

in 30 days for your deportation hearing. Are we surprised that the vast majority of people don't show up but just merely melt into our landscape and become part of that 12 million people who come to our country in violation of our immigration laws? Well, it is because we only have 20,000 detention beds—20,000—with 1.2 million people coming across our borders just last year. That is the fundamental, root problem with the catch-and-release policy that the Department of Homeland Security has had for far too long.

Senator KYL and I would not only raise the number of detention beds to 50,000, but we would end the catch-and-release policy by improving and increasing and mandating the use of expedited removal across our borders.

This chart reflects that Border Patrol apprehensions of people from countries other than Mexico were 165,000 last year. Yet 114,000 of them were released under the catch-and-release program. As I say, most, if not all, of them melted into the landscape and became part of this shadow culture living in America today of people who have come to this country in violation of our immigration laws. We may assume we know why they have come here. We may assume that they are people in search of a better life and, indeed, many of them are. But the fact is, we can't assume in a post-9/11 world; we have to know who is coming into our country and why they are here because we know there are those who have evil intent toward America. We know there are common criminals. We know there are drug dealers and drug smugglers. We know there are arms dealers. We know there are international criminal syndicates who will do anything for a buck, whether it is smuggling drugs, guns, weapons of mass destruction, or smuggling terrorists across our borders.

In addition to the 10,000 more Border Patrol agents, I believe the solution to securing our borders is in the technology we have, our technological advantage. But we are not using technology along the border the way we should. We know the Department of Defense, our military, is the finest, most professional military the world has ever known, and in large part it is because of the technology they are able to use. We need to use ground sensors. We need to use unmanned aerial vehicles. We need to use technology to provide a secure border.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Madam President, I ask unanimous consent for 30 seconds to conclude my remarks.

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

Mr. CORNYN. Madam President, as I pointed out, border security is national security. I see the chairman of the Subcommittee for Homeland Security of the Appropriations Committee on the floor, and he has been a great champion of getting more money allocated

for this important effort. But we are a far cry from where we need to be. We can do this if we have the national will and commitment. But our national security depends on border security, and we have to make a credible effort—indeed, more than an effort—we need to be successful in providing security to our borders in order to keep the American people safe.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### SECURING AMERICA'S BORDERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand that the Senator from Georgia and the Senator from Louisiana wish to speak. I also wish to speak, and I see the Democratic floor leader is here. I spoke with the Senator from Massachusetts, and he said he wasn't speaking at this time. I was wondering if we could maybe get a time agreement so that we can get an order, if that is all right with the Democratic floor manager.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation now? I am just asking the question.

The PRESIDING OFFICER. Under the previous order, the time until 12 p.m. will be equally divided between the two leaders or their designees.

Mr. GREGG. Madam President, I would just suggest that since the Senator from Georgia is here and the Senator from Louisiana is here and I am here and I know the Senator from Vermont is here, since he is the floor leader, he would probably want to proceed. Do you have a statement you are proceeding with, I presume?

Mr. LEAHY. Madam President, I would tell my good friend from my neighboring State of New Hampshire, I do have a statement. It is not very long; it is probably 7 or 8 minutes. But I would like to say, just to frame the issue, the distinguished chairman of the committee, Senator SPECTER, and I spoke on the floor yesterday on this. This is a major issue. I will want to speak. I do not intend to hold the floor very long.

Mr. KENNEDY. Will the Senator be good enough to yield? I will be glad to wait for 45 minutes or an hour. I will

seek recognition at that time. After the Senator from Vermont speaks, we have some other speakers, but I think we can wait.

Mr. GREGG. I ask unanimous consent that the Senator from Vermont be recognized for as much time as he may desire and then the Senator from Georgia be recognized for 15 minutes, the Senator from Louisiana for 15 minutes, and then I be recognized for 15 minutes, and that will get us to approximately the 45 minutes the Senator was talking about.

Mr. KENNEDY. Then would the Senator from Illinois be recognized for 15 minutes and I will follow the Senator from Illinois?

Mr. GREGG. That sounds reasonable to me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. I yield the floor. I thank the Senator from Vermont and the Senator from Massachusetts.

Mr. LEAHY. Madam President, I thank the Senator from New Hampshire. As usual, he found us a roadmap and it worked well.

Madam President, let me just briefly suggest the absence of a quorum. I am going to take us out of the quorum in about 1 minute.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Madam President, we are going to have a major debate on immigration. That is a good thing, both for the country and for the Senate. I note, however, in the Judiciary Committee, we have had a major amount of debate and long markups. The distinguished chairman of the committee, Senator SPECTER, and I have tried to make sure we had full hearings.

The distinguished senior Senator from Massachusetts, Mr. KENNEDY, is on the floor. As I said last night, he has spent more time on this than any of the rest of us. He has been in the Senate longer. He has been a leader in the area of immigration.

When we began the debate, Chairman SPECTER and I followed the opening statement of the Republican leader with a discussion of how the Judiciary Committee, in a truly bipartisan manner, worked successfully to meet the deadline set by the Senate's Republican leadership. I understood that the majority leader had committed to turn to the committee bill if we were able to meet that deadline. I heard our chairman reiterate that same thing on the floor again yesterday. We did it, we completed that difficult task. We did it by working together, Republicans and Democrats, something that should be done more often around here.

Under the steady leadership of the chairman and Senator KENNEDY, and with the hard work and dedication of so many members of the committee, we worked through the long hours and numerous amendments and accomplished what had seemed to be the impossible. Our staffs worked throughout the St. Patrick's Day recess. As I said last night, I got e-mails from them at 11 o'clock and 12 o'clock at night and then again very early in the morning. I knew how hard they were working on this—the staffs of all the Senators involved. Then the Judiciary Committee sent a resounding message approving a bill by a bipartisan vote of 12 to 6.

What was interesting about that is none of the amendments on the critical issues passed on a party-line vote. They were by strong bipartisan votes. Let me tell you what our committee did.

We have a bill that is strong on enforcement. In some ways, it is stronger than the bill passed by the House. It is tough on employer enforcement. It is tough on traffickers—and it should be. It is stronger than the bill introduced by the senior Senator from Tennessee, who started from the same place as the committee bill but did not include some of the enforcement measures added by amendment during committee consideration nor any of the other improvements we made. For example, neither of those other bills included a provision, added by the committee at the urging of Senator FEINSTEIN, to make tunneling under our borders a Federal crime. The committee bill adds new criminal penalties for evading immigration officers, and it added manslaughter to the definition of aggravated felony.

Finally, on Monday morning of this week, the committee adopted a Feinstein amendment to add 12,000 new Border Patrol agents—2,400 each year for the next 5 years.

Our committee bill is enforcement-plus. It starts with strong enforcement provisions and border security, but it is also comprehensive in its balance. It confronts the problem of 12 million undocumented immigrants who live in the shadows. It values work. It respects human dignity and includes guest worker provisions supported by both business and labor. It includes a way to pay fines and earn citizenship that has the support of religious organizations and leading Hispanic organizations.

Yesterday, Senator KENNEDY and Senator DURBIN and Senator HARKIN made excellent, persuasive statements in favor of the committee bill. Senators DOMENICI and MARTINEZ also spoke of their personal journeys. These were very real and meaningful statements. They reminded us all that we are a country of immigrants. I thank them for speaking in terms favorable to the comprehensive approach we have adopted. Listening to them makes me think how proud my immigrant grandparents would be. They immigrated from Italy to Vermont. They would be

proud to hear this debate, and to see their grandson speaking on the floor of the Senate.

I look forward to working with Chairman SPECTER in a bipartisan way to pass the committee bill. The chairman and I have been able to move our committee from being a confrontational committee to one that works in a bipartisan fashion. I commend him for that. I commend all members of the committee for that.

What we have done is, by working that way, we have provided a realistic and reasonable system for immigration. The bill protects America's borders, it strengthens enforcement, and most important, it remains true to the best of American values.

The committee bill wisely dropped controversial provisions which would have exposed those who provide humanitarian relief or medical care or shelter or counseling or other basic services to undocumented aliens. Under the earlier bill, they would have faced possible prosecution under felony alien-smuggling provisions of the criminal law—a reminder that in a nation such as ours, with such a great heart and soul as a nation, we also have a moral and humanitarian responsibility to people. We should not make felons of those who carry out the responsibility of feeding the hungry, clothing the naked, and sheltering those who need shelter.

I thank so many in the relief and religious communities, the faith community, for speaking out on this matter. Even in my own faith, I was so pleased to see some of the leaders speak out so strongly.

The criminal provisions should be focused on the smugglers, not on the children of aliens or those who help them. Focus it on the smugglers, those who traffic in human misery and sometimes bring about the death of those they smuggle. Under the committee bill, that is what we did.

The committee also voted down a measure that would criminalize mere presence in an undocumented status in the United States. I was a prosecutor. I know how unworkable that would have been. Illegal status is currently a civil offense with very serious consequences. One of the most serious, of course, is it includes deportation. But if you then criminalize that status, it is punitive, it is wrong, it is totally unworkable and goes against the history of our Nation. It would have led to further harsh consequences. It would have trapped people in permanent underclass status. It would have put bars in front of the American dream.

These criminalization measures, which were included in the House-passed bill supported by congressional Republicans and which were reflected in the majority leader's bill, have understandably sparked nationwide protest. In the view of many, it is anti-immigrant and inconsistent with America's values and history. The committee bill, while tough in enforcement

and on the smugglers, is smarter and fairer.

I ask Senators to look at the peaceful demonstrations across this country. Listen to the people who are speaking out. A half-million people went out in a peaceful demonstration in Los Angeles. That is nearly the population of my State. That was just one demonstration among many.

Opponents of a fair, comprehensive approach are quick to claim that anything but the most punitive provision is amnesty. They are wrong. This is not an amnesty bill. An editorial in yesterday's New York Times entitled "It Isn't Amnesty" makes the point that painting the word "deer" on a cow and taking it into the woods does not make the cow a deer. As I said yesterday, in Vermont, especially during deer season, we Vermonters know the difference between a deer and a cow. Sometimes we wish the tourists did.

Our committee bill should not be falsely labeled. Our bill is more properly called what it is: a smart, tough bill.

We know we need a comprehensive solution to a national problem. We need a fair, realistic, and reasonable system that includes both tough enforcement and immigration reform provisions. All Senators, Republicans and Democrats, should be able to agree with these principles. The bill reported by the Judiciary Committee is that bill.

I am glad to hear that President Bush is again speaking about the need for a path to citizenship and the need for a comprehensive bill. I hope, as we now proceed through the sixth year in office, that the Bush-Cheney administration will finally send a legislative proposal to Congress on these matters. They have stated their support. Let them also bring forward what they believe is appropriate legislation. We did not want to wait any longer in our committee. We did the hard work, and produced a bipartisan bill.

We did the hard work, and we wrote a tough, smart, comprehensive bill. The Judiciary Committee's debate has produced a bill that I believe would make my immigrant grandparents proud, and my maternal great-grandparents proud. It is worthy of our support.

This is a body which should reflect the conscience of our great Nation. There are only 100 of us. We are enormously privileged to represent 295 million Americans. Let us speak to the conscience of all of us and the humanity of all of us. Let us pass this bill. It is not just from the managers' point of view, from a political point of view; it has the support of the labor unions, business groups, leading Hispanic organizations, and many from our religious communities. They are asking the Senate to do its part. Let's adopt the committee bill so we can bring hard-working people out of the shadows and end the permanent underclass status of so many who have contributed so much.

Let us protect our security and our borders, but support the American dream that attracted my grandparents and the American dream that attracted so many, and allow this bill to become a reality. We are a good, brave, and wonderful country. Let us demonstrate it.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Georgia.

Mr. ISAKSON. Mr. President, in 1903, Andrew Bengsten boarded a ship and left Sweden, the son of Isak Bengsten. He landed on Ellis Island and took the last name Isakson, which is the Scandinavian tradition, to take the father's first name and add "son" to it. In 1916, he had a son named Ed, and in 1926 he became a naturalized citizen.

He went to West Texas as a laborer, and later on to Atlanta, GA as a carpenter. In 1944, his son Ed and Ed's wife Julia had a son, who by the grace of God is me. No one in this body has any greater respect or admiration for this great country and our process of legal immigration than I.

As we approach the most important debate this Senate will encounter in this session, it is important that it be a debate of dignity and a debate of substance and a debate where we learned the lessons of the past and make sure that immigration in the future holds the same promise it held for my grandfather 103 years ago.

I have filed an amendment at the clerk's desk, which at the appropriate time in the debate I will offer, which to me is the key as to whether we proceed on whatever the final product this Senate may adopt may be. It is a point that has been missed by many and avoided by some but we must focus on and we must accomplish. It is an amendment that very simply says no provision of any act we pass which contains a guest worker program will go into effect until, first, the Secretary of Homeland Security has certified to the President and to this Congress that our borders are reasonably secure.

I want to tell you why that is important. It is important because 20 years ago, in 1986, a great President, Ronald Reagan, and this Congress adopted a program that gave legal status to 3 million illegal aliens in the United States. We did so in the hopes of clearing up the problem. Instead, what we created was an attractive reason for more to come illegally in hopes of gaining the same status. Today, 20 years later, we have estimates of 11 million to 13 million Americans who came exactly that way—over the border illegally in hopes of that same promise that happened in 1986.

Were we to pass in this body this year a bill granting status that does not require, first, security on the border, then we will create the same attractiveness we did 20 years ago. The result will be the same, and the legacy to another Congress and the problems in our social services system in our great country will be great. It is impor-

tant that whatever security requirements we place in this legislation—and there should be many—be funded and be in place before any other provision takes place.

Second, it is important to understand that enforcing the border is something we can do. Before I introduced border security legislation a few weeks ago, I traveled to the United States border with Mexico. I went to San Diego and Tijuana, met with our border agents who are having remarkable success now because of technology and, of course, because of improved numbers.

I went to Fort Huachuca in Arizona where the one and only unmanned aerial surveillance vehicle, the Predator, has a 150-mile stretch of the United States-Mexican border secure because we have eyes in the sky 24 hours a day, 7 days a week.

For \$400 million, we can deploy a fleet of 26 of those unmanned Predator aircraft to have eyes in the sky 24/7 along the entire 2,000-mile border. That will have a tripling effect on our manpower because it allows us through technology to identify those who are coming and where they are, to position the agents we have to intercept them and turn them around. It will send the signal that no longer are we going to look the other way but instead we are going to focus on those who are trying to come here illegally and be smuggled, and shut the door so they will apply legally to come to this country the right way, as so many American guests have and some citizens have, to ultimately become naturalized.

This place we all call home and the rest of the world calls America is a very special place. Our problem isn't that people are trying to break out of this great country; they are all trying to break into this great country. We owe it to our country and our future and to the legacy of our children to assure that the path to this country is legal and operable, and that it isn't done illegally and involve smuggling.

While often many of us talk about the Southwest border, it should also be true on the border with Canada as well, and it should be true at our ports.

Whatever we do in this 2 weeks of debate, it must ultimately be predicated on, first, securing the border of the United States, whether it be on the north or on the South. We must have fortitude in this Senate to pass the appropriations necessary to fund the programs to secure those borders. Rhetoric is cheap. Enforcement on our borders can be expensive. But it must be essential.

The distinguished Senator from New Hampshire, who is on the floor, has been an absolute leader to the appropriations and the budget process in focusing like a laser beam on seeing to it that we authorize and ultimately appropriate the funds to do exactly that in terms of manpower. I will join him in that as well as those who put the funds up for the unmanned aerial vehicle surveillance and the ground sensors

for tunneling and other technology we have.

