, it has to be done in a bipartisan way. It is not the bill the Senator would have written; it is not the bill I would have written, but I think the Senator from Illinois has done a great service, and I thank him.

Mr. President, I have cleared it on our side, and I ask unanimous consent that I be permitted to speak for up to 15 minutes.

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

IMMIGRATION REFORM

Mr. CARDIN. Mr. President, yesterday was good news. It was good news for the eventual passage of S. 744, the comprehensive immigration reform bill. It is good news the Senate is on the verge of being able to pass this legislation because 11 million people who live in the shadows will now have hope they will be able to stay in America, work in America, and one day become citizens of this great country.

But the real winners of immigration reform are the American people and our government. We have a broken immigration system today, and this bill will allow us to replace that broken immigration system with a balanced approach on how to deal with immigration in this country. It is balanced first by recognizing border security is important. We have to make sure people coming to this country come in lawfully; that they come in through a door, not over a fence, and this bill clearly deals with the issues of border security.

The bill also deals with E-Verify for employers, to make sure employers only hire those who are legally present in this country. It also provides a way in which those who are currently here can come out of the shadows, get legal status, and earn a pathway to citizenship.

I say earn a pathway to citizenship because those individuals have to comply with our laws, pay our taxes, learn English, and then wait for the entire working backlog within the immigration system to be cured before they can apply for citizenship. So it is a way in which individuals who are currently here, who are law-abiding and are prepared to comply with our laws have a reasonable pathway to citizenship.

It also deals with realistic numbers for people who want to come to America, who want to make America their home, for family reunifications, as well as those who want to work in this country. By having reasonable numbers, we can get the skilled workers we need and we can get the seasonal workers we need.

The bill replaces a badly broken immigration system. As I mentioned to Senator DURBIN, it includes the DREAM Act. This gives children who

have been here most of their lives, within a relatively short period of time, a pathway to citizenship in America.

I regret that border surge modifications were added to this legislation. I say that for many reasons. I thought the bill reported out of the Judiciary Committee, although it was not the bill I would have written, was well balanced on border protection. I think the additions that will be added later today will spend a lot of money with little results for the taxpayers of this country.

I think we have thrown money at a problem rather than trying to look at what should be done in the most cost-effective way. The cost benefits of these billions of dollars being spent are very marginal.

Most of the problems deal with employment. The E-Verify system is an important improvement in the bill, as reported out by the Judiciary Committee. When we look at who is likely in the future to be illegal in this country, it is more likely to be people who entered the country lawfully and then are out of status than it is someone sneaking over the border. So I think we could have used the money in a much more effective way, and we are micro-managing border security, which, in the long run, will not be to the benefit of this country.

I couldn't agree with Senator LEAHY more in the statement he gave. We are waiving contractor rules by the amendment that is currently on the floor, and that is going to cause waste, fraud, and abuse. There is no question in my mind about that.

But what I find very hypocritical is that the same Senators who are on the floor day after day complaining about the size of government and government spending when it comes to educating our children, when it comes to dealing with our most vulnerable, when it comes to dealing with our health care system, are the ones who propose spending more money on border security than anyone thought was necessary.

We could have done this better. I am disappointed, and I think if one takes a look at it, the amount of money being spent exceeds any of the earmarked funds we were complaining of wasting in the past. I thought there was some benefit to earmarks. We talked about that, but we got rid of earmarks, and now we have a bill that is spending billions of dollars in an effort to deal with border security when we could have done it in a much more cost-effective way.

I am also disappointed in the amendment process that has been used in this legislation. I don't blame the majority leader at all. I do blame those who have been obstructionists in considering amendments on the floor. Republicans have complained about amendments being offered on the floor of the Senate in the past. We have given the opportunity on this immigration bill for us to consider amendments, but it

was the same Republicans who objected to us considering the bill.

Senator LEAHY offered a group of noncontroversial amendments. It was a large group. Senator LANDRIEU has talked about this frequently. She offered her amendment to deal with children. In that group of noncontroversial amendments was an amendment I offered, and I still hope we will have a chance to deal with this—the RUSH Act. What does that deal with? It is amendment No. 1286, a bipartisan amendment. I am pleased Senators KIRK and PORTMAN have joined me in cosponsoring this amendment. It deals with Holocaust survivors, some of our most vulnerable citizens. On average, they are over 80 years of age. Many live alone, many live below the Federal poverty level, and they are desperately concerned about being institutionalized, as I think everyone can understand. This amendment makes it easier for them to access services under the Older Americans Act.

