

funds Homeland Security. Why then are my friends on the other side of the aisle voting against proceeding to this bill?

Well, the difference that might be found is that many of them also support the President's incredibly unpopular and controversial action to grant amnesty to 5 million illegals who are here illegally inside the United States, individuals who will now be eligible for work permits and in some cases entitlement benefits. But the American people do not support that. They certainly do not support the action the President took and the way he did it. They oppose the way President Obama went around Congress. They oppose the fact that President Obama ignored the law. They oppose the damage this policy will do to American workers who are already struggling to find work and remain employed. They oppose the crisis this kind of action is creating and will continue to create at the border, as we saw last summer with so many children making that dangerous trip to get into the country and to do it the wrong way, to get here illegally.

Now that the American people have put Republicans in charge, in the majority, in the Senate, we are trying to keep our promise to them, to do what they sent us here to do, and to hold a vote on President Obama's action in this regard. But the Democrats seem to be reluctant to take that vote. They seem to not want to take it. Perhaps they are afraid of it; I do not know. Maybe that is why they refuse to even begin consideration of this bill, plain and simple. This effort to try to hide from the American people is embarrassing, and it is wrong.

My friends across the aisle may say that they have an alternative bill and that we should pass their alternative bill immediately. There are at least two problems with this approach.

First, that may have been the way the Senate functioned under the previous majority—writing bills in back rooms, waiting until the last minute to make bills public, then filling the tree, which means making it impossible for anyone to amend the bill once it gets to the floor, having virtually no debate, and then ramming the bill through without any input from the American people, without adequate debate here, without virtually any debate here. That is not the way the Senate is supposed to work. That is not the way the Senate does work and will continue to work under the Republican majority.

Second, traditionally appropriations bills do not start in the Senate. In fact, the House has not considered a Senate-originated appropriations bill for over 100 years—since at least 1901, the period for which these kinds of records are readily available. Unfortunately for them, the bill the Democrats want is not supported in the House. Why? Well, precisely because it is not supported by the American people.

It is time to stop delaying democracy. It is time to stop hiding from the

American people. It is time to fund the Department of Homeland Security. It is time to have this debate and this discussion about the President's actions—actions that many people regard as unlawful, actions that people have different feelings about as far as the underlying policies but that the overwhelming majority of the American people look at and say: Look, even if I like the underlying policy here, I do not like the way the President did it.

If the President does not like the law, he needs to change the law. The way to change the law under our constitutional system is to go to Congress and to get something passed through Congress. Ours is not a government of one; ours is a government in which we have two entities within Congress that are charged with making the law. The President cannot act alone.

So my plea to my colleagues, particularly those across the aisle, is let's have a vote and then let's have a debate. When we have a vote and we have a debate, we will get to the point where we can fund the Department of Homeland Security and keep our Nation safe. We should not be keeping these important programs—we should not be holding them back simply out of a desire to protect the President and his actions that are outside the law.

#### MORNING BUSINESS

Mr. LEE. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Hawaii.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Ms. HIRONO. Madam President, I rise to urge my colleagues to pass a clean appropriations bill that funds the Department of Homeland Security, DHS. Listening to my friend the Senator from Utah, it is very clear that the Republicans' position on this bill that is before us today is totally dependent on their assertion that the President's recent actions on immigration are illegal. Democrats do not concur with that. In fact, I thought illegality of any actions should be determined by courts of law. What the President did recently is no different from like Presidential actions taken by Presidents Reagan and Bush, I might add. So we must fund DHS and resist the temptation to govern through manufactured crises and political games. Our national security is at stake.

Surely my colleagues remember when DHS was created in direct response to the terrorist attacks on September 11, 2001. Just 11 days after 9/11, DHS started to take shape. President George W. Bush named Gov. Tom Ridge to lead an office to oversee and coordinate a comprehensive and national

strategy to safeguard our country against terrorism and respond to any future attacks.