It is a matter of us developing a resolve to secure the borders of the United States of America. We must not demonize anybody. First, we must secure the borders which the American people expect us to secure.

I come from a great State, the State of Georgia, a State that is a major agricultural producer in this country, a State where there are many migrant laborers. I am well aware of what the green industry, the agricultural industry and the construction industry workforce, is made up of. We owe it to those industries to see to it that we have a legal path to come to this country and to work and appreciate America, that no longer will there be smuggling of illegal aliens across our border, but instead we have as a country a legal path for people to come and an illegal door that is shut because we have stopped turning and looking the other way.

I look forward to this debate. I appreciate the promise of this country, because were it not for our legal immigration process I would not be here today. But I will fight as hard as I can to see to it that whatever passes this Senate requires first and foremost the securing of our borders before the extension to guest workers or any status be granted. If we do not, we will have recreated the problem we created in 1967. We will deal not with just 3 million illegals coming but millions and millions and millions more, all because we looked the other way at a time when we needed to focus like a laser beam.

The people of this country are looking to us to secure our borders for the homeland and for immigration. We must secure them first before we do anything else.

A comprehensive bill is possible, and I have no problem with addressing comprehensive reform. But those reforms that involve guest workers must only be implemented after the certification by the Secretary of Homeland Security that our borders are secure. For failure to do so is to pass on to another generation of Americans a compounded problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too rise to strongly support the general thrust of the President's border security bill. As the essential first step in this great challenge, we must take strong, meaningful action—not just talk but action to prove that we can and will secure our borders and return to the rule of law with regard to our immigration system.

I too rise as a descendent of immigrants to this country, and I am very proud of that. Both sets of my grandparents—on my mom's side and on my dad's side—came from France. They came first into New York but very soon thereafter to Louisiana where there are

many other French immigrants, and they settled.

What is so unique about this debate is that here in the Senate, every Senator rises and begins with a similar sort of story. We are all the descendants of immigrants. That is what makes America so magical and so unique. For a young country, we are an immigrant country, and we celebrate that. But we also want to preserve that.

To me, that comes down to two fundamental traditions in this country—the two fundamental reasons I am supporting the Frist border security bill—and that focus as a first step in this great debate is one tradition, the tradition of immigration, but it is a proud, strong tradition of legal immigration throughout the history of our country, at least until recently.

The other great tradition which I will base my vote on is the very important tradition—in fact, one of the leading reasons so many people, including my grandparents, came to this country—of the rule of law which forms the basis of so much of what we do.

Let me talk briefly about those two traditions.

First, the rule of law: It is at the heart of our entire system. It is at the heart of what is attractive to millions upon millions of people from every country around the world to become Americans, including my family. Law is at the center of our democratic traditions. Without proper law enforcement, written laws mean nothing. Failure to enforce certain laws, including our immigration laws, gives people the impression that the Federal Government will fail to enforce other laws. That tradition of the rule of law and enforcement is an essential component to comprehensive immigration reform.

A recent poll conducted by the Washington Post and ABC News found that the huge majority of Americans agrees with what I am saying. Four in five Americans think the Government is not doing enough to prevent illegal immigration, with three in five saying they strongly hold that view.

The same poll found that 56 percent of Americans believe illegal immigrants have done more to hurt the country than to help it, while only 37 percent believe illegal immigrants help the country. But the key is the illegal nature of that activity—not our proud tradition of legal immigration.

Of course, this issue of the rule of law and the explosion of illegal immigration also has a very important national security component, particularly since September 11. Adequate border security and enforcement of our immigration laws was an issue on September 11. It goes directly to the terrorist attacks. It goes directly to our war on terror.

In its report, the 9/11 Commission itself found weaknesses in immigration enforcement could have facilitated those terrorist acts. The Commission stated:

... our investigation showed that two systematic weaknesses came together in our border system's inability to contribute to an effective defense against the September 11 attacks: A lack of well-developed counterterrorism measures as part of border security, and an immigration system not able to deliver on its basic commitments, much less support counterterrorism.

Other studies have shown that 15 of the 19 September 11 hijackers, including Mohammed Atta, should have been denied visas. At least three of them overstayed their visas. Clearly, lax enforcement was an important part, sadly, of that tragedy.

There are also other issues within the country related to illegal immigration—not our proud tradition of legal immigration but illegal immigration.

First, it is very important to say we are talking about millions upon millions of people, 11 to 13 million by most estimates, even more by some. It is important to say the great majority of those people are not dangerous criminals. However, some percentage of those folks do contribute enormously to our criminal issues in this country. A GAO report issued in April of 2005 says the number of criminal aliens incarcerated in the United States increased by 15 percent from 2001 to 2004. Those aliens constitute about 27 percent of all Federal prisoners. That is a cost to the Federal Government of about \$1.2 billion a year. That specific year was 2004. It is an enormous cost to our country. Again, a small percentage of those balloon the costs to society.

Violent gangs, composed mostly of criminal aliens such as the El Salvadoran-based MS-13, have been a very important and dangerous part of the criminal problem and violent crime in this country. Last March, ICE agents deported 37 criminal aliens rounded up in the Washington, DC area, two of whom had ties to MS-13. MS-13 has spread across the country. Over 2,000 members are in northern Virginia alone.

For all of these reasons, real enforcement must come first in our meeting this challenge. It must come first because we need to get control of our borders. We need to get control of the serious repercussions this illegal problem has in our country, including on the criminal side. To do this, we must prove to the American people we are not just going to talk about it as window dressing to what is tantamount to an amnesty program. We are going to do it. We are going to put the resources behind it. We are going to deploy those unmanned aerial vehicles. We are going to do what is next in terms of manpower enforcement and other resources at the border.

I am a fairly typical American when it comes to this issue. I have heard this enforcement talk in Washington for the last couple of years. I don't believe most of it. Quite frankly, we have never been true to it. We have never been serious about it. We have never turned the corner on this issue before.

I believe it is our solemn duty and responsibility in terms of addressing this

issue in a comprehensive way to first not only pass border security and significant enforcement measures, but to put them in practice, to fund them, to get agents on the border, to do whatever it takes to turn the corner on this issue and prove to the American people, prove to me and so many millions of others, we are serious about enforcement.

There is another reason I believe we must start with enforcement, as the Frist measure does. It is because any measure that is tantamount to amnesty sends exactly the wrong message as we try to get our hands around this problem. We are a nation that believes in upholding the rule of law. We must reestablish respect for our laws, including border security and interior security. But provisions which are tantamount to amnesty send exactly the opposite message. It sends the message that you can break the law and over time you will basically be rewarded for doing so.

These are not just theoretical or commonsense arguments. These are arguments that are borne out by history, as Senator ISAKSON, the previous speaker, pointed out.

The last amnesty type of program enacted by this Congress was in 1986. There have been many studies about the effects of that since then. Across the board they show that act of basically granting amnesty to a class of illegal aliens in this country dramatically worsened the problem. It did nothing to solve the problem. In 1992, for instance, 6 years after the last illegal alien agricultural worker amnesty passed in 1986, the Commission on Agricultural Workers issued a report to Congress that studied the effects of that 1986 agriculture worker amnesty. They made a number of findings and recommendations. First, the Commission found that the number of workers amnestied under the bill had been severely underestimated. I fear many of the estimates we are talking about here today are underestimated.

Second, the Commission found the agriculture worker amnesty only exacerbated existing problems.

Six years after AIRC was signed into law the problems within the system of agricultural labor continue to exist . . . In most areas, an increasing number of newly arriving, unauthorized workers compete for available jobs, reducing the number of work hours available to all harvest workers and contributing to lower annual earnings . . .

Third, the Commission stated that a guest worker amnesty program should not be the basis for future immigration policy. The Commission went on to say the only way to have a structured and stable market was to increase enforcement of our immigration laws, certainly including strong employer sanctions.

So we have experience to guide us. We have concrete history to learn by. Why do we believe doing the same thing as we did in 1986, only on a much greater scale, is going to yield different results?

The Frist bill is not perfect, but it is a good and an appropriate start. And start we must on the enforcement side of the equation to prove we can get real, get tough, get serious about enforcement as never before. Because, quite frankly, we have never, ever, in the history of this modern problem proven that we will be serious, that we will have the political will, that we will devote the manpower and other resources necessary to turn the corner on this issue.

I urge all of my colleagues to start here where there is consensus, where we can come together around common-sense, meaningful, and appropriate enforcement actions as the important first step in addressing this very important challenge.

The Senate is having a very important and responsible debate on this issue. It is crucial in this debate that we be respectful of each other and of everyone involved in this issue and not demonize any part of society. That applies equally to those who believe we must start with enforcement as it does to people illegally in this country.

No one in this Senate, I believe, is anti-immigration. Everyone is a product of a strong and proud history of immigration in this country. But until recently it was a strong and proud history of legal immigration. I truly believe what most threatens that strong and proud history and the support in this country for that foundation of our society is the fact that illegal immigration has subsumed that tradition.

If we want to continue to cherish that tradition, if we want to continue to have respect for all members of our society, no matter how they look or appear, we must get back to that important tradition of legal immigration. We must get back to the rule of law so we can defend that strong tradition and get hold of this very serious challenge our country faces.

I yield back the remainder of my time.

**THE PRESIDING OFFICER.** The Senator from New Hampshire.

**Mr. GREGG.** Mr. President, obviously the issue before the Senate is a critical issue—how we maintain the atmosphere of this Nation, which is basically the essence of our definition of a culture, which is that we are a society which invites people from around the world to participate in our society. It was the reason we went with the motto, *E pluribus unum*: from many, one. How we maintain that atmosphere, that way of life which has given us so much energy as a nation, that has given so many people the opportunity to pursue the American dream, is what this debate is all about.

Whatever we do, we do not want to, in my opinion, chill that great tradition which is the engine for our strength as a nation. People come here seeking a better life, and as a result they energize society to be even more productive, successful, and stronger.

We are, as has been mentioned by most of the speakers today, most all of

us immigrants. Certainly everyone in the Senate since the departure of the great Senator Ben Nighthorse Campbell falls into that category.

The issue, in my opinion, breaks into two obvious parts. The first is how you secure the border. The second is how you deal with the fact there is a large number of people in this country who are here illegally today and that there is a large number of people who wish to come to this country for the purposes of earning a living, and that they will come into this country however they can—and if it is illegal, they will come here illegally—and how we would change that atmosphere.

On the first issue, which has been discussed and which is the purpose of the bill before the Senate, the bill filed by the Senate majority leader, this is very resolvable. We can secure our borders. That has been said by everyone. And we should. We must. We cannot as a culture survive if we do not have borders which are secure, if we do not know who is coming into the country, if we do not know who is coming here. If we have large numbers of people who are coming into this Nation illegally, it undermines us as a nation of laws.

There is no question but this can be resolved. It does not take a lot of new law to do that, to be very honest. We can pretty well control who is coming into this country. I want to get into the specifics of how we do that because I have the good fortune to chair the subcommittee which has jurisdiction over the borders in the appropriations area. I will talk about what we need there. Before I do that, I also want to address this issue of amnesty and guest worker and how we deal with the folks who are here and who are here illegally.

Let's assume for the moment we are able to secure the southern border, which I think we can. It might take 2 or 3 years, but I am absolutely sure we can do that, so that the vast majority of the people coming across our southern borders will come across in some manner which is legal, for a purpose which is not to harm us. That is a little more difficult to do on the northern border. We do not have the human wave coming across the northern border. The northern border is probably more of a terrorist threat to us, actually, in many ways, but it does not have the human wave issue that we see on the southern border.

The question becomes, how do you deal with the folks who are already here illegally? There is this term, we cannot give them amnesty; amnesty is wrong. Well, as a practical matter, they already have amnesty. Our system is not able to deal with these individuals unless they become criminals, unless they commit an act which violates our law in an open way, commit a felony, do something that is clearly a transgression to our society. But if they are here working, as most of them are, trying to support themselves or their families or their families back

home, for all intents and purposes they already have amnesty because we are not doing anything about it and we do not have the capacity to do anything about it. That is a straw dog, to be very honest, this argument of amnesty.

The bigger question, more fundamental question, is how do you set up a system which allows these people to come out from behind the bushes where they have to hide, so they are not taken advantage of, so they can be even more productive in their role here in the United States, and do it in a way that does not basically affront our sensibilities as a nation of laws, and especially address the issue of citizenship.

There are a lot of ways to do that. There are a lot of ideas being put forward to do that. I happen to think the essence of the question is how you deal with the issue of citizenship. If you are here illegally, getting citizenship should be probably not attainable, but certainly there should be a way to allow you to still participate in our society so you do not have to hide.

That assumes, however, you have effectively set up a border enforcement mechanism which works because, as the point was made by the Senator from Louisiana, you cannot move to any sort of effort to try to redress or address the issue of people who are here illegally unless you have more control of the borders because you simply will create an incentive for more people to come in illegally.

But let's remember that if we were able to solve the problem of the people who are here illegally and who are working and who seek nothing more than to be working, if we were able to give them some sort of status that would allow them to participate as workers in this country in a public way, so they were able to participate in systems such as paying into the health care system, paying into retirement systems, I think we might actually be moving toward a more constructive result than what we have today, which is essentially a large number of people who we know are here and we just turn our eyes to the fact they are here illegally. They are going to continue to stay here and work here. We certainly are not going to remove them because we have no way to remove 10, 11 million people, however many people there are, except for those people who commit criminal acts.

So I think the debate is misfocused in some ways when the word "amnesty" becomes the hot button nomenclature versus the more substantive question: What you do with people who are already here and basically have the capacity to be here, and they already have amnesty, for all intents and purposes, because we are not going to do anything about them so long as they act legally in the context of their jobs because we do not have the capacity to remove 11 million people, and our society would not be able to absorb it.

But getting into the issue I wish to talk about today, which is the specifics

of the Border Patrol question and how you upgrade the Border Patrol, the bill before us authorizes an additional 1,400 Border Patrol agents over the next few years and authorizes more beds for detention. It authorizes more technology for the purposes of guarding the border. That is all well and good. I strongly support those authorization efforts.

But the bottom line is, the rubber does not meet the road with the authorization bill. The rubber meets the road with when we spend the money, which is with the appropriations bill. The problem we have, very simply, is we are not committing resources in this area to the level we need to accomplish what is already on the books in the way of obtaining security along the border.

Security along the border basically breaks down to three basic components: First, how many agents, how many feet on the ground do you have down there? Second, how many beds do you have, so when you find people who are coming across illegally, you can actually control where they are going, so you are not basically catching and releasing but you can actually hold these people and send them back? And third, what technologies are necessary in order to, first, monitor the border, and secondly, evaluate people who are coming into our country as to whether they are coming here to participate in our society in a positive way or whether they are coming here to do us harm?

In all four of those categories—three categories with a couple subcategories—we simply have not been able to put the resources in that are necessary to get where we want to go. This does not mean we have not tried. In fact, in the last 2 years, we have increased the number of Border Patrol agents by 1,500. That is almost 1,300 more than the administration asked for. We added over 2,000 beds to detention. We have significantly increased the funding for the surveillance and technology area, especially in the area of US-VISIT, which is the program which is essentially going to try to, through technology, be able to evaluate people as they come into the country legally and know whether they are people whom we want to have visit us or whether they are people who may be here to do us harm.

