

in favor of a democratic Iraq. In doing so the Iraqis demonstrated to us all the importance of voting.

Earlier this week I was in Iraq and had the opportunity to see first hand the preparations for the historic election on December 15. I even had a chance to witness some of the early voting that took place in Iraq. It was a moving experience and one that demonstrated that the great sacrifice that America has made in Iraq helped to free people from tyranny and start them on the road to a democratic future.

While in Baghdad, I met with the Chairman of the Independent Election Commission of Iraq, IECI, Isadin Al Mohamaady and the members of the commission. I had an opportunity to see first hand the extensive preparations that were being undertaken by the Iraqis. I was impressed by the sacrifice made by the members of the commission and their staff, many of whom have paid the ultimate price for democracy with their lives. However, the spirit that I found in Baghdad, Fallujah, and everywhere I went, was one of determination, professionalism, and a dedication to making sure that Iraqis could freely select their future leaders at the ballot box.

It is important also to recognize the work of the International Foundation for Election Systems also known as IFES that has played a critical role in helping advance free and fair elections in Iraq and in 120 countries around the world. With the support of U.S. taxpayers, IFES was able to provide critical assistance that helped to make these elections possible.

I stand here to salute the brave Iraqis who at great personal risk sent an important message to the world about the triumph of the ballot over the bullet. Iraqis of all ethnic groups have joined together with unity and determination to freely choose their leaders in a free and fair election. They have sent a message around the world that the best way to defeat tyranny is at the ballot box, the source of power of the people, by the people and for the people.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from Mississippi.

UNANIMOUS CONSENT REQUEST— H.R. 4440

Mr. LOTT. Mr. President, I have a unanimous consent request that we have been working on, and I think we are ready to go with. We would like to get that done before we go to the hour of debate on the PATRIOT Act. I wish to see if we can confirm that with the minority.

Mr. FEINGOLD. Mr. President, I object.

Mr. LOTT. Mr. President, could I inquire what the anticipated time is on

when we could get this done? I know the Democratic leader has indicated we are very close and should be able to get this done momentarily. Do we have any information on that?

Mr. FEINGOLD. Mr. President, my understanding is that colleagues are working to clear this continued Katrina tax relief issue and that there is progress being made. That is the reason we are objecting. As soon as we can get it cleared, we will interrupt what we are doing to take it up.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I must say my patience is wearing thin. I have been going through this for several days now and have been assured by the Democratic leader himself that we would get this done this morning. I am expecting that to occur. I am going to be standing right here waiting for that signal from the Democratic leader.

The people of the area that have been damaged by Hurricane Katrina cannot wait any longer. I expect this to be done momentarily, and if it is not, there is going to be hell to pay this day.

I yield the floor.

The Senator from Oklahoma.

NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM

Mr. INHOFE. Mr. President, yesterday I introduced S. 2117, which is a bill engaging our Nation to fight concerning our right to control entry. It is legislation that covers many aspects of the problem we are having on our very porous borders. One part of this is utilizing retired law enforcement officers. As many people know, national law enforcement officers have to retire at age 57. We learned of their availability after 9/11 when the Transportation Safety Administration and our office was inundated with calls from these brave law enforcement officers who are retired, saying that they wanted to participate in this activity, and they are willing to do it for costs. The legislation I have introduced does include the very sophisticated type of a fence that goes along the border between Mexico and the United States and also with an army of people who can join those who have already demonstrated very clearly that if we have enough people down there, we will be able to secure our borders.

I am cautioning any of our colleagues who are concerned about this issue not to be tempted to use military because right now our military is stressed. We have an OPTEMPO that is unacceptable as it is right now. It should not be taking on other duties. Besides that, with the enactment of S. 2117, that would not be necessary.

Illegal immigration is at an all-time high, with around 1 million illegal aliens infiltrating our borders each year.

My legislation focuses on empowering our citizens and law enforcement

officers to fight this flood of illegal immigration.

First of all, I want to make it clear that I honor the millions of immigrants that have come to this Nation, waited their turn, and gone through all the requirements to become American citizens to make our great country what it is today. I have spoken at many naturalization services and seen what these people have gone through to become American citizens.

I agree with the 1997 U.S. Commission on Immigration Reform that measured, legal immigration has "led" to create one of the world's greatest "multiethnic nations."

I also agree with the Commission that immigrants who are "Americanized" help cultivate a shared commitment to "liberty, democracy and equal opportunity" in our Nation. However, I cannot stand idly by and watch this great Nation collapse under the pressure of uncontrolled illegal immigration.

