

UNANIMOUS CONSENT REQUEST—S. 4292

Mr. LEE. Mr. President, as in legislative session, notwithstanding rule XXII, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of S. 4292 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. PADILLA. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mr. PADILLA. Mr. President, I read the measure that is being attempted to be brought up by this motion. I want to make one thing perfectly clear. It is already a Federal crime for noncitizens to vote in Federal elections. Every Member of the Senate should know that. In fact, any noncitizen convicted of even registering to vote could face up to 5 years in prison.

Every single State has a law prohibiting noncitizens from voting in Federal elections. The consequences for noncitizens go beyond prison time. Claiming to be a U.S. citizen, under penalty of perjury, while registering to vote or while actually voting are deportable offenses. So it is already against the law with significant consequences for violations.

And, in fact, experts have found that voting by noncitizens is exceedingly rare. A study of the 2016 election, for example, found that noncitizen votes accounted for—let me get this right—0.0001 percent. Doing the math, that is about 30 incidents of suspected—not even proven, suspected—noncitizens voting out of 23.5 million votes cast.

What does that tell us? It tells us that our current laws are working. Don't just take my word for it. The Cato Institute agrees. In November of 2020, the Cato Institute found that "noncitizens don't illegally vote in detectable numbers."

So, colleagues, plain and simple, this bill is a solution in search of a problem. What it attempts to do is, once again, make it harder for eligible Americans to vote or to discourage people from voting, particularly American citizens who happen to be experiencing homelessness, for U.S. citizens of color, for U.S. citizens without driver's licenses. Do they have any less of a right to vote than any of us or less of a claim to our country?

I speak today, Mr. President, as both a former California secretary of state as well as being a Member of this body. I have always believed that our democracy works best when as many eligible people participate. That is why I, along with several of our Democratic colleagues, introduced the Freedom to Vote Act. Now, the Freedom to Vote Act does not extend registration or voting rights to noncitizens. What does the Freedom to Vote Act do? It in-

cludes pro-voter policies for eligible Americans, like early voting, vote-by-mail. Imagine that, making it easier for eligible U.S. citizens to exercise their franchise. That is the American way. Whereas, this bill would only serve as yet another barrier to participation by imposing not just extremely burdensome but unnecessary requirements on registering to vote.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, it is unfortunate that it didn't have the chance to pass this today. I would have loved to have passed it. The reason I would love to have passed it is because, as my friend and distinguished colleague, the Senator from California, just noted, it is illegal for a noncitizen to vote. Because it is illegal for a noncitizen to vote, we need to make sure that it doesn't happen.

The fact that it is prohibited by a law with Federal criminal penalties attached to it doesn't mean that it doesn't happen. It doesn't mean that it couldn't happen. It doesn't mean that it is not more likely to happen when we bring a whole lot more noncitizens into the country. There are now an estimated 30 million or so noncitizens inside the United States.

My friend and colleague from California cites a couple of studies. One of those studies is from the Cato Institute from 2020. This was about 12 million noncitizens ago. Under this administration, we let in an additional 12 million or so noncitizens into the United States. That rapid of an influx can cause problems.

He also cites another study from 2016. That 2016 study was probably 15 or 16 million noncitizens ago. Things do change.

Now, the Cato study, the one from 2020 that he mentioned, says that there is no evidence that noncitizens are voting in detectable numbers. It doesn't mean it is not happening. It may mean that they are difficult to detect. But the more noncitizens we have, the more time that elapses when the National Voter Registration Act, or NVRA, remains intact, the more predictable, foreseeable, and, indeed, likely it becomes that many people, some of them perhaps maliciously, knowingly intend to violate the law. Others who might be in sort of a gray area, not quite realizing what they are doing or the fact that it is illegal, might end up registering to vote.

Let's remember, in 1993, Congress passed the so-called motor voter law, the National Voter Registration Act.

It made it very easy to register to vote in Federal elections. All you have to do is check a box and sign your name. It is all on the honor system. If you do that, you are registered to vote.

Now fast-forward two decades. The Supreme Court of the United States decides a case interpreting the National Voter Registration Act as prohibiting

the States—preempting the field in such a way that States may not request any proof, any evidence of citizenship when registering someone to vote such that they would be eligible to cast a vote in a Federal election.