But that has not generated the results we need. I wish to go through a few statistics which are, unfortunately, rather stark but should be talked about because you are not going to get resolution around here unless you talk about them.

The first is the issue of border agents. We have been increasing the number of our border agents rather significantly over the last couple years, as I just mentioned, but we also know we need to increase them even further in order to hit what is the goal. With 20,000 agents on the border, we can accomplish what we need to do relative to boots on the ground. That means we have to increase—by 1,500, 2,000, 2,000 in

each of the next few years—the number of agents we put on the ground, the number of agents in the system.

The problem is very simple: One is a dollar issue, which should be able to be resolved but, secondly, it is an issue of being able to hire. It takes 30,000 applications, approximately, in order to hire 1,000 agents. It is very difficult to find the people we need—it is that simple—because of the language requirements and because of the educational requirements and because of the demands of the job. So it is not only an issue of money, it is an issue of hiring up. And that is a big problem for us.

A second problem we have is that the technology situation is dire, especially in the area of aircraft, where we are essentially functioning with a fleet of aircraft which has long outlived its purposes.

The average life of the P-3s we have in the air should be 20 years, but the average life of the P-3s that are actually flying is 40 years. I want to show you a picture of the problem we have with the P-3s, which basically is the backbone of our air surveillance. This is a crack in the bathtub fitting of a P-3. As a result, last year, we had 11,000 hours of P-3 flight, but this year alone we have had to reduce the P-3 flights by over 1,000 hours because we have had to retrofit these planes. Why? Because they are 40 years old or older, and they should have flown for 20 years.

We have the same problem in our helicopter fleet, where the average life is supposed to be 15 years for our helicopters. We are flying helicopters which have average lives of 30 years.

The same is true of our Beech King air fleet, where the average life is supposed to be 20 years, and they are well over 30 years.

These are problems of resources which need to be addressed. I will talk in a second as to how they should be addressed.

The third issue in the area of surveillance—we have heard about the Predator, which is the unarmed, in this case, air surveillance system along the border. This is a great breakthrough for us. We do not have to build a fence along the southern border. Building a fence would be the exact wrong message to send, in my opinion. There are certain sections where there are heavily populated communities where you are going to have to have some fencing, but the vast majority of the border does not require fencing, should not have fencing. It is the wrong image for us as a nation. And with technology, we can do a lot.

One of the keys to technology is the Predator. But we only have one Predator. We need 18 in order to effectively do the border. So, again, it is an issue of resources, putting resources in this area.

In the area of beds, we know the States are absorbing a huge amount of the costs of basically taking care of the illegal aliens who have been arrested. We know we do not yet have the beds

necessary to be able to even hold the non-Mexican arrests, which are the people we are most concerned about from a terrorist standpoint. We need to add a lot of new beds. We need to be creative about this—not just having physical buildings; we need to figure out ways to use swing beds. We need to figure out ways to use closed military facilities, maybe tents, tent capabilities. But we need to put more resources in this area, although this Congress has attempted to do it by adding over 2,000 beds in the last few years.

So we have serious resource issues. Well, how do we address this issue? There will be a supplemental coming through here in a few days—in a week—which is the supplemental to fight the war on terror. Now, it seems to me that probably one of the core elements of fighting the war on terror is making sure your borders are secure.

I would hope within the limit of that supplemental we would be able to fund the capital needs or at least make the first downpayment on the major capital needs I have just outlined in the border areas, specifically: the aircraft, replace those P-3 aircraft, buy more Predators, replace the helicopters, make sure the cars these agents drive can go out in the field day after day and still work well so we can move the agents out into the field, make the capital investments in the buildings necessary in order to take care of these people.

Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. GREGG. That is something we should do now. It is something we should do in the context of national defense, and it should be done as part of the supplemental.

The bigger problem we have is that when the Homeland Security bill hits this floor, we are going to have to figure out a way to pay for this. The administration has proposed we increase fees on air transportation. Well, air transportation fees do not necessarily line up with Border Patrol needs. In fact, the Border Patrol needs are not affected by air transportation fees. Air transportation fees fund things such as TSA. So it is unlikely that fee is going to occur. But if we do not do it, we are going to have a \$1.6 billion hole in the Homeland Security budget. We cannot afford that. We need those extra dollars. So we will have to come up with a way to do that. I am making my commitment to do that.

But the reason I wanted to speak today was to make it clear we can, with additional resources, accomplish the first step to border security and to good immigration policy, which is border security, which allows us to know who is coming into this country. It is a very doable thing. All it takes is resources. I believe we should have, as a Congress, the wherewithal and the willingness to commit those resources.

The PRESIDING OFFICER. The Senator from Illinois.



Mr. DURBIN. Mr. President, first, I commend Senators McCain and Kennedy, who are on the Senate floor. They have really pointed the way for a positive resolution of a problem we have faced for generations in America.

The immigration system in our country is seriously broken, and we know it. It is obvious, as we look at the number of undocumented people in America and as we consider, those of us in this line of work, all of the families who come to us with problems with the current system. There is so much unfairness, so much injustice. We can do better as a nation, a nation of immigrants.

Now the Senate will face a very clear and stark choice. Senator Frist brings to the floor an alternative. His is an alternative that focuses on enforcement.

Well, Senator Frist is not alone in believing we need to be better at enforcing the laws of our country. In fact, Senator Frist's bill and the bill I support—the one that came from the Senate Judiciary Committee, supported by Senator Specter, the chairman of the committee, inspired by Senators McCain and Kennedy in major part—is a bill which also focuses on enforcement.

Both bills double the size of the Border Patrol by adding 12,000 new agents. Both bills strengthen interior enforcement of immigration laws by adding 5,000 new immigration investigators. Both bills would take advantage of new technology to create a "virtual fence" at the border. Both bills would improve border controls by expanding entry-exit tracking. Both bills require the construction of new vehicle barriers and new permanent highway checkpoints near the border. The list goes on and on. The bills are the same when it comes to enforcement at our broken borders, as it should be.

But what the Frist bill does beyond that is what is clearly unacceptable, from my point of view, and was unacceptable in the Senate Judiciary Committee. The Frist bill continues the provision that was started in the House of Representatives which criminalizes those who are here in undocumented status and those who help them. That is where this bill, the Frist bill, crosses the line. That is why it is unacceptable. This concept was rejected in the Senate Judiciary Committee and should be rejected on the floor of the U.S. Senate.

Think about it for a moment. Are we serious that we are going to charge 12 million people with the crime that Senator Frist would create in his provision? Are we saying to people who are here in the United States under a myriad of different circumstances that they are going to be treated as criminals amongst us?

To what end? To arrest them, to apprehend them, to prosecute them, to incarcerate them? Of course, we can't do that. With 12 million people, it can't be done.

But by branding them as criminals at the outset, it is a guarantee they will

never come out of the shadows. They will stay lurking as part of our culture, part of our economy in illegal status indefinitely. Criminalizing them is not the answer.

Sadly, the bill goes even further. In the instance of undocumented people amongst us, it would subject them to a misdemeanor subject to 6 months in jail, but it goes much further for the Good Samaritans who assist them. That is the most outrageous element of the Frist bill. It is harsh. It is not American.

Consider this for a moment. If a priest counsels a mother that she should remain in the United States with her children who happen to have been born here and are American citizens, that priest can be found guilty of an aggravated felony for having counseled her to stay in the United States. In the city of Chicago, which I am proud to represent, we have a domestic violence shelter, *Mujeres Latinas en Accion*. It is in a section known as Little Village. It is primarily a Mexican section of our city. Some are citizens; some are not. This domestic violence shelter brings in battered mothers and their children to protect them from their abusive, drunken husbands while they call the police department. The social workers who are standing at the door protecting those mothers and children would be subject to being charged with a felony under the Frist provisions. A nurse who offers to a mother at a medical clinic the advice that she should bring her child back, without checking to make certain she is not undocumented, could be charged with a felony. Is that where we are headed? Is that the kind of America we want to live in? I don't think so.

The Senate Judiciary Committee rejected that. Why Senator Frist continues to offer it, I don't know. I don't think it is consistent with the goal we all share. The goal we share is in repairing the system, better enforcement at the borders, better enforcement when it comes to employment so we will know if employers are exploiting the undocumented. That is part of real enforcement that will lead to fairness and justice in the way we deal with immigration.

There's another problem with the majority leader's bill. It would do nothing to address the situation of 12 million undocumented immigrants who currently live in our country. We need tougher enforcement, but in the Judiciary Committee bill we acknowledge something that the majority leader's bill does not: A strategy that focuses on enforcement only is doomed to failure.

Beyond that, the McCain-Kennedy bill, which is an inspired piece of legislation, would offer a chance for immigrants who work hard and play by the rules to earn their way to citizenship over the course of many years. This is not an amnesty. Amnesty says we forgive you. The McCain-Kennedy bill does not say that. The McCain-Ken-

nedy bill says: If you are here undocumented for a variety of reasons, if you are here without legal status, there is a path you can follow. It is a long path, a demanding path, but at the end, you could end up in a legal position or have a chance. That is the best approach for us to use.

Let me tell you exactly what the McCain-Kennedy provisions would require in this path to legalization. It is not a free ride. It is not a get-out-of-jail-free card. Let me tell you what you would have to do during the course of an 11-year commitment on your part to finally reach citizenship: a clean criminal record, employment since before January 2004, remaining continuously employed during this period, paying approximately \$2,000 in fines and fees, passing a security background check, passing a medical examination, learning English, learning U.S. history and government, and paying all back taxes. If you have complied with all of those requirements, you will go to the back of the line behind all applicants currently waiting for green cards. That is not an amnesty; that is a demanding process which will test the undocumented as to whether they really want to be part of America on a legal and permanent basis.

All of us understand—those of us who are the sons and daughters of immigrants—that the people who come to these shores bring a special quality. David Brooks of the New York Times has an article which I ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### IMMIGRANTS TO BE PROUD OF

(By David Brooks)

Everybody says the Republicans are split on immigration. The law-and-order types want to close the border. The free-market types want plentiful labor. But today I want to talk to the social conservatives, because it's you folks who are really going to swing this debate.

I'd like to get you to believe what Senator Sam Brownback of Kansas believes: that a balanced immigration bill is consistent with conservative values. I'd like to try to persuade the evangelical leaders in the tall grass to stop hiding on this issue.

My first argument is that the exclusionists are wrong when they say the current wave of immigration is tearing our social fabric. The facts show that the recent rise in immigration hasn't been accompanied by social breakdown, but by social repair. As immigration has surged, violent crime has fallen by 57 percent. Teen pregnancies and abortion rates have declined by a third. Teenagers are having fewer sexual partners and losing their virginity later. Teen suicide rates have dropped. The divorce rate for young people is on the way down.

Over the past decade we've seen the beginnings of a moral revival, and some of the most important work has been done by Catholic and evangelical immigrant churches, by faith-based organizations like the Rev. Luis Cortés's *Nueva Esperanza*, by Hispanic mothers and fathers monitoring their kids. The anti-immigration crowd says this country is under assault. But if that's so, we're under assault by people who love their children.

My second argument is that the immigrants themselves are like a booster shot of traditional morality injected into the body politic. Immigrants work hard. They build community groups. They have traditional ideas about family structure, and they work heroically to make them a reality.

This is evident in everything from divorce rates (which are low, given immigrants' socioeconomic status) to their fertility rates (which are high) and even the way they shop.

Hispanics and Hispanic immigrants have less money than average Americans, but they spend what they have on their families, usually in wholesome ways. According to Simmons Research, Hispanics are 57 percent more likely than average Americans to have purchased children's furniture in the past year. Mexican-Americans spend 93 percent more on children's music.

According to the government's Consumer Expenditure Survey, Hispanics spend more on gifts, on average, than other Americans. They're more likely to support their parents financially. They're more likely to have big family dinners at home.

This isn't alien behavior. It's admirable behavior, the antidote to the excessive individualism that social conservatives decry.

My third argument is that good values lead to success, and that immigrants' long-term contributions more than compensate for the short-term strains they cause. There's no use denying the strains immigration imposes on schools, hospitals and wage levels in some markets (but economists are sharply divided on this).

So over the long haul, today's immigrants succeed. By the second generation, most immigrant families are middle class and paying taxes that more than make up for the costs of the first generation. By the third generation, 90 percent speak English fluently and 50 percent marry non-Latinos.

My fourth argument is that government should be at least as virtuous as the immigrants themselves. Right now (as under Bill Frist's legislation), government pushes immigrants into a chaotic underground world. The Judiciary Committee's bill, which Senator Brownback supports, would tighten the borders; but it would also reward virtue. Immigrants who worked hard, paid fines, paid their taxes, stayed out of trouble and waited their turn would have a chance to become citizens. This isn't government enabling vice; it's government at its best, encouraging middle-class morality.

Social conservatives, let me ask you to consider one final thing. Women who have recently arrived from Mexico have bigger, healthier babies than more affluent non-Hispanic white natives. That's because strong family and social networks support these pregnant women, reminding them what to eat and do. But the longer they stay, and the more assimilated they become, the more bad habits they acquire and the more problems their subsequent babies have.

Please ask yourself this: As we contemplate America's moral fiber, do the real threats come from immigrants, or are some people merely blaming them for sins that are already here?

Mr. DURBIN. Mr. Brooks' message was addressed primarily to Republicans and conservatives, but he spells out for all who read it what these immigrant people bring to America. My mother came to these shores in 1911 at the age of 2. Her mother, my grandmother, brought her from Lithuania with her brother and sister. They made to it East St. Louis, IL, where my grandfather worked in a steel mill. My mom dropped out of school after the eighth

grade, which was not unusual in her time, got married, and a few years later became a naturalized citizen. Her son is now the 47th Senator from the State of Illinois. Those stories can be told over and over.

Think of the courage of the people who came here, starting with my family and others, the courage to leave behind your village, your church, your language, your relatives, your friends, to come to a country you have never seen before with a language you didn't speak to try to make a better life. So many of us are so blessed to be here from the start, but others fight night and day for the chance to come. They don't just bring another body to be counted; they bring a spirit. It is a spirit of hard work and determination, creativity, entrepreneurship. It is a spirit of family values that we should treasure. Mr. Brooks says as much in his article.

This is a positive force in the development of America, and it always has been. We should look at this as a positive opportunity for America to be a stronger nation, a nation that grows in the right direction with the right people and the right values.

The Frist bill is the wrong approach. Criminalizing those who are here, charging those who help them with felonies for simply providing humanitarian assistance is wrong. It is far better for us to take the more constructive and comprehensive approach of the Specter bill that was reported by the Senate Judiciary Committee.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent, with the agreement of the Senator from Massachusetts, to use his time and an additional 5 minutes, if necessary.

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

Mr. McCAIN. First, I thank my friend from Massachusetts for allowing me this time. Working with him on this issue has been an experience that I believe will result in benefit to the country. I appreciate the effort we have made together.

As we know, the Senate is beginning debate on a very important and complex subject that is among the most difficult and divisive we face. Our Nation's immigration system is broken. Without comprehensive immigration reform, our Nation's security will remain vulnerable. That is why we must act.

I begin by commending Chairman SPECTER and the members of the Judiciary Committee for the considerable effort they have taken to report a comprehensive immigration reform measure that could be considered during this debate. While I am not in agreement with each and every provision, it is a great starting point for the debate.