Roy Beck, Executive Director of Numbers USA, a non-profit organization dedicated to immigration reform, stated that "a presence of 8 to 11 million illegal aliens in this country is a sign that this country has lost control of its borders and the ability to determine who is a member of this national community . . . a country that has lost that ability increasingly loses its ability to determine the rules of its society—environmental protections, labor protections, health protections, safety protections."

Beck goes on to say, "In fact, a country that cannot keep illegal immigration to a low level quickly ceases to be a real country, or a real community. Rather than being self-governed, such a country begins to have its destiny largely determined by citizens of other countries who manage to move in illegally."

My bill, the ENFORCE Act, works to solve the illegal immigration problem in several ways. It will provide a way for more civilians and retired law enforcement officers to help the Border Patrol in stopping illegal border crossings and reduce the illegal immigration rate.

Through the creation of the National Border Neighborhood Watch Program, NBNW, retired law enforcement officials called the Border Regiment Assisting in Valuable Enforcement, BRAVE, Force agents, will come and work alongside Border Patrol agents. Civilian volunteers, much like the now well-known Minutemen, will be able to report immigration violations to assigned BRAVE Force agents.

The NBNW Program is modeled after the National Neighborhood Watch program, a collaboration between law enforcement, businesses, and concerned citizens who watch for and report suspicious criminal activity in neighborhoods to the local police.

The Neighborhood Watch Program has proven effective in reducing the crime rate in areas where it is implemented. I am hopeful that the National

Border Neighborhood Watch Program will have the same effect in reducing illegal border crossings as the Neighborhood Watch Program has had in reducing crime.

I also believe that the BRAVE Force will provide significant assistance to the Minutemen, who are sacrificing their time and energy as they work to preserve our liberties and enforce our laws.

Another provision of the ENFORCE Act will make it a felony to be illegally present in the U.S.

Under current law, it is only a misdemeanor to be unlawfully present in the U.S. This means that if illegal aliens are caught in the U.S. today and are deported, most of the time, they can turn around and come right back into our country legally, without consideration of the fact that they were previously in our country illegally.

By making unlawful presence a felony under the ENFORCE Act, when caught, illegal aliens will be entered into the National Crime Information Center, NCIC, database, a computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, missing persons), available to Federal, State, and local law enforcement and other criminal justice agencies. They will also be banned from legally entering the U.S. for 5 years.

My bill will also establish another Immigration and Customs Enforcement, ICE, office in Tulsa, OK.

We only have one ICE office in the whole State of Oklahoma and this is not enough to do the job of enforcing our immigration laws. For example, in September 2004, 18 illegal aliens were riding in a van in Catoosa, OK. The police pulled them over and found several illegal minors, as well as cocaine in the van. When the police called the ICE office in Oklahoma City, ICE authorities told the officers to let the illegals go because ICE did not have the resources or manpower to take them into custody. So Catoosa police let them go.

This is outrageous.

This year alone, 12 agents of the Office of Investigations of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

Additionally, Highway I-44 and US-75 are major roads through Tulsa that are used to transport illegal aliens to areas throughout the country.

We must provide our States and communities with the tools to arrest and detain illegal aliens. Creating a second ICE office in Tulsa, one of Oklahoma's largest cities, will help improve the lack of immigration enforcement in Eastern Oklahoma.

I would also like to note that my colleague, Congressman JOHN SULLIVAN, has introduced similar legislation to create an ICE office in Tulsa. Not only do I believe adding another ICE office in Tulsa will help local and Federal law enforcement, I also believe providing specific immigration training for law

enforcement officers will help solve our illegal immigration crisis.

Our State, local, and tribal law enforcement are experiencing increasing encounters with illegal and criminal aliens during routine police duties. The typical officer often does not know the law, policy, and procedures for determining immigration status or violations—apart from or in conjunction with other offenses—concerning alien lawbreakers.

As immigration continues to affect interior communities, a key to addressing situations that intersect with other law enforcement involves providing State, local, and tribal law enforcement officers with basic training in immigration law and policy. Rather than expending millions of dollars on traditional classroom training, this basic training can be cost-effectively accomplished using the Internet.

Knowledge of basic immigration enforcement can complement law enforcement's core mission; should a local officer have strong reason to suspect other law violations without sufficient evidence to hold or charge the alien on other offenses, immigration violations may constitute sufficient grounds to hold a criminal.