Meanwhile, we have a change in trend. Decades ago when the NVRA was passed, No. 1, we had far fewer illegal aliens in the country, and we also, No. 2, had a lot of States that wouldn't issue a driver's license or were reluctant to do so to someone who was illegally in the United States. It is now the case that at least 19 States issue driver's licenses to individuals who are unlawfully, illegally in the United States. All 50 States plus the District of Columbia issue driver's licenses to noncitizens generally.

What that means is that somewhere in the neighborhood of 30 million people, or at least the adult segment—that portion of the nearly 30 million people who are noncitizens inside the United States today—all they have to do is go get a driver's license, which most of them, if they have any interaction with other members of society, are likely to do, to go get a driver's license—you need a driver's license for all kinds of things. Once they do that, if they check that box and sign their name, all on the honor system, they are registered to vote. Not only does the State not necessarily know that they are noncitizens and ineligible to vote, the State is legally constrained, legally prohibited from asking for any evidence establishing whether or not they are citizens.

So this really is concerning. We shouldn't treat it lightly. And the fact that it is difficult to detect makes it more important, not less, to require evidence supporting citizenship.

Look, we have to do this in other contexts. Anyone that travels abroad or might at some point in the future travel abroad will have to apply for a U.S. passport. To do that, you are going to have to produce some sort of evidence of U.S. citizenship.

When you start a new job in the United States, you have to fill out an I-9 form. Under the I-9 form, if you are a noncitizen, you have to produce evidence of your visa and your eligibility under your visa program to work. If you are not here on a visa and you are an American, then you have to produce evidence that you are, in fact, a citizen of the United States.

So if you have to produce that stuff to get a passport, if you have to produce that stuff whenever you start a new job, why would it not make sense to require proof of citizenship upon registering to vote in a Federal election? How else are we supposed to protect our elections, our sacred elections within our constitutional Republic, from foreign interference?

Look, one person, one vote. One citizen, one vote. This is how it is supposed to work. This is a foundational principle, and it is under unprecedented threat today. It is under threat

specifically because President Biden and Secretary Mayorkas have refused willfully to enforce the law. Now we face a direct threat to our electoral system as a result.

Consider this: Since President Biden's inauguration, over 9.5 million undocumented immigrants have entered the United States illegally and have been observed. An estimated 12 million or so have come in. That includes the people estimated to have entered without being observed. This figure exceeds the populations of 36 U.S. States, creating a crisis that has been met with just troubling silence and inaction from many across the aisle.

With millions of unauthorized entrants on U.S. soil, the potential for election fraud through ineligible voting is not just a hypothetical risk, it is a looming reality.

Instead of urging the President of the United States to address this crisis, Democrats seem to prefer to resurrect the so-called Orwellian-named Border Security Act, a bill that has already failed in this body and will do nothing to mitigate the border issues at hand—the border issues created and then exacerbated by this administration.

With the influx of noncitizens under this administration, even if just a fraction—say 1 in 100—were to vote, this could translate to hundreds of thousands of votes, enough certainly to sway tightly contested elections and potentially alter the outcome even in something as significant and with nationwide implications as far-reaching as a Presidential election.

This is concerning considering that a recent study found noncitizens have ample openings to illegally vote. Somewhere between 10 percent and 27 percent of noncitizens are registered to vote, and somewhere between 5 percent and 13 percent of noncitizens vote in Federal elections, including Presidential elections.

Across the Nation, instances abound where States have inadvertently facilitated the crisis. I say inadvertently, but in some ways, their hands are tied. "Inadvertently" here sort of refers to the fact that they don't necessarily mean to; it is that they are prohibited from asking for proof of citizenship.

From unsolicited voter registration forms mailed to noncitizens, to driver's licenses issued without adequate checks, practices relying merely on the honesty of noncitizens, including illegal aliens, have opened the floodgates to voter fraud.

While it is true that it is already illegal for noncitizens to vote in Federal elections, there really are no effective systems in place to verify the citizenship of voters. A mere check on a box is all it takes, with little risk—very little risk—of being caught due to inadequate State election infrastructure.