This is noncontroversial. It was before us, and it was objected to by a Republican, so we couldn't offer that series of amendments. That is not what we should be doing. We should be considering these amendments in an orderly way, but that was not allowed.

Let me mention one other amendment I hope we will get a chance to consider. That is amendment 1469, offered by Senator MCCAIN, and I have joined him. It deals with gross violations of human rights, internationally recognized human rights. Someone who has violated the basic international standards for human rights shouldn't be given a visa to come to America. We took action last Congress in dealing with the Magnitsky circumstances in Russia, denying gross human rights violators in Russia the opportunity to come to America and getting a visa. At that time, we talked about there being an international standard. Senator MCCAIN and I have led the charge with other Senators, and I wish to thank Senator WICKER for his work on these issues.

We should now have the opportunity. It is noncontroversial. No one has raised an objection to this amendment, so it should be considered. Yet because of the obstructionist policies to date, we have not had that opportunity.

I wish to mention a few other issues in the underlying bill that I think we can improve upon if we have the opportunity to consider reasonable amendments. One deals with profiling.

I have introduced legislation that would ban profiling. When law enforcement profiles based upon race, religion, national origin or ethnicity, it is bad police policy. It is bad law enforcement policy. It leads to sloppy work. It leads to a waste of resources, and resources are very scarce. It causes communities to turn against law enforcement rather than working with law enforcement.

All of us have said we want to get rid of racial profiling, and this bill does provide a way—a statement against

profiling. But it is not as strong as it should be, and there are some unintended consequences as a result of the language included in it.

I think it is very appropriate I am talking about this today as the Trayvon Martin case starts in our courts—the youngster who, as a result of racial profiling, lost his life. I have introduced amendment No. 1267, which would add to the basic bill against profiling, profiling based upon religion or national origin. It would remove a broad exception to the bill that is included, and that is well intended but I think compromises the purpose of the underlying bill, which is to prevent profiling.

I have also offered amendment No. 1266, which deals with additional scrutiny and screening given to certain individuals. The underlying bill says it can be done by country or region. That is profiling. If we have specific information, let us use specific information; otherwise, again, we are going to be wasting the resources of our security system. The best use of resources would have us use information for additional screening rather than just saying from one region of one country.

By the way, if you can get a visa from those countries, then there is obviously a reason for an individual to be here. So unless we have a specific reason for additional screening, we shouldn't be doing that by region or country.

The two amendments I referred to are supported by many groups. They are supported by the Leadership Conference on Civil and Human Rights, by the NAACP, by the AFL-CIO, and I can mention other groups that have urged us to modify the underlying bill with these changes.

I held several townhall meetings in Maryland on the immigration reform bill. They were well attended. I thought the discussions were very positive. They were focused on how we can make this bill a better bill and eliminate some of the unintended consequences. Several at these townhall meetings talked about the registered provisional immigrant status and certain requirements in order to stay in that status and have a pathway to citizenship. One of the requirements is an individual has to be regularly employed. We understand that. That is a good requirement. However, there are times when we have to understand that may not be practical—during an economic downturn, when someone is in school. The bill recognizes school, education, is an acceptable substitute for regular employment. But if someone is unemployed for a 60-day period, they run the risk of losing their legal status in this country.

I offered an amendment that said volunteering in community service would be an acceptable substitute. This is a win-win situation. Someone who volunteers is helping our community and also learning more about the needs of our community. This had the support

of the AFL-CIO. They understand the reasonableness of our labor circumstances. I hope we will still have a chance to consider that modification.

I was also in discussions that came out of these townhall meetings dealing with those who have violated our laws perhaps many years ago on maybe not a very serious issue. There should be at least some flexibility in the law for extenuating circumstances, so someone is not jeopardized to be deported because of something that is not relevant to today—that person being law-abiding. I hope we can consider that.

I offered amendment No. 1264, which deals with private prisons. I think our colleagues were surprised to find out that about half of the 14,000 ICE detentions are detained in private penal facilities, not Federal facilities.

We want accountability. This law provides for accountability for those who are detained. But a FOIA application, where one can get information, only applies to Federal prisons. It doesn't apply to non-Federal prisons. I offered a commonsense amendment that I don't think is controversial that would apply the same oversight to private non-Federal prisons as we do to Federal prisons. We all talk about accountability and responsibility of accountability. I think that amendment makes good sense.