Those of us from border States witness every day the impact illegal immigration is having on our friends and

neighbors, our county and city services, our economy, and our environment. We deal with the degradation of our lands and the demands imposed on our hospitals and other public resources. Our current system doesn't protect us from people who want to harm us. It doesn't meet the needs of our economy. It leaves too many people vulnerable to exploitation and abuse.

Throughout this debate, we will be reminded that immigration is a national security issue, and it is. It is also a matter of life and death for many living along the border. We have hundreds of people flowing across our borders every day, an estimated 11 million to 12 million people living in the shadows in every State in our country. While we believe the majority are hard-working people contributing to our economy and society, we can also assume there are some people who want to do us harm hiding among the millions who have come here only in search of better lives for themselves and their families. We need new policies that will allow us to concentrate our resources on finding those who have come here for purposes more dangerous than finding a job.

Last year, when Senators KENNEDY, BROWNBACK, LIEBERMAN, GRAHAM, MARTINEZ, OBAMA, SALAZAR, and I worked together to develop a sensible, bipartisan and comprehensive immigration reform measure, first and foremost among our priorities was to ensure our bill included strong border security and enforcement provisions. We need to ensure that the Department of Homeland Security has the resources it needs to secure our borders to the greatest extent possible. These include manpower, vehicles, and detention facilities for those apprehended. But we also need to take a 21st century approach to this 21st century problem. We need to create virtual barriers as well through the use of unmanned aerial vehicles, ground sensors, cameras, vehicle barriers, advanced communications systems, and the most up-to-date security technologies available to us.

The border security provisions under the leader's bill and the Judiciary Committee's bill provide sound proposals to promote strong enforcement and should be part of any final bill. However, I do not believe the Senate should or will pass an enforcement-only bill. Our experiences with our current immigration system have proven that outdated or unrealistic laws will never be fully enforceable regardless of every conceivable border security improvement we make. Despite an increase in Border Patrol agents from 3,600 to 10,000, despite quintupling the Border Patrol budget, despite the employment of new technologies and tactics, all to enforce current immigration laws, illegal immigration drastically increased during the 1990s. While strengthening border security is an essential component of national security, it must also be accompanied by immigration reforms.



We have seen time and again that as long as there are jobs available in this country for people who live in poverty and hopelessness in other countries, these people will risk their lives to cross our borders no matter how formidable the barriers, and most will be successful. Our reforms need to reflect the reality and help us separate economic immigrants from security risks. We need to establish a temporary worker program that permits workers from other countries to the extent they are needed to fill jobs that would otherwise go unfilled.

We need workers in this country. There are certain jobs Americans are simply not willing to do. For example, today in California and Arizona, food is rotting on the vine and lettuce is dying in the fields because farmers can't find workers to harvest their crops. At the same time, resorts in my own State of Arizona cannot open to capacity because there are not enough workers to clean the rooms. Restaurants are locking their doors because there is no one to serve the food or clear the dishes. We are facing a situation whereby the U.S. population does not provide the workers businesses desperately need, yet the demand for their services and products continues. The current immigration system does not adequately and lawfully address this problem. As long as this situation exists without a legal path for essential workers to enter the country, we will have desperate people illegally crossing our borders and living in the shadows of our towns, cities, and rural communities. That is not acceptable, particularly when we are fighting a war on terror.

The vast majority of individuals attempting to cross our borders do not intend to harm our country. They are coming to meet our demand for labor and earn money to feed their families. By the Border Patrol's own estimates, 99 percent of those apprehended coming across the border are doing so for work. However, the Border Patrol is overwhelmed by these individuals. They cannot possibly apprehend every crosser being smuggled in, no matter how many resources we provide. That is why any immigration legislation that passes Congress must establish a legal channel for workers to enter the United States after they have passed background checks and have secured employment. Then we can free up Federal officials to focus on those individuals intending to do harm through drug smuggling, human trafficking, and terrorism.

In addition to a temporary worker program for future immigrants, we have to address the fact that 11 to 12 million people are living in the United States illegally, most of them employed, many whose children were born here and are, therefore, American citizens. Our economy has come to depend on people whose existence in our country is furtive, whose whereabouts and activities in many cases are unknown.

I have listened to and understand the concerns of those who simply advocate sealing our borders and rounding up and deporting undocumented workers currently in residence here.

Easier said than done. I have yet to hear a single proponent of this point of view offer one realistic proposal for locating, apprehending, and returning to their countries of origin over 11 million people. How do we do that? The columnist George Will quite accurately observed that it would take 200,000 buses extending along a 1,700 mile long line to deport 11 million people. That's assuming we had the resources to locate and apprehend all 11 million, or even half that number, which we don't have and, we all know, won't ever have. And even if we could exponentially increase the money and manpower dedicated to finding and arresting undocumented workers in this country, and inventing some deportation scheme on a scale that exceeds all reality, we would, by removing these people from their jobs, damage the American economy.

Instead, what we have allowed to be in effect is a de facto amnesty, where, for all practical purposes, a permanent underclass of people live within our borders illegally, fearfully, subversively, vulnerable to abuse and exploitation. Most of these people aren't going anywhere. No matter how much we improve border security. No matter the penalties we impose on their employers. No matter how seriously they are threatened with punishment. We won't find most of them. We won't find most of their employers. There are jobs here that Americans aren't accepting, that people in other countries who have no future there will eagerly accept. They will find their way to those jobs, and employers who can't fill them any other way will employ them.

And what of those we do apprehend? Do they have children who were born here? What shall we do with these Americans—and they are Americans by virtue of their birth here—when we deport their parents? Shall we build a lot of new orphanages? Find adoptive parents for them? Deny their citizenship and ship them back, too? No, Mr. President, we'll do none of these things. We'll simply continue our de facto amnesty program. Because we all know, we aren't going to find and deport so many millions and suffer the dislocation and agonizing moral dilemmas that such an impossible task would engender. So let's be honest about that, shall we?

The opponents of our attempt to address undocumented workers in this country decry as amnesty our proposal to bring them out from their shadows and into compliance with our laws amnesty. No, Mr. President, it is not. Amnesty is, as I observed, for all practical purposes what exists today. We can pretend otherwise, but that doesn't make it so. Amnesty is simply declaring people who entered the country illegally citizens of the United States,

and imposing no other requirements on them. That is not what we do, Mr. President.

Under the provisions of our legislation, undocumented workers will have incentives to declare their existence and comply with our laws. They may apply for a worker visa. They would be subjected to background checks. They must pay a substantial fine, pay their back taxes, learn English, and enroll in civic education, remain employed here for six years, and then, at the end of those six years, go to the back of the line to apply for legal permanent resident (LPR) status. I believe most undocumented workers will accept these requirements in order to escape the fear, uncertainty and vulnerability to exploitation they currently endure. And while those who have come here to do us harm won't come out of hiding to accept these conditions, we will at least be spared the Herculean task of finding and sorting through millions of people who came here simply to earn a living.

What are our opponent's alternatives? Raid and shutter businesses in every city and state in the country? Clog our courts with millions of immigration cases? Offer illegal immigrants the not too appealing opportunity to "report to deport?" We propose a better solution that is consistent with our country's tradition of being a nation of laws and a nation of immigrants.

Mr. President, we are aware of the burdens illegal immigrants impose on our cities and counties and States. Those burdens, which are a Federal responsibility, must be addressed. And we need also to face honestly the moral consequences of our current failed immigration system.

As I mentioned previously, immigration reform is a matter of life and death for some. At this moment, someone may be dying in the Arizona desert. According to border patrol statistics, 330 people died in fiscal year 2004, and that figure increased by 43 percent—to 472 deaths—in 2005. As temperatures in the deserts get higher and the desperation more tangible, we can only expect the death tolls to increase further this fiscal year.

In October of 2003, the Arizona Republic ran a story entitled "205 Migrants Die Hard, Lonely Deaths." I would like to read an excerpt from that story:

[In 2003] the bodies of 205 undocumented immigrants were found in Arizona. Official notations of their deaths are sketchy, contained in hundreds of pages of government reports.

Beyond the official facts, there are sometimes little details, glimpses, of the people who died.

Maria Hernandez Perez was No. 93. She was almost 2. She had thick brown hair and eyes the color of chocolate.

Kelia Velazquez-Gonzalez, 16, carried a Bible in her backpack. She was No. 109.

In some cases, stories of heroism or loyalty or love survive.

Like the Border Patrol agent who performed cardiopulmonary resuscitation on a dead man, hoping for a miracle. Or the group

of migrants who, with law officers and paramedics, helped carry their dead companion out of the desert. Or the husband who sat with his dead wife through the night.

Other stories are almost entirely lost in the desolate stretches that separate the United States and Mexico.

Within weeks, the heat makes mummies out of men. Animals carry off their bones and belongings. Many say their last words to an empty sky.

John Doe, No. 143, died with a rosary encircling his neck. His eyes were wide open.

I am hopeful that at the end of this debate in the weeks ahead, we can show the American people that we addressed a serious and urgent problem with sound judgment, honesty, common sense and compassion.

There are over 11 million people in this country illegally. They harvest our crops, tend our gardens, work in our restaurants, care for our children, clean our homes. They came as others before them came, to grasp the lowest rung of the American ladder of opportunity, to work the jobs others won't, and by virtue of their own industry and desire, to rise and build better lives for their families and a better America. That is our history, Mr. President. We are not a tribe. We are not an ethnic conclave. We are a Nation of immigrants, and that distinction has been essential to our greatness.

Yes, in this post 9/11 era, America must enforce its borders. There are people who wish to come here to do us harm, and we must vigilantly guard against them, spend whatever it takes, devote as much manpower to the task as necessary. But we must also find some way to separate those who have come here for the same reasons every immigrant has come here from those who are driven here by their hate for us and our ideals. We must concentrate our resources on the latter and persuade the former to come out from the shadows. We won't be able to persuade them if all we offer is a guarded escort back to the place of hopelessness and injustice that they had fled.

Why not say to those undocumented workers who are working the jobs that the rest of us refuse, come out from the shadows, earn your citizenship in this country? You broke the law to come here, so you must go to the back of the line, pay a fine, stay employed, learn our language, pay your taxes, obey our laws, and earn the right to be an American. Riayen Tejada immigrated to New York from the Dominican Republic. He came with two dreams, he said, to become an American citizen and to serve in the United States Marine Corps. He willingly accepted the obligations of American citizenship before he possessed all the rights of an American. Staff Sergeant Tejada, from Washington Heights by way of the Dominican Republic, the father of two young daughters, died in an ambush in Baghdad on May 14, 2004. He had never fulfilled his first dream to become a naturalized American citizen. But he loved this country so much that he gave his life to defend her. Right now,

at this very moment, there are fighting for us in Iraq and Afghanistan soldiers who are not yet American citizens but who have dreamed that dream, and have risked their lives to defend it. They should make us proud, not selfish, to be Americans.

They came to grasp the lowest rung of the ladder, and they intend to rise. Let them rise. Let them rise. Let us take care to protect our country from harm, but let us not mistake the strengths of our greatness for weaknesses. We are blessed, bountiful, beautiful America—the land of hope and opportunity—the land of the immigrant's dreams. Long may she remain so.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3192

Mr. SPECTER. Mr. President, yesterday Senator FRIST spoke about his bill and I spoke about the committee bill. We said that today, after there had been speeches, at approximately noon, I would propose an amendment that would be the committee bill.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 3192.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SPECTER. Mr. President, as noted, this amendment will put before the Senate the bill which was passed out of the Judiciary Committee on Monday. There is one modification. There is a title which remains as to judicial review, and for procedural purposes, we have left the title in as to judicial review. But it is my intention to modify that, depending upon what the hearing discloses on Monday.

As is known, we worked under considerable time pressure. The leader wanted a bill reported out on Monday. People came back from recess early, and people were in town on Sunday night so we could start Monday morning, which we did at 10 o'clock, and worked through until 1 p.m., and then from 2 p.m. until past 6 p.m.

The section on judicial review was not subject to debate because the chairman's mark had a consolidation of the Federal circuit. We had considerable debate about that, so we have scheduled a hearing for Monday where

we will take up those issues. Then in the course of floor debate next week, we will modify that section, depending upon what we hear and what we decide to do.

Mr. President, I ask that Senator LEAHY, the distinguished ranking member, be listed as the original cosponsor.

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

Mr. SPECTER. Mr. President, the schedule, as agreed to, will call for continued debate. The majority leader, Senator FRIST, will have an amendment to offer involving the subject of deaths at the border. It is anticipated that there will be a 3 o'clock vote on the Frist amendment and that there will be an allocation and scheduling of time for debate until 5 o'clock.

Yesterday I urged Senators to file their amendments, to make them known to the ranking member, Senator LEAHY, and myself, so we could schedule debate. We have a prodigious task ahead of us. We are scheduled for a 2-week recess beginning at the close of business a week from tomorrow. It is going to be a daunting task to finish this bill on that schedule, but we have undertaken daunting tasks before and succeeded. That can be done only if we have cooperation from Members.

I ask Members who have amendments to consider at the outset time agreements so we can move ahead. I give notice to my colleagues that in order to complete this business, we are going to have to hold the voting time to 15 minutes, plus the 5-minute leeway, but we are not going to allow the votes to run 25 minutes, 30 minutes, 21 minutes. We are going to move ahead under the rules of the Senate.

As I say, it is a prodigious job to get finished by next Thursday night or on Friday. The temper of the Senate is to try to finish on a Thursday late before a recess, but to do that we are going to have to have a lot of cooperation to avoid a Friday session or, depending on the will of the leader, a session beyond Friday into the weekend, if necessary, to complete this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. 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. ALEXANDER. Mr. President, I understand the majority leader may be coming soon and, if he does, I will suspend my remarks so he may be recognized and hope that after he is recognized, I can continue with my remarks.

This week, the Senate begins an overdue reform of our immigration laws. The Chair has been in the middle of that and is making contributions to it. Because nearly 10,000 illegal aliens cross the United States border every day, more than 3 million a year, we

should start—start—with border security. But then, once we secure the border and can uphold our limits on immigration, we should get quickly back to the American tradition of creating a legal status for those whom we welcome to temporarily work and study in the United States and who, by doing so, enrich our diversity and spur our economy. But my purpose today is to make sure we don't stop there, that we don't overlook, as Paul Harvey might say, "the rest of the story," the rest of the immigration story; that is, helping prospective citizens who are legally here become Americans.

Joined by Senators CORNYN, ISAKSON, COCHRAN, SANTORUM, FRIST, and MCCONNELL, I have introduced S. 1815, the Strengthening American Citizenship Act that is indispensable to any comprehensive immigration bill. This legislation I plan to offer as an amendment at the appropriate time during this debate would help legal immigrants who are embarked on a path toward citizenship to learn our common language, to learn our history, and to learn our way of government by the following steps:

No. 1, providing them with \$500 grants for English courses; No. 2, allowing those who become fluent in English to apply for citizenship 1 year early; that is, after 4 years instead of 5; next, providing grants to organizations to offer courses in American history and civics; next, authorizing a new foundation to assist in these efforts; next, codifying the oath of allegiance, which new citizens swear when they are naturalized. It is an oath of allegiance that is very much like the oath of allegiance George Washington and his officers took at Valley Forge in 1778, about which I am going to have more to say.

In addition, our amendment would ask the Homeland Security Department, working with the National Archivist and others in our Government, to carry out a strategy to highlight the ceremonies, such as the one the President attended this week, in which immigrants become American citizens; finally, our amendment would establish an award to recognize the contribution of outstanding new American citizens.