DHS's mission is to protect our homeland, as its name makes perfectly clear. DHS is responsible for border security and immigration enforcement. It is tasked with keeping our airports safe through TSA, with emergency management response through FEMA, and protecting our coasts through the Coast Guard.

As a member of the Senate Armed Services Committee and the Senate Select Committee on Intelligence, I know how important the work DHS does is in keeping our Nation safe. Let's take a step back and remember why DHS was created in the first place and what their mission is. Why should we play politics with the Department that exists to protect America?

DHS's funding runs out at the end of this month. The clock is ticking. The nearly 200,000 who work for DHS do not want us spending valuable time scoring political points; they want the certainty that their important work will be funded by Congress. If the Department is not funded by the end of the month, we probably will once again resort to passing a continuing resolution to keep the Department going. A continuing resolution is only a stopgap; it is a waste of time and money.

DHS Secretary Johnson said: Operating in a stop-and-go cycle of continuing resolutions is like trying to drive a car across the country on no more than 5 gallons of gas at a time and without knowing the distance to the next gas station.

Of the nearly 200,000 DHS employees across the country, 2,000 are based in Hawaii. Nobody will get paid if DHS gets shut down. Some will be furloughed, while many others will be forced, as essential employees, to continue showing up for work without pay. We count on the Coast Guard, the TSA, Customs, and the U.S. Citizenship and Immigration Services—which are all part of the DHS—to be on the job every day.

Some of my Republican colleagues insist that before we fund the critical work of Homeland Security, we must first undo the President's common-sense immigration actions that helped millions of families across the country. The House bill before us holds DHS funding hostage to make political points against the President. This is a manufactured standoff.

The House bill attacks undocumented persons who have American-born children. Those are U.S. citizen children. The President's actions enabled these families to step out of the shadows, pass background checks, pay their taxes, and work in the open without the daily threat of deportation.

The House bill attacks DREAMers, the students who have been helped through the DACA problem for nearly 3 years. Just yesterday President Obama met with six DREAMers in the Oval Office who represent some of the very

best our country has to offer. The House bill says to these DREAMers: You, too, like the parents of U.S.-born children, should live under the daily threat of deportation. There are 600,000 DREAMers in the DACA Program throughout the country.

The House bill reverses longstanding enforcement priorities and directives that DHS has implemented. These directives tell immigration enforcement officers to focus on the bad guys rather than on the moms, the dads, and other contributing members of our communities. The House bill, in removing all administrative discretion on who should be deported, in effect says that all 12 million undocumented persons in our country can be deported. This is totally unrealistic and unnecessary.

I stand with my colleagues who are ready and willing to come together to pass bipartisan immigration reform. We did that last Congress with 68 bipartisan votes. As Republican Senator HELLER said recently, the House bill that is before us “only includes language that complicates the process of finding a solution when it comes to immigration reform.”

This House bill emphasizes a policy of mass deportation that would harm our economy, costing trillions in economic loss, not to mention the devastating impact on the people. Economists have told us that comprehensive immigration reform will provide an enormous boost to our economy, helping all workers across the country.

The House bill does not reform our system. The House bill does not help millions of students and families come out of the shadows. It does not provide more resources to our hard-working Border Patrol agents. It does not help those who have been stuck in our visa backlog for decades.

Rather than debating comprehensive immigration reform, the House has once again ducked the issue, this time holding DHS hostage so that a small minority of their colleagues can have their way. This is like “Groundhog Day”—a repeat scenario that brings us continuing resolutions to keep government going in a stop-and-go fashion and indeed a scenario that brought us the government shutdown in 2013. We do not have to keep repeating failed scenarios. Let’s bring a clean DHS funding bill to the floor. Let’s get that done and then move on to a debate on comprehensive immigration reform that is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### IMMIGRANT INVESTOR PROGRAM

Mr. GRASSLEY. Madam President, 2 days ago ABC ran a story on its “Nightline” program that brought to light issues with the immigrant investor program. This program is also known as EB-5. This immigration program was created by Congress in 1990. It was created to stimulate the U.S.

economy through job creation and capital investment by foreign investors. In 1992 Congress further added the regional center component that allows participants to pool dollars for foreign investors.