Federal law even prevents States from requiring proof of citizenship when registering voters via Federal forms.

An increasing number of localities permit noncitizens to vote in local

elections, further blurring the distinctions meant to protect the integrity of our elections.

Prominent Democrats have openly discussed these tactics as not just existing elements but as things that are beneficial to their agenda. Only months ago, every Senate Democrat voted to count illegal aliens in the census to help them shore up more seats in Congress and more electoral votes in the electoral college.

This cannot continue. It is our responsibility, it is our moral imperative to close these gates. My bill, the Safeguard American Voter Eligibility Act—also known as the SAVE Act—would be a vital step in securing the electoral process, ensuring that in every State, every vote cast is legitimate and every voter is duly registered.

The SAVE Act proposes amending the National Voter Registration Act to enable States to require proof of citizenship when registering voters for purposes of Federal elections.

Under the SAVE Act, we mandate that States obtain concrete documentary proof of citizenship at the time of voter registration. It specifies acceptable documentation that really is desperately needed. It is far more injurious, if you want to compare the two. If you want to talk about the amount of burdensome paperwork that goes on relative to what it is that needs protecting, I think it is at least as harmful, if not far more so, to fail to require documentation and proof of citizenship in the context of voting in a Federal election than it is when completing an I-9, which everyone has to do when they start a new job, citizen and non-citizen alike.

Furthermore, the SAVE Act compels States to proactively remove noncitizens from voter rolls and introduces Federal penalties for those who intentionally register noncitizens.

This bill echoes the sentiments of the American people from coast to coast. It transcends political affiliations and speaks directly to the core of what makes our country great: fair, free, and secure elections.

This is about preserving the integrity of our elections and ensuring that each State will have the opportunity to participate in a way that involves each vote being cast to reflect the American will.

If this administration insists upon keeping America's borders open, then the administration must also ensure that none of these illegal immigrants are thwarting our free and fair elections.

Look, this border crisis—make no mistake—was deliberately engineered and has been willfully perpetuated by this administration. Now, they shouldn't want open borders. There are a lot of good reasons why this is a bad idea, a lot of reasons why we shouldn't allow this. There are a lot of people like Laken Riley who have lost their lives or have otherwise endured heartache, trauma, and devastating con-

sequences because of people who should not have been here to begin with.

But if this is what they want, then for the love of all that is sacred and holy, please, they should at a minimum have the decency to their fellow Americans to make sure that those same people who they have willfully allowed to enter our country against our law and against the will of the American people at least not be able to vote in our elections because they are not citizens.

Every day we delay, the foundation of our electoral processes erodes a little more. We can't wait for this administration to enforce the law because this administration isn't enforcing the law.

By passing the SAVE Act, we send a clear message that in the United States, voting is not just a right and a privilege of citizenship, but it is also a protected and a cherished one—one that our own government won't deliberately allow to be diluted and made less meaningful.

As debates about election integrity rage, the SAVE Act stands out by guaranteeing that only American citizens will have a say in our elections, thereby keeping those elections free from foreign interference—something we all care about.

American elections must be decided by American voters, full stop.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 4387

Mr. LEE. Our country is in the grips of the worst border security crisis in our history. President Biden's open border policies have caused an unprecedented humanitarian disaster, with grave consequences for public safety, national security, and, indeed, for the rule of law.

For years, Democrats have stood by and watched as President Biden presided over and intentionally exacerbated this historic crisis. They know that President Biden has the authority to secure the border. Yet, instead of taking him to task, they remain silent.

No, instead of calling on the President to fix the problem, we are here attempting to revise the so-called Border Security Act—a bill that has already failed to pass muster in this body and will do nothing to secure the border and, if anything, would likely make it worse if, heaven forbid, it became law. It would certainly make it worse when administered under this administration because of the amount of executive branch discretionary authority this bill creates.

Look, let's be honest here. This is a political exercise, not a serious debate, because that bill is going nowhere, and we all know that.

Since President Biden's inauguration, over 9.5 million undocumented immigrants have entered the United States illegally. Those are just the ones that we know about, just the ones that have been observed, that have been recorded by our border security