Harvard political scientist Samuel Huntington has written that most of our politics is about conflicts among principles that unite us as a country. More than any other subject we might discuss, this immigration debate will involve the basic principles of what it means to become an American. That is why we begin the debate with border security, not because we are pro-immigrant or anti-immigrant. That is not what we are talking about. We begin the debate with border security because as Americans we believe in the principle of the rule of law.

It is hypocritical for us in the United States of America to preach to the world about the rule of law, yet thumb our nose at the 12 million people who live here illegally. It is hypocritical

and it is dangerous to our security not to control our own borders.

There is no apology to be made for us as Americans insisting on the principle of the rule of law, just as there should be no other hesitancy about other principles, such as welcoming those who temporarily work here and study here. So the principle of the rule of law is not the only principle that is at stake in this debate. We create a legal status for those from other countries whom we welcome to temporarily study and work here because of the principle, first, of equal opportunity, because we are a nation of immigrants; that is a part of our character, and because we founded our economy upon the principle of *laissez faire*. In other words, we are a free market economy.

So there are three more principles we need to throw into the mix along with the rule of law: equal opportunity, a nation of immigrants, *laissez faire*.

We may be outsourcing jobs, but for years we have won our wars and built our economy by "insourcing" brain power. Wernher von Braun and his colleagues from Germany helped us in the space race against the Soviets. Sixty percent of the American winners of Nobel Prizes in physics are immigrants or children of immigrants. Sixty percent of the postdoctoral students at our universities in America are foreign students. There are 572,000 foreign students studying at colleges and universities in the United States. While they are here, these students and researchers from other countries help create a higher standard of living for us Americans, and when they go home they export our values better than any foreign aid ever has.

In addition, many of the workers our economy needs to grow come from neighboring countries. I asked my staff to see if I could get an estimate of how many visas we have on the books today for workers coming to the United States from other countries. As best we can tell, we have about 500,000 visas of different forms that may be issued each year, of one kind or another, to unskilled and skilled people who come to our country. Add that to the 572,000 foreign students who study in our country and we have today a large number of people from other parts of the world who are here, enriching our country and improving our standard of living.

I ask unanimous consent that this list of visas for workers coming to the United States from other countries each year be printed in the RECORD following my remarks.

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

(See exhibit 1.)

MR. ALEXANDER. Mr. President, these temporary students and workers have helped us create an economy that last year produced 30 percent of the world's wealth for us Americans alone, who constitute just 5 percent of the world's population. It makes no sense for us to have an immigration system

that makes it easy for unskilled workers to come here illegally and harder for the brightest people to come here legally. That is why it is my hope this comprehensive immigration bill we are considering will have in it the ideas that would make it easier, modestly easier, for a larger number of highly skilled people to come here and help us create better jobs.

For example, there are two recommendations that were made in the document called "Rising Above the Gathering Storm," by the National Academy of Sciences panel, headed by Norm Augustine. This was a set of 20 recommendations that was made to us in Congress by this distinguished panel last summer in answer to our question: What should we do to keep our advantage in science and technology so that our good-paying jobs don't go to India and China?

They told us 20 things to do. Two of the things to do had to do with making it easier for the most intelligent people in the world to work and study and do research here. One of the ideas would be to give a green card, a permanent residency card, to any student from overseas who earns a doctorate in mathematics, engineering, technology, or the physical sciences. Those persons could stay here and help improve our standard of living.

For example, at the Oak Ridge National Laboratory in Tennessee, the largest science laboratory in the United States of America, the director, the assistant director, and the head of our United States effort to recapture the lead in supercomputing in the world—those jobs are all filled by people from other countries who have green cards, who are here helping us improve our standard of living. So we are glad they are here, and we should make it easier for such people to come.

Craig Barrett, the head of Intel, estimates if we were to adopt this provision, that would mean perhaps 12,000 to 15,000 additional doctoral students in math, engineering, technology, or physical sciences, once they earn their degree, can stay in the United States.

The other provision was at one point in the Judiciary Committee mark. It may still be there. But it takes the cap off some categories of highly advanced people who have earned an advanced degree in science, technology, engineering, and math. It is simply in our own interest to do that. It continues a long tradition and is one more example of why we already have a tradition of welcoming workers and students who temporarily work here.

So we have at least four principles at play that I have talked about: The rule of law, equal opportunity, *laissez faire*, and we have the characteristic of our country being a nation of immigrants. But there is another principle that I believe is the single most important principle we have in this debate and it is the one that is engraved above the chair of the Presiding Officer. It is the motto of this country: *E pluribus*

unum. Our work will not be complete until we help prospective citizens become Americans because our country's greatest accomplishment is based upon that principle. That is, we have united people from many different backgrounds into one nation based upon the belief in a few ideas, rather than upon race, ancestry, or background.

Of all the principles we will be debating in these next 2 weeks, none is more important than that one chosen as our national motto, the one carved in stone above the desk, *E pluribus unum*: one from many.

We are not here dividing sides up on who is pro-immigrant and who is anti-immigrant. We are here saying we have 5 important principles we all believe in that unite us as Americans, from rule of law to equal opportunity to *E pluribus unum*. We are trying to put those together in a sensible way. That is what our politics is about. That is most of what we do in the Senate and that is what the people expect us to do today. Each year we welcome about 1 million permanent new legal residents, many of whom go on to become citizens. I am now talking about people who are legally in the United States of America.

To become an American is a significant accomplishment. First, you must live in the United States as a legal permanent resident for 5 years. Next, you must learn to speak English, our common language. Next, you must learn about our history and Government. Since we are united by ideas rather than the color of our skin, one has to learn these ideas to become a citizen. Next, you must swear an oath and renounce the government of the country from which you came and then swear allegiance to the United States of America.

Those are pretty strong words—renounce the government of the country from which you came and swear allegiance to the country to which you are going. Where does that come from? This is where it comes from. This oath dates back to May 12, 1778, when General George Washington and the general officers at Valley Forge signed an oath very similar to the one taken by the 30 citizens the President swore in on Monday, the oath that more than 500,000 new American citizens took last year in hundreds of naturalization ceremonies all over America.

Here is a portion of the oath Washington and his general officers swore:

I, George Washington, Commander in Chief of the armies of the United States of America, do acknowledge the United States of America to be Free, Independent, and Sovereign states, and declare that the people thereof owe no allegiance or obedience to George the Third, King of Great-Britain; and I renounce, refuse and abjure any allegiance or obedience to him; and I do swear that I will to the utmost of my power, support, maintain and defend the said United States of America. . . .

Those were remarkable words then. Those were remarkable words on Monday, when those 30 new citizens stood up and said the same thing.

The language in the oath immigrants take today comes from that oath in 1778. It says in effect: I may be proud of where I come from, but I am prouder of where I am. In both the last session of Congress and in this session, Senator SCHUMER and I introduced legislation, S. 1087, to put the wording of the oath of allegiance derived from this into law, giving it the same dignity as the Star Spangled Banner and the Pledge of Allegiance.

Becoming an American is also a unique experience because it has nothing to do with ancestry. America is an idea, not a race. We are united by principles expressed in our founding documents, the very principles we are debating in this immigration legislation, not by our multiple ancestries.

Americans enjoy more rights than the citizens of any nation on the face of the Earth and our Founders recognized, as every citizen and prospective citizen must, that along with those rights come responsibilities. The new citizens, like those who came before, must appreciate this simple but fundamental truth: In a free society, freedom and responsibility go hand in hand.

Some have suggested our diversity is what makes our country great.

To be sure, diversity is one of our great strengths, but diversity is not our greatest strength. Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. The greatest accomplishment of the United States of America is that we have molded that magnificent diversity into one nation, based upon a set of common principles, language, and traditions.

That is why the words above the desk of the Presiding Officer say one from many, not many from one. And that is why a comprehensive immigration bill is not complete unless we help prospective citizens who are legally here become Americans.

We could look to Great Britain and France to remind us of how fortunate we are to have had two centuries of practice helping new citizens become Americans. Last August, when he announced a number of measures regarding British citizenship, Prime Minister Tony Blair said:

People who want to be British citizens should share our values and our way of life.

These new rules were spurred by the terrorist attack in London in which four young men, three of whom were the British-born children of Pakistani immigrants, bombed the London subway system.

France is facing a similar period of self-examination on integrating immigrants and the children of immigrants following violent civil unrest this last November.

According to the French Ambassador:

These teenagers feel alienated and discriminated against both socially and economically. They don't want to assert their difference. They want to be considered 100 percent French.

It is hard to imagine becoming French or becoming British or becoming Japanese or Chinese or German, for that matter. On the other hand, to be a citizen of this country, one must become an American. We should be wise enough to take a lesson from the difficulties of our friends overseas and redouble our effort to help new citizens become Americans. This is, of course, one more reason to control our borders—so that we know who is coming from other countries and can help those who legally choose to stay here to become Americans.

We Americans have always understood that perhaps the most important limit on how many new citizens our country can successfully absorb depends upon how many can be assimilated as Americans. Robert Putnam has written in the book "Bowling Alone" how at the beginning of the 20th century, when America experienced an influx of foreigners about as great in terms of percentages as that of today, the Nation took seriously the issue of assimilation. It was during this time that civic organizations such as the Boy Scouts and the Girl Scouts and the Rotary Clubs were launched. Many industries had programs that taught English and history to foreign workers. The most important agent of assimilation was the common school, what we call today the public school.

The late Albert Shanker, president of the American Federation of Teachers, said the public school was created largely "to teach immigrant children reading, writing, and arithmetic—and what it means to be an American."

Yet today U.S. history is not as important a part of the school curriculum as it once was. As a result, high school seniors score lower on U.S. history than on any other subject. I have worked with Senators KENNEDY, BYRD, REID, and a number of others to help put the teaching of American History and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

But while we are teaching our children more about what it means to be an American, we should also be stepping up efforts to help the 500,000 to 1 million permanent legal residents who are living legally among us and who will this year become American citizens.

During these next 2 weeks, we should enact legislation to secure our borders. That honors the principle of the rule of law. Then we should create a legal status for the workers and the students we welcome here to help increase our standard of living, as well as to support our values. That honors the principle that we are a nation of immigrants, that we believe in equal opportunity, and that we believe in a free market, *laissez faire*. But we should not complete work on a comprehensive immigration bill without remembering why we have placed that three-word motto above the Presiding Officer's chair,

without remembering that our unity did not come without a lot of effort, without noticing lessons from overseas that remind us that it is more important today than ever to help prospective citizens become Americans.

In the spring of 2002, 4 years ago, when Senator Fred Thompson decided not to run for reelection, my job then was on the Harvard faculty at the Kennedy School of Government. I was teaching a class I created there called the American Character and America's Government. Matt Sonnesyn, who is my senior policy adviser today, was my course assistant at the time.

In that course, we looked at the kinds of issues that Senators might deal with. I had no idea at the time that I might be a Senator. We tried to identify the principles that each of the problems raised. In other words, we recognized that since we are a nation united by principles, we wanted to be able to understand the principles and have a principled discussion when we got issues like school choice or support for faith-based institutions.

Perhaps the issue that created the most discussion in our class that semester was a question that was presented in this way: Should illegal immigrants in the State of Illinois have State driver's licenses?

The President of Mexico, Vicente Fox, had come to Chicago and asked the Illinois legislature to do that.

If one of my students had stood up and said: I have a pro-immigrant or an anti-immigrant solution to this problem, that student would probably have earned an F because I asked them to identify the principles that this issue raised. This was a typical university class of pretty smart students in an area where more of the students are to the left, I would say. There were several refugees from the recent Clinton administration, there were some international students, and there were students from all over our country of many races and backgrounds.

But the first issue this class raised when considering the question of driver's licenses for illegal immigrants in Illinois was the principle of the rule of law. Then we went right through the other principles that I have just discussed today. And a little bit to my surprise, this class came down very hard on the idea that, of all the principles considered, the principle of rule of law required no driver's licenses for people not legally here.

They came to that conclusion quickly. But they also came quickly to the conclusion that in a country that always values equal opportunity, laissez faire, and a nation of immigrants, that we should have clear rules for welcoming people who are temporarily working here and temporarily studying here, that there should be generous allotments for that, that it was in our interest. They also spent a lot of time talking about those three words above the Presiding Officer's chair, about how can we help all those who were here legally to learn what it is to be an American.

I was very impressed with the way our class 4 years ago at that university dealt with the issue of immigration. It had a similar problem to the one we are facing. They considered all the principles. It was not considered to be a pro-immigration or anti-immigration result. It was a discussion about principles in which we all agree, which collide, and it was up to the students in that class to come to a solution which was principled.

That is our job in this body. We need to let the American people know that we honor each of the principles that we talk about today. We should not step back one inch from honoring the principle of the rule of law, but we shouldn't be hesitant for one minute to welcome those who work here and study here because we also honor the principle of equal opportunity, being a nation of immigrants and the free market economy that we are.

I hope before we are through in these 3 weeks that we will do as the students did 4 years ago and realize that above all, when we talk about immigration, about people coming to this country, that what is distinctive about America, what is our greatest accomplishment, is not that we can figure out a way to create laws and virtual laws to control our borders, not that we can come up with some mathematical number of people who can work and study here, but what we have been able to do that France has not done, that Great Britain has not done, that China and Germany have not done—no country in the world has ever done the way we have—is that we have taken people from all different backgrounds and said we are the United States of America. And to become an American you believe in ideals, and it doesn't matter where you come from, what your race is, what your background is.

It is important that we keep that up front, that we honor our diversity but more important that we can be proud of where we come from but prouder where we are; that we honor the oath of allegiance that our amendment will seek to make law, where George Washington and his officers said we put aside where we came from—we may honor it, we may be proud of where we may go to reunions and talk about it, but we are Americans.

That is the most important subject for an immigration debate, and this bill will not be complete without it.

I look forward to offering an amendment at the appropriate time that adds to our discussion of helping prospective citizens become Americans. This would be the only country in the world in which such an amendment would have that kind of meaning.

#### EXHIBIT 1

#### VISAS FOR WORKERS COMING TO THE UNITED STATES (PER YEAR)

Type of Visa	Number per Year (cap)
"Green Card" or legal permanent residency includes exceptional, skilled, and unskilled workers (NOTE: a number of these folks originally came to the U.S. under H-1B or L, but then applied to become permanent; see below).	140,000

#### VISAS FOR WORKERS COMING TO THE UNITED STATES (PER YEAR)—Continued

Type of Visa	Number per Year (cap)
H-2A (Temporary Ag Workers) .....	no cap, but averages only 30,000
H-2B (Temporary, non-skilled, non-ag) landscaping, construction, etc.	66,000
H-1B (Professional Skilled Workers) .....	65,000
L Visa (intercompany transfers) Executives and employees with specialized knowledge of a company's product (and their families).	no cap, has grown to 123,000 in 2005
Total .....	~424,000

Note.—Due to lack of applicability to the illegal population, this analysis does not include more obscure temporary visa categories, such as foreign diplomats, religious workers, athletes, entertainers, "treaty traders or investors," press, etc. All told, these additional categories would total about 100,000 additional visas.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Senator FRIST and Senator MCCONNELL be added as cosponsors to S. 1815, the Strengthening American Citizenship Act.

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

Mr. ALEXANDER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask consent that at 3 p.m. today, the Senate proceed to vote in relation to the Frist amendment at the desk related to a study on deaths on the border; provided further that no amendments be in order prior to that vote.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the time before the vote be allocated as follows: the next 30 minutes beginning at 1:20 be under the control of the Democratic leader or his designee; the following 30 minutes be under the majority control; the next 30 minutes be under the control of the Democratic side; and finally that the remaining time before the vote be equally divided between the two sides.