This requires basic familiarity with immigration matters; therefore, this provision authorizes \$3 million for a demonstration project to establish such an on-line training program through Cameron University in Lawton, OK. These funds will be used to develop and facilitate on-line training in basic immigration enforcement for up to 100,000 State, local, and tribal law enforcement officers in 6 to 8 States, similar to the 4 hours of classroom training provided to all of Alabama's state troopers in 2003.

This system will also provide, at the end of the demonstration project, a "return on investment" study documenting the project's cost-effectiveness.

Not only are illegal immigrants increasing by crossing the border and dodging law enforcement officers, they are having "anchor babies" in rapid numbers.

Anchor babies are born to illegal aliens who come to our country and have a baby who is then treated as a citizen because it was born on U.S. soil. These babies are helping the immigration population grow more rapidly than the birth rate of American citizens.

In fact the Census Bureau estimates that at the time of the 2000 Census, the illegal immigration population reached approximately 8 million. Therefore, according to this estimate, the illegal-alien population grew by almost half a million a year in the 1990s.

These numbers are derived from a draft report given to the House immigration subcommittee by the INS that estimated the illegal population was around 3.5 million in 1990. In order for the illegal population to have reached 8 million by 2000, the net increase would

be around 400,000 to 500,000 per year during the 1990s.

Furthermore, according to the Center for Immigration Studies, CIS, a non-profit immigration reform organization, based on numbers from the National Center for Health Statistics, in 2002 there were about 8.4 million illegal aliens, which represent about 3.3 percent of the total U.S. population. That same year, there were about 383,000 babies born to illegal aliens, which represents about 9.5 percent of all U.S. births in 2002.

In the Spring 2005 issue of the American Physicians and Surgeons Journal, Dr. Madeleine Perner Cosman says, "American hospitals welcome anchor babies.

"Illegal alien women come to the hospital in labor and drop their little anchors, each of whom pulls its illegal alien mother, father, and siblings into permanent residency simply by being born within our borders.

"Anchor babies are, and instantly qualify for public welfare aid."

Between 300,000 and 350,000 anchor babies annually become citizens because of the Fourteenth Amendment to the U.S. Constitution which says: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside."

These anchor babies are being used to enable their parents to skirt the law, cross our borders, and bring in additional, illegal aliens. As the law currently stands, because these children are considered citizens, it creates an incentive for more aliens to illegally cross into our country.

My bill will end this incentive by clarifying that only children born to citizens or legal permanent residents are considered citizens and "subject to the jurisdiction thereof."

The ENFORCE Act will also address several issues including clarification of acceptable identification documents, verification of Social Security numbers and benefits, clarification of the rights of local and state law enforcement officers concerning illegal immigration and construction of a fence along our southern border.

There is a growing problem regarding fraudulent identification, identity theft and foreign-issued consular cards in our country. Illegal aliens often steal a person's identification, such as the birth certificate of a deceased person, and use it to gain employment and other benefits.

My bill will help eliminate this fraud by establishing birth and death registries for localities to have the ability to check a person's identification to ensure they are truly who they claim to be. It will also require independent verification of birth records of people applying for a Social Security number.

The ENFORCE Act will clarify which identification documents can be used for official identification within the United States—such as driver's licenses, passports, etc.—eliminating the use of consular cards for identification.

Often, foreign embassies, within the U.S., will issue consular cards to their citizens who are in the U.S. These cards are unnecessary because the U.S. government either recognizes foreign passports or issues its own identification documents to foreigners who are legally in the U.S. The majority of consular cards have been found to be used as identification for illegal aliens and have been called an insecure document by the FBI and Department of Homeland Security.

Another provision in my bill will address Social Security benefits for work performed by illegal aliens.

Under current law, former illegal aliens, who gain legal status, are able to receive Social Security benefits for the work they performed while they were illegal.

My bill will end this practice by not allowing anyone to collect Social Security benefits for work performed while they were illegally present in this country. Our Social Security system is already strained and faces bankruptcy. Allowing work performed by illegals to be counted and used to further drain our Social Security system must stop.

The ENFORCE Act will also address fraudulent use of the Individual Taxpayer Identification Number, ITIN.

The IRS created the ITIN in 1996 to improve tax administration because it needed a more efficient way to identify and track the tax reporting of non-citizens, such as foreign investors, who could not obtain a Social Security number when filing tax returns and other tax documents. ITIN applications can be mailed to the IRS, submitted at an IRS walk-in, taxpayer assistance center, or submitted through an acceptance agent.

A GAO testimony by Michael Brostek before the House Subcommittee on Oversight and Social Security in March 2004 revealed that IRS controls for the ITIN could be easily bypassed and that it could be used for non-tax purposes, such as general identification. Mr. Brostek went on to testify that the "IRS concluded that most resident aliens who have ITINs and earn a wage income are not legally employed in the U.S."