So this is not the bill I would have drafted. I would have done other things. I would have spent money a little bit differently than is spent here, and certainly not as much money. I would have taken care of some of the problems on profiling, and I certainly would have dealt, on some of the other issues, with Holocaust survivors. I still have hope that some of these amendments can be considered and adopted. I know people are working on that, and I hope we can work on a package that will improve the bill, particularly the noncontroversial amendments.

I spoke on the floor a couple weeks ago as to why I support this bill. I talked about a high school student who found out he was eligible for a scholarship, only to find out he couldn't take it because of his legal status. I talked about young people who were separated from their parents who have been deported. I talked about employers who have seasonal needs and workers who are well-trained, highly skilled. There are scientists who are desperate for immigration reform so they can meet their economic needs. I have talked at great length how this bill will help the American economy, help us be more competitive internationally, and how this bill is compassionate as to what America should stand for on its immigration policies.

So this is not a difficult choice for me to make. I support this legislation and will be voting for this legislation because I do think it is in the best interests of our country. I do hope we have an opportunity to improve this legislation before we vote on it. I hope we can adopt some of these non-

controversial amendments, but I do hope we will send this bill to the House of Representatives.

I urge my colleagues in the House to follow the example of the Senate, to listen to each other and work across party lines so we can pass comprehensive immigration reform and send it to the President of the United States for his signature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I ask unanimous consent that during the quorum call the time be equally charged to the majority and to the Republicans.

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

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RULES OF PROCEDURE

Mr. JOHANNIS. Mr. President, I rise today to speak about longstanding rules of procedures and traditions of the Senate.

I have watched with interest over the past few weeks as members of the majority have continued to threaten to break the Senate rules in order to impose a majority rule at the expense of minority rights. We continue to hear threats of the nuclear option by which the majority would break the rules to change the rules.

Despite past assurances from the majority that rules changes would only occur through regular order, they continue to threaten the exact opposite. Make no mistake, this is not some inside-the-beltway squabble over parliamentary procedure. The longstanding rules allowing for unlimited debate and amendment protect every American whose voice is represented by the minority in the Senate. These protections are especially important for Americans who live in rural and less populated States. That would include my home State of Nebraska.

The Constitution specifically designed the Senate to function in a manner that was very different and very distinct from the House of Representatives. The threat of the nuclear option clearly abandons this intent. The majority leader has affirmed the importance of filibuster rights to small

States, arguing they are “a unique privilege that serves to aid small States from being trampled by the desires of larger States.”

I continue to be astounded by the insistence by some that we trample over these rights, especially given the significant nominations and legislation the Senate has recently considered.

It has been noted by many metrics the Senate has more rapidly confirmed President Obama's Federal judicial nominations than it did during the time of President Bush's administration. In addition, over the past few months the Senate has passed significant pieces of legislation: the farm bill, the Water Resources Development Act, and the Marketplace Fairness Act. We have considered bills I have supported and bills I have opposed. But the fact is we have given these pieces of legislation due consideration that would be required of the world's greatest deliberative body.

At the beginning of this Congress, the Senate agreed to a new standing order to expedite Senate consideration in extraordinary circumstances. But the majority leader has not even attempted to use the expedited procedures—not once. So I ask why, then, threaten the very fabric of how this institution was created?

I have served in the Senate just 4 years, all of which I have been a Member of the minority. I would caution my colleagues whose experiences have been conversely limited to serving only in the majority that should the majority go down the road of the nuclear option, there is no turning back. There will come a day—perhaps soon—when control of this Chamber will shift, and the current majority will not like what it sees when it is in the minority.

My colleague, the senior Senator from Tennessee, recently outlined a number of priorities he would pursue should we find ourselves in that situation where a Republican-controlled Senate could use majority rule.

I am not going to be here in the 114th Congress, but I thought I would outline some policies I would support should the current majority take us down that road. Perhaps my list of priorities will give some ideas to my colleagues who will be serving in the next Congress. Here are just a few policies I would highlight, many of which have already received majority support in the Senate but have fallen short of the 60-vote threshold.

First, and most important, the repeal of the health care law that promised the world but delivered only chaos, confusion, and higher costs. You can bet the Senate would repeal all 2,700 pages with one 15-minute rollcall vote. In addition, without having to worry about the opposition of the current majority, we can enact responsible reforms to rein in debt and deficit. Reforming our entitlements would, of course, need to be center stage since that is where the money is spent.

Another priority would be to prevent regulatory overreach by heavy-handed