The story on “Nightline” detailed how visas and green cards are for sale for more than \$500,000. It also highlighted how spies and terrorists can use the program to enter the country, risking our national security and undermining the real intent of the program.

For the past few years, whistleblowers have come to me about the fraud, abuse, and national security problems with that program.

A December 2013 audit of the EB-5 program conducted by the Department of Homeland Security Office of Inspector General substantiated several of these concerns. The OIG report concluded that the U.S. Citizenship and Immigration Services is unable to demonstrate the benefits of foreign investment into the U.S. economy—in other words, questioning whether the original intent of the program was being accomplished.

Specifically, the Office of the Inspector General found that the U.S. Citizenship and Immigration Services could not validate whether the EB-5 program actually created 49,000 jobs.

In addition, a 2013 internal memorandum from the U.S. Immigration and Customs Enforcement, Homeland Security Investigations noted that “the nature of indirect job growth is problematic.”

Allow me, please, to discuss the fraud issues related to the program.

The EB-5 program requires a foreign national to invest \$1 million in order to obtain a visa. However, there is a lower threshold for projects that are in high unemployment or rural areas.

Investors have exploited this loophole. As noted in press reports, some metropolitan areas are drawing their own maps or gerrymandering in order to meet this low threshold. The U.S. Citizenship and Immigration Services ignores the problem and doesn’t question it.

Additionally, there are serious concerns that the U.S. Citizenship and Immigration Services does not adequately verify the documentation and the source of funds from investors.

Adjudicators do not thoroughly check how an investor has received \$500,000 and whether the funds are even legitimate.

Finally, I wish to elaborate what is probably more important, the national security concerns. Remember, the Federal Government’s No. 1 responsibility is the national security of this country.

In regard to those national security concerns, in 2012, several agencies came together to draft a forensic assessment of financial flows relating to the EB-5 Regional Center Program, and the Department of Homeland Security Office of Intelligence and Analysis produced an intelligence report of the program’s

vulnerabilities. The same ICE memorandum that highlighted its issues with regional centers also identified seven main areas of vulnerability within the EB-5 program. I won’t go into all seven of them, but I wish to use four as an example.

No. 1, export-sensitive technology and economic espionage;

No. 2, use by foreign government agents and espionage;

No. 3, use by terrorists; and,

No. 4, illicit financing and money laundering.

Let me make it very clear that this ICE memorandum identified seven areas of vulnerability and I just gave us four dealing with sensitive technology and economic espionage, use by foreign government agents and espionage, use by terrorists, and illicit financing and money laundering.

I know I repeated that, but the EB-5 program is being undercut by people who don’t mind hurting the national security of our country.

So to be repetitive on an important point, there are numerous national security concerns. That is why, in my September 2014 “Dear Colleague” letter, I invited my colleagues—all of them—to review classified information on this program.

Today I renew this invitation and urge Senators and those staff who have clearances to view these documents to do so in the Office of Senate Security.

I will be sending another copy of that “Dear Colleague” letter, which contains the document numbers to access the material at the Office of Senate Security.

Summing up, we have whistleblower allegations supported by documentation. We have findings by the Office of the Inspector General. We have classified information about attempts to exploit the vulnerabilities of the program and, finally, we have numerous press reports that highlight the fraud and the abuse.

So I think it is time Congress asks whether this program is worth the national security risks posed and whether this program can be fixed to accomplish the goals that were set out in 1990.

The EB-5 program will require reauthorization by the end of fiscal year 2015 and I want my colleagues to know that I will be demanding reform before this is done, or in conjunction with any renewal.

I do believe that if changes are made, the EB-5 program could benefit the U.S. economy as originally intended by Congress in 1990.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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