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

Mr. ALEXANDER. 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.

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

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

Mrs. MURRAY. Mr. President, the Senate is now engaged in a spirited debate about reforming our immigration policy. I rise today to share my perspectives and my priorities.

Let's remember, though, that this is not just about immigration; it is about the type of country we want to be, what we stand for, and what type of future we all want to build. It is easy to get caught up in the specifics of one policy or another, but I encourage my colleagues to not lose sight of the bigger picture. This debate touches nearly every aspect of American life, from our economy to security, from our classrooms to our workplaces.

I know there is a lot of pressure to do something about immigration, especially in an election year, but if we do the wrong thing, it will have a painful effect on millions of families, on our economy, and on our future for generations to come. Let's take the time to do it right. Perhaps the biggest mistake we could make is to think that addressing enforcement alone will create the changes we want to see.

I approach this debate with a clear understanding of what is at stake, frankly, with some skepticism that Congress can achieve this delicate balance in a heated political environment. But I will keep pushing for the right policies. These policies are based on my own personal experiences, on people who have shared their life experiences with me, and on the unique perspective Washington State provides.

Washington State does have a lot at stake in this debate over immigration reform. I have led discussions around my State with key stakeholders who have experiences in areas such as border security, labor needs, agriculture, education, and housing that have all helped form my perspective.

First of all, Washington State is a border State. We know the dangers of an insecure border. For years, I have fought Federal policies that steered critical resources away from the northern border to the southern border. Year after year, I have fought budgets that were biased against the needs at our northern border. My border communities have struggled with inadequate staff, equipment, and facilities. Tragically, it took the September 11 attacks to finally get the Federal Government to listen to what we had been saying all along: you cannot keep America secure if you shortchange the northern border.

Since then, we have made some progress. I have worked with Chairman GREGG and others to secure the money to triple the number of agents along our northern border. I helped to fund the northern border air wing that is in my State to patrol our skies and to provide enforcement and surveillance. I should note that we still need to extend their patrol hours beyond just 40 hours a week.

We have made progress but not nearly enough. Just this week, we learned that Federal investigators were able to smuggle parts for a dirty bomb across the northern border into Washington State. That is unacceptable.

As we have increased enforcement at the northern border, new challenges

have emerged. Federal agents are arresting more people for smuggling and other crimes, but the Feds are just handing those suspects over to local officials for holding and prosecution. As a result, communities like Whatcom County on the foreign border are struggling to deal with the huge new burden of Federal prosecutions. Whatcom County is spending \$2 million a year to process federally initiated cases. Whatcom County is not being reimbursed, but communities along the southern border are. That is not fair, and it is something I am working to correct.

Washington State understands the importance of border security. I believe any bill we pass has to treat the northern border fairly.

Our communities need help to combat the scourge of drugs and violence that accompany rampant smuggling operations. We cannot wait until a terrorist tries to move a dirty bomb across our northern border.

Washington State also has a great stake in how immigration reform affects one of our largest industries—agriculture. We rely on immigrants to harvest the crops that put food on our table and bring our State billions of dollars a year in economic activity. Last week in Moses Lake, WA, I heard personally from farmers and orcharders who had to leave fruit on the trees last season because they could not get enough help to pick it fast enough. This costs our farmers and our entire State economy.

Already, many farmers have told me that the 2005 season was the worst season they have had in trying to get the employees they needed. It is estimated that 700,000 undocumented workers are living in Washington State. That means Washington State has the highest per capita concentration of undocumented workers of any State in the Nation. We know how important laborers are for our economy.

Washington State public schools and universities are also impacted by our Nation's immigration policies. I hope we can all agree the children of immigrants deserve a decent education which builds our communities and our economy.

For years, I have worked to increase educational opportunities for all students living in this country. I am a proud supporter of the Dream Act, which helps make higher education more accessible to the children of immigrants. I have been proud to celebrate with young students through the Latino Educational Achievement Project and other organizations in my home State of Washington that break down barriers to education. Our educational policies have to ensure that immigrants and the children of immigrants are not denied the opportunity to share in the American dream.

Housing is another area that is connected to our immigration policy. Many communities in Washington State are struggling with the lack of

affordable housing. That can mean families are trapped living in unsafe or substandard housing. We also have to address the housing challenges in agricultural communities. For several years, I have been working on a farm-worker housing initiative to help address a tremendous shortage of safe and affordable housing for the people who work on our farms.

All of these experiences—the northern border, agriculture, education, labor needs, and housing—help inform me on my view on immigration policy. I believe from that, that we need a holistic approach.

Enforcement is important. Securing our borders is important, but if we leave out things such as education and job training, if we ignore the tools families need to rise above their circumstances and build a better life, we will be missing the big picture and we will be throwing away the ladders of success generations of Americans have relied on to make their families and, subsequently, our country stronger.

Comprehensive immigration reform should do seven things: it should improve enforcement; it should treat the northern border fairly; it should include a guest worker plan which includes a path to citizenship; it should provide a path forward so that people who are here have an opportunity to become citizens and realize the American dream; it should protect the rights of victims and refugees; it should not turn into criminals those compassionate souls who care for their wounds, teach their children, or feed their families; and finally, it should provide the resources to help families rise above their circumstances through education and training.

Let me take a minute to talk about each of these priorities.

First of all, we should improve our enforcement, and that means providing personnel, equipment, facilities, and resources to enforce our borders. In the wake of September 11, security at our borders and enforcement of our immigration rules are now more critical than ever. That is why I have pushed for years to hire more Border Patrol agents, deploy more resources along the border, including the northern border air wing, and to make sure we are using the latest technology to secure our Nation's borders. We must continue to make investments in securing our border and protecting ourselves from those who seek to do us harm.

Second, we have to treat the northern border fairly. We will not be shortchanged as we have in the past. If we are going to secure our borders, we cannot leave the northern border behind.

Third, immigration reform should include a guest worker plan to keep our economy moving forward. We have tremendous labor needs in our country, especially in labor-intensive fields such as agriculture. Our economy cannot survive without access to the workers we need. A responsible guest worker



program can help address our country's economic needs. As one farm leader in my State put it, we need reform, but we cannot commit economic suicide in the process.

I am cosponsor of the bipartisan AgJOBS bill which allows current workers to retain citizenship and which would set up a guest worker program that will really work. I hope we can follow a similar path. But whatever we do, we can no longer tolerate a system that expects our farmers to be experts in document verification. Our farmers should not be turned into criminals.

One option is to provide a way to electronically verify someone's identity. If we pursue that approach, we must not put a new financial burden on our farmers who are just trying to follow the law and do the right thing.

We have to establish a realistic system that allows employers to legally hire the help they need. And agriculture is not the only sector that would be affected by these proposals. It would also affect the construction and hospitality industries as well.

Fourth, immigration reform should provide hope and a path forward for a resident to be able to earn—earn—legal status.

Fifth, any legislation must protect the rights of victims and refugees to access the courts. Over the years, we have worked to protect victims and refugees, but if we enact an expedited removal process, we could undo all that work and cause tremendous human pain. We have worked very hard through the Violence Against Women Act to protect victims no matter where they come from or what their legal status is. The act allows victims of domestic violence to petition to stay in the United States. We should keep those humane protections in place.

Sixth, we should not make felons of those who seek to help the most vulnerable. Churches and other support groups should not be threatened with jail time for showing compassion toward anyone who needs help. It is not the job of hospital workers or teachers or priests to enforce our immigration laws, nor should it be. We should not block any emergency room doors, any classroom, or any police station to the needs of all of our residents.

Finally, we need to invest in the things that help immigrants and all Americans rise above their circumstances. I am concerned that many important issues are being left out of this debate we are now having. As leaders, it is our duty to protect and foster the American dream for all of our citizens as well as those on the path to citizenship.

We need to invest in primary and secondary education. All of our children should have the opportunity to become more successful than their parents. We need to invest in adult education and literacy programs. Immigrants on the road to earned adjustment should have the opportunity to improve themselves and learn the English language.

We also need to invest in workforce training. All of our citizens should have the opportunity to increase their skills and earning power and achieve a greater share of the American dream.

We need to invest in health care and secondary education if this path to earned citizenship will truly allow all of our neighbors to participate in the American dream, while also allowing our economy to grow.

We are not talking about charity for someone else. We are talking about investments that help every American family achieve their dreams.

Throughout our history, the United States has been a beacon of hope for people throughout the world. That light shines as bright today as it ever has. As we work here to reform our immigration policy, let's make sure our actions reflect our security, our economy, and the opportunity America has offered generations of immigrants. Let's take the time to get this right. Our country's future depends on it.

Thank you, Mr. President. I yield the floor.

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. ALLARD. 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. ALLARD. Mr. President, I ask unanimous consent to speak for 5 minutes under Republican time.

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

Mr. ALLARD. Mr. President, today, I intend to offer an amendment to the immigration reform bill. This amendment aims to bolster our efforts to stop the illegal flow of methamphetamine across our borders.

Colorado, as well as the Nation, must deal with the epidemic of methamphetamine. In just 10 years, methamphetamine has become America's worst drug problem, worse than marijuana, cocaine, or heroin.

In the Senate, we have passed comprehensive legislation to combat methamphetamine. However, I believe this initiative can be improved by concentrating our efforts to expedite an effective plan to tackle methamphetamine that is smuggled across our borders.

Methamphetamine is a dangerous drug. The Mesa County Meth Task Force, in my home State, notes that methamphetamine is highly addictive, cheap, widely available, easier to make than LSD, and therefore more attractive to users. The number of users is increasing, and more methamphetamine is starting to come across our borders and into our States.

Colorado has been particularly hard hit by methamphetamine trafficking. Numerous local task forces, police departments, as well as the Drug Enforcement Agency, report that the

availability of crystal methamphetamine has increased throughout Colorado. In recent years, Colorado has seen a significant increase in the amount of methamphetamine, cocaine, and marijuana being imported, stored, and distributed in the area. The use and abuse of this drug has spread because of the availability of high-quality imported methamphetamine.

According to the DEA, the Drug Enforcement Agency, over half of the methamphetamine available in Colorado is manufactured abroad and trafficked across our borders illegally. The Colorado Drug Investigators Association agrees, stating that most of the methamphetamine available in Colorado is produced abroad or comes from large-scale laboratories in California. In recent years, the potency of methamphetamine produced in other countries has risen dramatically.

The Department of Justice cites that domestic methamphetamine production is decreasing. National Clandestine Laboratory Seizure System numbers demonstrate that the number of reported methamphetamine laboratory seizures is on the decline. In fact, Colorado lab seizures from 2003 to 2004 fell by more than half.

However, methamphetamine availability within our borders is not likely to decline because of increased production outside of U.S. borders. Production abroad has offset recent declines in domestic production. Foreign sources of methamphetamine appear to be increasing domestic supplies.

According to estimates from the DEA, an alarming two-thirds of the methamphetamine used in the United States comes from larger labs, increasingly abroad, while only one-third of the methamphetamine consumed in the country comes from the small laboratories.

The methamphetamine production abroad is dependent on a steady supply of ingredients from other foreign sources. These producers are able to secure large quantities of ephedrine or pseudoephedrine from sources in other countries which export massive quantities of ephedrine and pseudoephedrine and increase means of production. These foreign laboratories are often termed as "super labs." They are able to produce more than 10 pounds a day of highly pure methamphetamine. These labs then traffic their product into our country.

According to the National Drug Intelligence Center, the transportation of methamphetamine from abroad is increasing, as evidenced by increasing seizures along our borders. The amount of methamphetamine seized at or between U.S. border ports of entry increased more than 75 percent overall from 2002 to 2004. The sharp increase in methamphetamine seizures at or between U.S. border ports of entry reflects increased methamphetamine production abroad.

Methamphetamine has been a leading drug threat in Western States since the

early 1990s. The studies from the Department of Justice show that the trafficking and abuse of this drug have gradually expanded eastward with time. Methamphetamine now impacts every region of the country and is increasingly prevalent within the Northeast region. Without a sensible and timely effort, methamphetamine trafficking will continue to spread eastward and eventually encompass the entire United States.

Colorado is not just a hot spot for the distribution of methamphetamine. Often drug traffickers pass through Colorado on their way to other States. The majority of the methamphetamine that is distributed outside the Rocky Mountain region is destined for States generally to the north and east, such as Montana, the Dakotas, Nebraska, and as far away as Illinois.

The trafficking of methamphetamine across our country threatens the safety of communities. As distribution spreads, addiction will grow. Methamphetamine addicts are increasingly involved in violent crimes. The Mesa County Meth Task Force notes that methamphetamine-related crime ranges from auto theft, burglary, to murder. Methamphetamine users are unreasonable, erratic, and capable of causing great harm not only to themselves but others. We simply must protect our families and communities from violence.

We must recognize the immediacy of this issue and be able to curb the flow of methamphetamine into the United States. It is important that we protect U.S. borders to ensure national security and the safety of our communities. Therefore, I propose that we speed up our efforts to curb the flow of methamphetamine through our borders. We must have a formal plan that outlines the diplomatic, law enforcement, and other procedures the Federal Government will implement to reduce the amount of methamphetamine being trafficked in the United States.

The main thrust of my amendment takes a swift approach to fulfilling requirements for the international regulation of precursor chemicals as outlined in the PATRIOT Act. We must press upon the Secretary of State, the Attorney General, and the Secretary of the Department of Homeland Security the immediate need for a firm plan of action. It is imperative that such a plan include, at a minimum, a specific timeline to reduce the inflow of methamphetamine into the United States.

There must be a tough standard for keeping excessive amounts of pseudoephedrine products out of the hands of methamphetamine traffickers. We must outline a specific plan to engage the top five exporters of methamphetamine precursor chemicals, such as pseudoephedrine, ephedrine, and phenylpropanolamine.

Also, we must be prepared to be able to address funding needs to secure our borders, ports of entry, and other methamphetamine-trafficking windows

that are currently being exploited by drug traffickers. These controls are critical to help law enforcement officials eliminate the flow of methamphetamine into our communities. This plan calls for a detailed funding request that outlines what, if any, additional appropriations are needed to secure our borders.

My amendment requires the administration to deliver a plan within 90 days of the enactment of this act. This amendment also calls for a Government Accountability Office report to ensure that our Government is fulfilling its obligation to combat methamphetamine.

Our Nation has been hard hit by the illegal trafficking of methamphetamine across U.S. soil. This is a national issue which is growing at a rate that is outpacing our law enforcement officials. Through our work on the Combat Meth Act, we have provided them with the necessities to fight methamphetamine. Now we must be vigilant and establish a responsive plan of action.

In conclusion, I thank State Representative Josh Penry and State Senator Ken Kester from Colorado for working with me on this issue and for their efforts to combat the horrific issue of methamphetamine in Colorado.

I intend to offer this amendment later today. I ask my colleagues to join me in my effort to stop the illegal trafficking of methamphetamine and all dangerous drugs at the border.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, there is an order of speaking locked in. I believe I am entitled to speak in about 5 minutes. Is it appropriate for me to begin at this point?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. KYL. I thank the Chair.