This creates many concerns about use of the ITIN by illegal aliens, which is why my bill will make the ITIN look physically different than a Social Security number and not allow it to be used to obtain tax credits.

Another issue my bill addresses is building a fence along our southern border.

It is known, according to government reports, that foreign nationals from countries such as Syria, Iran and Saudi Arabia have crossed our southern borders, not to mention the high number of illegal aliens from other countries.

According to We Need a Fence, an organization dedicated to ensuring a fence is built along our southern border, a CNN poll has shown that 87 percent of its respondents support building a security fence along the U.S.-Mexico border.

The ENFORCE Act will direct a high security, state-of-the-art fence to be built along our southern border to prevent illegal border crossings. This fence will actually consist of two fences separated by a patrol road, ditches, barbed wire, and surveillance cameras. While the initial cost to build the fence is considered high by some, I firmly believe it will result in savings in the long run by preventing illegal border crossings and eliminating the cost of finding, arresting, detaining and deporting illegal aliens.

The ENFORCE Act will also make it illegal to establish day-laborer centers and to assist illegal aliens in finding employment, much like the sites that are set to be built for illegal aliens in Fairfax County, VA.

Earlier this year, the Fairfax County's Board of Supervisors voted unanimously to provide \$400,000 in taxpayer funds to be used to build three day laborer sites to assist illegal aliens in finding employment. It makes no sense to not only ignore the large numbers of illegal aliens gathering in one place, but to enable them to continue to break the law by working in the U.S. and encourage others, such as employers, to break the law by helping illegals obtain jobs.

Another problem we face is educating illegal aliens.

Some states, such as Oklahoma, allow illegal aliens to receive in-state tuition at colleges and universities. This is a slap in the face to out-of-state students who must pay higher tuition than illegal aliens who have broken the law and do not even belong in our country. My bill will address this problem so that illegal aliens will not be able to receive this benefit.

I would like to conclude by sharing a personal story regarding illegal aliens who commit crimes in the United States and then flee across the border to Mexico.

Last May, my friend's son, Jeff Garrett, was tragically shot by an illegal alien while Jeff was turkey hunting in Colorado. After he shot Jeff, the illegal fled to Mexico, where he is hiding today.

I know this story is just one among many about innocent Americans murdered each year by illegal aliens who then find safe harbor in Mexico.

I believe the ENFORCE Act will not only help prevent these criminals from coming across our borders, but is a good start to ending our rampant problem of illegal immigration in general.

I ask my colleagues to join me in solving our immigration problem by cosponsoring the ENFORCE Act.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3199, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3199, an act to extend and modify authorities needed to combat terrorism, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes equally divided between the majority and the minority.

Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are approaching a vote to invoke cloture on the PATRIOT Act which will require 60 Senators to cut off debate so that we can move ahead to a vote up or down on the act. The act, as is well known, is set to expire on December 31, 2005. When the Judiciary Committee, which I chair, approached the reauthorization of the PATRIOT Act, we tackled it early in the year, and there was a committee bill, which I sponsored, which had remarkable success getting a unanimous vote in the committee, which has Senators from both ends of the political spectrum. It then came to the floor in a manner perhaps unprecedented: It went through by unanimous consent. There was no debate. Not a single Senator objected. It was heralded as uniquely well balanced, from the considerations of providing adequate tools for law enforcement to continue the fight against terrorism, which is vital for our national safety, and balanced to protect civil liberties.

Under our system of government, the Senate does not have the last word. I only wish that were so. We have a bicameral system. Then the legislation has to receive the signature of the President.

We then went into negotiations with the House of Representatives. I again thank and commend Chairman SENSENBRENNER, who is the chairman of the Judiciary Committee in the House of Representatives, for working through some very difficult proceedings to come to a conclusion that a conference report could be signed and filed and voted upon by both Houses.

The House of Representatives has supported the conference report with a 77-vote majority—very substantial. Now we have it in the Senate. The conference report was not signed by Senators when originally presented on November 18, 2005. I declined to sign it because I wanted to work through and try to get the joinder of Democrats. It has been my experience that the close relationship which Senator LEAHY and I have established, working on the Judiciary Committee on a bipartisan basis, has yielded significant positive results for the committee, for the Senate, for the Congress, and for the country. We have been able to work through major legislation this year, passing class action reform, passing bankruptcy reform, voting out and confirming the Attorney General very promptly, working through data privacy—a very tough legislative bill