I rise to address the starting point of any discussion of comprehensive immigration reform, which is security at the border, and then move on to the other significant security aspects of this issue. I believe we need comprehensive immigration reform, which essentially boils down to four things: security at the border; security in the interior of the country, including at the workplace; a temporary worker program to accommodate our employment needs; and a way to deal with the people who are here illegally today. All of those issues need to be addressed. Ideally they should be addressed at the same time, but almost everyone agrees that the starting point is security at the border. What I wish to do today is to describe some of the reasons why it is so important for us to focus on that and then to discuss the underlying legislation which significantly deals with that problem.

As a result of including provisions of the majority leader's bill and provisions of the Cornyn-Kyl legislation in the Judiciary Committee's base bill

with respect to border security, we have a good start on getting a handle on border security. It is only a start, and it takes years to build out the fencing, to build up the Border Patrol, to add the new aircraft, the UAVs, to install the sensors and cameras, to build the detention space and all the other things that have to be done in a mosaic to gain control of the border. This bill offers a good next step in that regard.

I thank the chairman of the Budget Committee, JUDD GREGG, who as chairman of the subcommittee on Appropriations has ensured over the last several months that there is additional funding available for more Border Patrol agents, more infrastructure at the border and the like. We have actually already started on this problem, but this legislation takes the next step in a significant way.

There are a lot of things going on on the border right now that I don't think Americans who are not from a border State would appreciate. I wish to start by talking about those.

While it is true that part of the issue before us is the millions of people who have crossed our borders illegally to come here to work, that is only part of the story. Today the border is a violent, crime-prone environmental disaster with people in jeopardy and even our military suffering as a result of illegal immigration. Let me explain.

Because we have added more Border Patrol, we are beginning to contest territory that the smugglers used to call their own. They are fighting back. The U.S. Attorney from Arizona testified before my Terrorism and Homeland Security Subcommittee about a month ago that assaults at the border were up 108 percent over last year. Those assaults include not just rock throwing, which bashes people's heads in, but also assaults with weapons, including automatic weapons. I will get later the number of people who have been killed as a result of these assaults. I don't have that with me. But we have had people die in the line of duty trying to protect our borders from this increased violence.

Now criminals are coming into our country by horrendous numbers. Last year something like 150,000 criminals entered the country. These are not petty criminals. These are murderers and rapists and child molesters and drug dealers of the worst kind. Now about 10 percent—in fact, somewhere even between 10 and 15 percent—of the people apprehended at the border have significant criminal records.

Think about this for a moment: If the usual rule of thumb is that at least three people are able to cross the border and do so successfully for every one who is apprehended, think of the number of violent, vile criminals who are entering our country because we have failed to secure the border. This is a serious problem for the United States. It is estimated now that in some places over half of the population of prisons is illegal immigrants.

In addition to the crime that is occurring at the border and the criminals coming across the border, it is also true that the people who are illegally coming to the United States for a better life are prey to the coyotes and other criminal elements. They are raped, robbed, beaten, held hostage for ransom. They represent value that can be collected from their relatives back home. They are mistreated in the most horrible way. Many die because of the way they are being transported or not transported. We are all aware of the increasing number of deaths, most of which occur in my State and which were a record number last year.

There is also huge environmental degradation. To look at the Arizona desert from the air is to want to cry. Thousands of paths where thousands—indeed, millions—of illegal immigrants have trod crisscross the border. It was pristine, but it takes centuries for this very fragile ecosystem to revive after it has been trampled. Vehicles coming across by the hundreds, sometimes left behind because they get stuck in the sand or ran out of gas, but the trails can be seen all over. Tons and tons of trash left behind, fires started, vegetation trampled. It is an ecological disaster.

I mentioned the military. Because the Barry Goldwater Gunnery Range is located on the border with Mexico and is one of the largest areas for our pilots to train regardless of the service, that area is of great value to the United States for our defense preparedness. Two years ago—I don't have the numbers from last year—there were something like 400 to 500 missions that had to be aborted because pilots had their planes gassed up, ready to go, with the bombs ready, or maybe had even taken off, but when they got close to the range, the radio call came back that there are illegal immigrants in the area. Turn back. Don't drop your bombs. This is an area where strafing and bombing occurs on a regular basis. The Marine Corps is responsible for the western half of this gunnery range. They go out on a weekly basis and try to clear the area of illegal immigrants. But frequently, after they have cleared the area and radioed that it is OK for the mission to come in, they find there is somebody there and they have to abort. There were hundreds of flying hours that were lost 2 years ago and I am sure last year as a result of this phenomenon. Military training is being sacrificed.

The same thing is occurring on the proving ground, the Yuma proving ground, which is a pathway for illegal immigration. The point is, there are a lot of reasons to control our border beyond dealing with the problem of illegal immigrants. That is a huge problem. With at least half of the illegal immigrants coming through my State on an annual basis, it represents particularly a huge problem for my State. But I haven't mentioned one of the key elements, and that has to do with se-

curing our borders as a sovereign country, particularly in a time where there is a potential terrorist threat. It is not hard to transport contraband material across our border. The drug war is going on full blast on our borders. Methamphetamine is not made or manufactured so much in at least our State, and I understand other States now, because it is easier to bring it across the border where it is manufactured by the ton in Mexico and then brought over in backpacks, one backpack of value anywhere from a quarter to a half million dollars.

These kinds of things are coming across the border every day. If they can come across, then so can a backpack full of material for a radiological weapon, for example, or a biological weapon, and so can a terrorist. We now have 165,000 other-than-Mexican illegal immigrants apprehended. Remember the rule of thumb that for every one you apprehend, perhaps at least three more are not apprehended. These are people from countries other than Mexico. So when they are apprehended, they can't be returned to Mexico as we do with Mexican citizens. They have to be processed and put on an airplane back to their country of origin. I was told by the Director of Homeland Security that there are over 39,000 Chinese citizens in the United States, having come here illegally, who need to be returned but that only a few hundred are being returned every year. In other words, the problem is getting bigger and bigger every year.

There are not enough detention spaces for all of these people. As a result, they are released on their own recognizance. Do they show up when they are asked to? No, of course not. These other-than-Mexican illegal immigrants are caught and released, allowed to meld into our society. A large number of them are criminals. Many of them come from so-called countries of interest, meaning countries from which terrorists come. Yet we can't hold them and return them because we don't have the detention space to hold them and their countries won't take them back quickly, if at all. Some countries won't even take them back.

The Department of Homeland Security has announced a plan to end catch and release, but that is only possible when we have the detention beds to put them in, pending their departure. There is money in this bill for that purpose, but not enough. The point is, it will take years.

I hope I am beginning to create some picture of the magnitude of this problem beyond just the problem of illegal immigrants wishing to come here for a better life. This issue is frequently portrayed as nothing but that. It is far more than that, far more complicated, far more dangerous, far more destructive. We have to get control of our borders. If we don't, we are not a sovereign nation, we don't have control over our own destiny, and there are threats to our existence far beyond whatever

problems illegal immigrants who want to work here may create.

There is another aspect of enforcement that has received far too little attention. We talked about enforcement at the border but also enforcement in the interior. Illegal immigrants know if they get a few miles north of the border, they are home free. Border Patrol doesn't even operate 60 miles north of the border for the most part. As a result, there is no or very little enforcement in the interior of the country. There may be the occasional border checkpoint, but they are usually much closer to the border, the occasional Border Patrol officer in an airport to try to discourage illegal immigrants from transporting themselves by airline, which they have done for years, but very little enforcement.

There is essentially no enforcement of the law against hiring illegal immigrants, a law that was written several years ago which has essentially never been enforced. The reason is because, A, it is not enforceable and, B, we don't have the will to enforce it. Employers are told they are supposed to check documents. The documents are all easily forged. Everybody knows that. The employer has a good idea when he is hiring the individual that that individual is an illegal immigrant, probably can't speak English and clearly comes from another country. And yet the employer can't do anything about it because the driver's license or passport or Social Security card looks like the one you and I have. The counterfeiters are very good at this.

So everybody pretends the law can be enforced when they know it can't. The Government doesn't do anything about it, the employers don't do anything about it. America sees that and Americans say: What happens to a country that isn't enforcing its laws and apparently doesn't have the will to do so? And, importantly, why should we believe that you in the Senate can create a workable, comprehensive immigration program with temporary workers and a way to deal with the illegal immigrants who are here today? Why should we believe you will be able to do that and enforce it when you haven't enforced the ones that are on the books today?

We are all familiar with the 1986 amnesty, 3 million people, but then we were going to enforce the law so it would never occur again. In 1996, once again, we provided for enforcement at the workplace, as I described it. It didn't happen. It is kind of like Lucy and the football. After about three times, Charlie Brown ought to start getting the idea that when he goes up to kick the football, Lucy is going to pull it away from him. That is the way the American people look at us. They ask: When are you going to assure us this will be done?

I dare say neither the administration, the previous administration or the current one, or the Congress has given the American people much to peg confidence on.

The administrations have not asked for enough money. The Congress has added money to the situation but has still not added enough. Our law enforcement doesn't seem to be willing to go after the employers who are clearly violating the law. Indeed, it would be hard because, in a sense, they are being precluded from asking questions about the documents that are given to them.

This all points the way toward the second and equally critical part of the legislation we are going to have to deal with. If we don't enforce the law in the interior, this whole exercise is a fraud, it is a deceit, it will not work, and the American people will react very negatively, I predict.

Now, it is relatively simple to make this work if we have the willpower to do it. You have to have a verification system that is pegged to a valid database, electronically verified and audited. The Social Security system has numbers that are assigned to everybody, but it is full of bad numbers today. It needs to be cleaned up. I believe we will have an amendment that will provide for the cleaning up of the database, for its maintenance in a proper way, and for an employer verification system that depends upon a Social Security number being typed in electronically and sent back to the headquarters in Washington, or wherever it is, verifying whether the number is valid.

That is half of the situation. OK. The number you have just been given is a valid Social Security number, it doesn't appear to be being used by somebody else, it has been validly issued by somebody with the name of John Doe, and the person standing in front of you claims to be John Doe. How do you know it is John Doe? I can go to an employer and rattle off a number and put it into the system, and he says: That is a valid number; what is your name again? I happen to know the number because I saw the card or asked my neighbor his name, or whatever the situation. Well, you have to have a way of tying the person in front of you to the number. This will also have that kind of system. They are working right now on exactly what kind of number to attach to that to make that work. Eventually, the REAL ID Act, which is based upon good documents, will connect the individual standing before you to the number, and therefore you will be able to validate identity in that way.

This is somewhat costly. It will take some period of time to put into place. Once it is put into place, it can operate efficiently. Employers will be mandated to use it. But it will be easy to use. So we should not be asking employers to be the cops here. It is an impossible job for them. If the Government has determined in advance who is legally employable and who is not, then the employer doesn't have to worry about it. All he or she has to worry about is when the number electronically comes back and it says

"valid," you are home free. If it says "invalid number," don't hire the person or you will be in big trouble.

This legislation will provide a way to clear up any problems, so if for some reason the number doesn't compute, and you say: That is really me and that is my number, you can straighten that out. The bottom line is that if we don't have a valid verification of employment, whether the individual is verified as a citizen, a temporary worker, a green card holder, or whatever the status is, if you are validly able to get employed, great. If you are not, then you won't be employed. Unless we have that kind of system, this entire thing breaks down.

In the legislation Senator CORNYN and I developed, this is a critical component, and it answers one of the questions that is frequently asked: How do you know people will eventually come out of the shadows and participate in a temporary worker program—or seek a green card, in any event—that they will eventually leave the United States in an illegal status and will come back in a legal status? The answer is: With a good validation of employment, verification of employment eligibility system, nobody is going to be able to get a job illegally.

So within a couple of years, it is not going to be possible to be in the United States, if you want to work, and be illegal. You are going to have to get legal and come in on a temporary worker status, if that is what you want to do. That is part of the answer as to what will cause people to comply with the law. They are not going to be able to get a job if they don't.

It is theoretically possible that an individual could go live with somebody else and remain in the shadows; that possibility could exist. Although, as the documents become better, it is going to become harder to do anything, in terms of purchasing or bank transactions or driver's licenses and the like, if you don't have valid documentation for your status in the United States.

These are the two key things which we refer to when we talk about enforcement of the law: securing the border and securing the interior, including the workplace. These two factors must be a part of any legislation we pass. The House focused only on the first part of that, primarily. There are others who think we should do that first and wait until we do the rest of the bill. I don't believe that is a good idea. We need to try to do all of these things together. But I support the idea that until these systems are locked in, until the American people can see that we have been serious about it, that a year or two has gone by and we have funded them and the administration is enforcing them, some of the rights that attach under various bills should not finally attach. In other words, let's make sure we are doing these things before future rights to citizenship or something like that come into play.

What do Americans think about this issue of illegal immigration, and what would they support in terms of what I have been talking about? This is according to a variety of surveys.

Time magazine, earlier this year, said 63 percent believe illegal immigration is an extremely or very serious problem. Another one says they see immigration first as a security problem, then an economic issue, and finally a civil rights/humanitarian issue. Again, the Time poll says they believe that illegal immigrants, overall, hurt the economy, 64 to 26 percent.

In a Quinnipiac poll, in February, they opposed allowing illegal immigrants to obtain driver's licenses, 72 to 25 percent.

In a New Models poll, 58 percent to 37 percent say they would like to see military troops be used for border security.

The American people want serious action. I believe that illustrates how concerned they are that we have not been able to control the borders so far.

They favor a proposal to build a 2,000-mile security fence by a 51-to-37 percent margin. That is a Fox News/Opinion Dynamics poll.

I don't think it is realistic to put a fence along the entire border. What you need is troops on the ground and fences. You can put up a fence, but if nobody checks it for 3 or 4 days, they can cut a hole in it and come through. You have to have boots on the ground to control the territory, as we have seen in Iraq. We are talking about controlling our own territory. Fences are a key part of that, but so are people—Border Patrol agents who can continually patrol and make sure the fence is doing its job.

Again, from the Quinnipiac University poll in February of this year, they support requiring proof of legal residency to obtain Government benefits by an 84 percent to 14 percent margin.

There are other polls. Let me cite a couple. There is a Gallup poll of March 27, just recently, where 80 percent of the public wants the Federal Government to get tougher on illegal immigration; 62 percent oppose making it easier for illegals to become citizens; 72 percent don't even want illegals to be permitted to have driver's licenses.

A Time Magazine poll found that 75 percent favor "major penalties" on employers of illegal immigrants.

An NBC/Wall Street Journal poll: 59 percent oppose a guest worker proposal.

I might say, there are different numbers on that. I think part of that depends upon how you ask the question. Nonetheless, there is an extreme amount of cynicism there.

An IQ Research poll done on March 10 found that 92 percent are saying securing the U.S. border should be a top priority of the White House and the Congress.

So the American people are pretty clear on this issue. They want us to act, and they want us to act to enforce the law.

We are going to be talking about a lot of other things here soon.

The PRESIDING OFFICER. The time of the majority has expired.

Mr. KYL. Mr. President, I ask unanimous consent for another 2 minutes.

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

Mr. KYL. Mr. President, we will have more to say about a lot of other aspects of the pending legislation and what we need to do. I wanted to take this time at least to lay the groundwork for the discussion of why it is important to enforce the law.

The final point I will say is this: We are, it is often said, a nation of immigrants but a nation of laws. What do we mean by that? We mean that when we go to an intersection and the light is green, what do we know? We know we can drive on through because the people who have the red light will obey the law. We do that with everything in our society. We have contracts with each other that are very loose because we have a rule of law that if anything goes wrong, we have a way of resolving that legally. Everything we do, we do because of trust with each other based upon the rule of law. That is the way it works in our society. When everybody obeys the law, we can get along great. Once people disobey the law, bad things happen. You need more and more laws and enforcement, and you get into a situation like we are with illegal immigration. That is why we have to get back to the rule of law. People in America have to have confidence in their Government, in the businesses, in their fellow citizens, and they will if they know everybody is operating within the rule of law.

What happens if they begin to see that nobody appears to be adhering to the law? Remember what Mayor Rudy Giuliani proved in New York City: When little things begin to happen that are violations of law, soon it is bigger and more and more, and pretty soon you have a lawless society. If people understand that even the smallest things have to be within the rule of law, then you have a much better society.

We have to get back to the rule of law with respect to our employment practices, the internal operation in our country, and the security of our borders for all the reasons I have indicated.

I look forward to discussing some of the other significant issues relative to this entire issue. I hope we can agree that border security and enforcement of the law at the workplace are critical elements of any legislation we adopt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, pending somebody else wishing to speak, I can quote for the record about 3 statistics I think are meaningful with respect to this debate.

I did not give a precise number on the number of illegal immigrants who died last year while crossing the United States-Mexican border. According to the most recent Border Patrol statistics, the number who died in 2005 was 473. That is the highest number since the Border Patrol began tracking such deaths since 1999.

Another statistic is that last year, the U.S. Border Patrol apprehended 1.2 million illegal immigrants, which is roughly 1 person every 30 seconds. According to the Pew Hispanic Center, the estimate is that there are about 12 million illegal immigrants in the United States today, and about 56 percent of them are Mexican citizens.

Another statistic: The busiest U.S. Border Patrol station right now is the Yuma Border Patrol station. Last year, 138,460 immigrants were caught coming through that station.

I see my colleague from California. The Senator from California was very concerned about the lawlessness right near San Diego and the environmental degradation, crime on both sides of the border, and illegal immigration through there, as well as drug smuggling. As a result, as we all know, a fence was constructed in that area.

It is interesting, the fence clearly helped to prevent crossings. Right where the fence is, I am told, nobody has crossed illegally, and in that sector, the number of people apprehended declined from a peak in 1986 of 629,650—just in that one area, which is phenomenal to me; that is astounding—from almost 630,000 just in the San Diego sector, it is now down last year to 126,000 illegal immigrants were caught near San Diego. That is still a lot of people. We can see the fencing in that area has clearly had a significant impact.

There are other statistics, but if the Senator from California is ready, I will withhold.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, shortly the Senate is going to be confronted with a vote on two bills, one of them being the leader's bill which deals with enforcement on the border, and the other the Judiciary Committee bill which essentially incorporates provisions of the McCain-Kennedy bill into a broad and comprehensive bill which will, I believe, be before the Senate for discussion and amendment.

The bill approved by the Judiciary Committee is a bipartisan bill. It had a 12-to-6 vote in the committee. It is the first step forward in a very difficult and consequential process to address what has become one of the most contentious issues in American life.

If this bill is approved by the full Senate, it will then have to go to a

conference committee and be reconciled against another bill, namely the House bill, which is very onerous in many of its provisions.

The reconciliation of these two bills is going to be extraordinarily difficult to achieve, and it remains uncertain whether any bill can be enacted into law in this current congressional session.

Any legislation approved by Congress, I think, has to take into consideration the reality of today's immigration world in America. It is very different from the 1990s, it is very different from the 1980s, and it is very different from the 1970s. There are very strongly held views on both sides. Most, though, of what is attempted by Federal agencies responsible for the administration of immigration services today and responsible for the protection of our borders has more often than not failed, and we have to deal with that failure.

Employer sanctions, which are the seed of current immigration laws, have failed. Border control is spotty at best. Naturalization takes years. Detention facilities are inadequate. And despite our attempts to gain operational control of our border and to secure the interior of the United States so that everyone plays by the rules, the Government has essentially failed.

We now have 10 million to 12 million undocumented people living in the United States. They have come here illegally. They live furtively. Many of them have been here for 20 to 30 years. I know many. They own their homes. They pay taxes. Their children were born in this country and educated in this country. This is the only home they know. They want to live by the law, but they have no way currently to live by the law.

Employer sanctions, I mentioned, do not and, I believe, in our global economy, will not work. That is evidenced by the fact that in 2004, only 46 employers in the United States were criminally convicted for employer sanctions out of 3,258 cases initiated.

I have watched in California. On the few occasions where immigration officials have gone to agricultural work-sites and arrested employers, the public reaction has been entirely negative.

Both you and I know, Mr. President, that a law is only as good as the ability to enforce it. There is virtually today no ability to enforce employer sanctions in the United States of America. Therefore, a more punitive immigration philosophy that is based and dependent upon employer sanctions as working doesn't work and clearly creates a situation whereby there is disorganized chaos in the immigration world.

Another reason for this is our borders are a sieve, porous through and through. The Senator from Arizona correctly mentioned there are 14 miles on the California border with Mexico where there is a two-layer fence. It is an immigration border control process

known as Operation Gatekeeper. It was very controversial when put into play, but it works. And he is correct, immigrants coming in illegally in that corridor have been deterred.

But what has happened is, it has simply pushed them east into unfenced portions of the border, and those portions of the border where the desert and the heat wreak considerable destruction upon anybody crossing.

A concern with porous borders has also brought attention to a classification of aliens known as "other than Mexicans." In 2005, Border Patrol agents apprehended 165,175 "other than Mexicans" at the border, 155,000 of them on the southern border.

The concern here is that many of these people are increasingly from terrorist-supporting countries, and that presents a real potential national security threat to our country.

We continue to have a catch-and-release policy with respect to this limited category of people, but we don't have sufficient detention facilities. Consequently, they are released on their own recognizance pending a hearing. They are expected to show up at the hearing. More often than not, they do not show up. They simply disappear into the fabric of America, gone for all time.

I can go on and on, but I think this gives an accurate view of what has become an extraordinarily dysfunctional immigration system, and it has also made me realize that while we need strong border enforcement, it alone is not the only solution to the problem of illegal immigration.

The House bill, which focuses only on enforcement and criminalization of undocumented aliens, isn't the solution. We need to be much more realistic and comprehensive.

I see the Democratic leader on the floor, and I would be happy to cease and desist for the moment if he wishes to speak.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Through the Chair, I know the Senator from California is a member of the committee, and I certainly don't want to interrupt her statement. I have a statement to give, and I need to do that sometime. I am wondering how much longer the Senator is going to speak?

Mrs. FEINSTEIN. Probably about 15 minutes.

Mr. REID. What I will try to do is come back when the Senator has finished her statement.

Mrs. FEINSTEIN. Mr. President, I thank the Senator very much. That is very generous of him.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senate Judiciary Committee passed a bill, and I must tell you, I regret the way it was done. It was a kind of forced march, hour after hour of amendments on a bill that is very complicated, that I believe has actually come to the floor

somewhat prematurely. I don't believe there is yet a consensus in this body, and I hope the debate that takes place can be a respectful debate so Members will feel free to open their minds and then to change them if the facts warrant that.

But this bill is a beginning. It seeks to address the overall problem in a much more comprehensive and practical way.

First with regard to border enforcement. The bill doubles the number of Border Patrol agents. It adds 12,000 over 5 years. Senator KYL and I had testimony in the Terrorism and Technology Subcommittee from the head of Border Patrol that today there are 11,300 Border Patrol agents. This more than doubles that number over the next 5 years.

It also would add an additional 2,500 new ports of entry inspectors in this same period so that the ports of entry are strengthened and legal immigration is able to be handled in a more prompt manner.

It criminalizes the act of constructing or financing a tunnel or subterranean passage across an international border into the United States. Most people don't know this, but this has become a real problem. There are 40 such tunnels that have been built since 9/11, and the great bulk of them are on the southern border. Large-scale smuggling of drugs, weapons, and immigrants takes place today through these tunnels.

I recently visited a tunnel running from San Diego to Tijuana, and I was struck by the inordinate sophistication of the tunnel. It was a half mile long. It went 60 to 80 feet deep, 8 feet tall. It had a concrete floor. It was wired for electricity. It had drainage. At one end, 300 pounds of marijuana were found, and at the other end, 300 pounds of marijuana.

What was interesting is that the California entry into the tunnel was a very modern warehouse, a huge warehouse compartmented but empty and kept empty for a year. You went into one office, and there was a hatch in the floor. It looked much like the hatch which Saddam had secreted himself in. But when you lifted that hatch and you looked underground, you saw a very sophisticated tunnel. It went under other buildings all the way across the double fence into Mexico and up in Mexico in a building as well.

Today, interestingly enough, at this time, there is no law that makes building or financing such a tunnel a crime. A provision in this bill includes language from the Feinstein-Kyl Border Tunnel Prevention Act which would make the building or financing of a cross-border tunnel a crime punishable by up to 20 years.

This bill also authorizes additional unmanned aerial vehicles, modern cameras, sensors, and other new technologies to allow the Department of Homeland Security to work with the Department of Defense so the latter

can carry out surveillance activities at the border to prevent illegal immigration. So this bill is very strong on border enforcement. But it doesn't just leave it there, as the majority leader's bill does. It says, that is only half the problem; you have to deal with the other half of the problem, and there is the rub. That is the difficult part, and that is the controversial part as well.

The bill we have from the Judiciary Committee seeks to remedy the very real needs of our economy which, as much as we might want to, cannot be ignored. Our global economy has changed the face of the American workforce. I am not going to comment on whether this is good or bad. In some cases, it is one or the other. In some cases, it is mixed. But the fact of the matter is the needs are different and the workforce is somewhat different.

Let me give you a large industry: Agriculture. There are about 1,600,000 workers in this country who work in agriculture. In my State, there are 566,000. I would hazard an informed guess that half of the 566,000 are here in undocumented status. I have had farmer after farmer, grower after grower tell me they cannot farm, they cannot grow without this workforce. I didn't believe it, so I got in touch with 58—we have 58 counties—58 welfare departments and asked them to post notices saying: Please, there are jobs in agriculture. Here is where to come. Here is to what expect. Guess what. Not a single person responded anywhere in the 58 counties of California.

That was pretty convincing evidence to me that Americans don't choose to do this work. It is the undocumented workforce who has been the mainstay of American agriculture, whether through the H-2A program coming cyclically or whether it is through a large contingent of undocumented workers who remain in this country year after year and do this work.

Under this program—and this was an amendment that I made after negotiations with Senator CRAIG who has been one of the Senate leaders on the agriculture jobs program—and I was very pleased to negotiate with him and very delighted to see that he really cared enough to spend the day Monday in the Judiciary Committee. Between us, and with the committee's help, we have worked out a program whereby an undocumented worker could apply for a blue card if that worker could demonstrate that he or she has worked in American agriculture for at least 150 workdays within the previous 2 years before December 31, 2005. After receiving blue cards, individuals who have then worked an additional period in American agriculture for 3 years, 150 workdays per year, or 100 workdays per year for 5 years, would be eligible for a green card. Their spouses could work, and their children could remain in the country with them.

What would be the result of this? The result is that American agriculture



would have a stable base of employment which is legal, which has the opportunity to bring people out of the shadows into the bright light of day, assume additional responsibilities, grow in the process, and raise their families. I think that is healthy for America, not unhealthy.

Also, we reform the current H-2A program, which is the agricultural guest worker program, which employs, I would say around 30,000 people and is used largely in the tobacco-producing States. The way this is reformed is it makes it easier for an employer to apply for workers through an attestation system, the paperwork is simpler, the housing requirements are changed to make it easier. In general, the bill updates the H-2A agricultural program.

Returning to the larger bill, I suppose the most contentious part is what should happen to the 12 million people who are living here in the shadows, undocumented. Many would say they are here illegally; they ought to go back. Well, they are not going to go back. They are going to remain living furtively, and they are going to remain in the shadows. And most of them work.

The question before this body is: Does that make sound public policy sense over a substantial period of time? These immigrants live furtively. They are subject to work abuse, exploitation, threats, and blackmail. This bill would provide them with an opportunity to come into the light of day. But it wouldn't be easy for them. It is not an amnesty. An amnesty is instant forgiveness with no conditions. There are conditions on this. They must pay a fine of \$2,000, they must learn English, they must have paid all back taxes, and they must be evaluated as neither a criminal or a national security threat to this Nation.

Also, they would not go in front of anybody in the line. There are presently 3.3 million people waiting in other countries legally for green cards, and those people should and will be processed first. It is estimated it will take, believe it or not, up to 6 years to process 3.3 million. These workers, these undocumented 12 million would go at the end of that line, and then one by one, they would come through that line. If they have worked steadily for the 6-year period, if they can show they have paid all back taxes, if they have avoided any criminal convictions, if they have learned English in that time, they would be granted a green card. Therefore, they come out of a furtive lifestyle, hidden and in secret, living in fear that tomorrow they could or might be deported.

Over the years in the Senate, one of the things that we can do is put forward a private bill. If we see a family or an individual who we believe is an exceptional circumstance, we can try and get a private bill passed for them, and when we introduce the bill, their deportation is stayed. It is very hard to get a private bill through. Many Mem-

bers don't do private bills. I met some of the families. I want to give you three cases that I think are eloquent testimony to what is happening amongst the 12 million.

Let me share with you a family. Their last name is Arreola. They live in Porterville, CA. I have filed a private immigration relief bill for them over 2 sessions. I didn't get the bill passed, but their deportation has been stayed. Mr. and Mrs. Arreola came to the United States from Mexico illegally in the 1980s to work in agriculture. They have five children, two brought to the United States as toddlers, and three born in the United States. They range from 8 years old today to 19, and they know no other home but this country.

Their eldest daughter, Nayely, is a bright, engaging student. I have met her and talked with her. She is the embodiment of the American dream and what can happen when we give children a chance to excel in a loving, nurturing environment. She was the first in her family to graduate from high school and the first to go to college. And on a full scholarship. She goes to Fresno Pacific University. Mrs. Arreola works as a produce packer and Mr. Arreola now has an appliance repair business. They have no criminal background. They own their home. They pay their taxes. For Nayely, this bill offers a glimmer of hope that her family, once and for all, can come out of the shadows. They don't have to have that daily fear of deportation. They have been here for 20 years. They are and will be legal, productive citizens.

One other example. Shigeru Yamada is a 21-year-old Japanese national living in Chula Vista, CA. He is facing removal from this country due to a tragic circumstance relating to the death of his mother. He entered the United States with his mother and two sisters in 1992 at the age of 10. He fled from an alcoholic father who had been physically abusive to his mother, the children, and even his own parents.

Tragically, Shigeru's mother was killed in a car crash in 1995, and he was orphaned at the age of 13. The death of his mother also served to impede the process for him to legalize his status. He could not legalize his status. At the time of her death, his family was living legally in the United States. His mother had acquired a student visa for herself and her children. Her death revoked his legal status in the United States.

In addition, his mother was also engaged to an American citizen at the time of her death. Had she survived, her son would have become an American citizen through this marriage. Instead, today, he is an illegal immigrant leading a model American life. He graduated with honors from Eastlake High School in 2000. He has earned a number of awards, including being named an "Outstanding English Student" his freshman year. He is an All-American Scholar, and he is earning

the United States National Minority Leadership Award. He was vice president of the associated student body his senior year of high school. He is popular and he is trustworthy. He is an athlete. He was named the "Most Inspirational Player of the Year" in junior varsity baseball and football as well as varsity football. After graduating, he volunteered for 4 years to help coach the school's girl's softball team.

Sending him back to Japan today would be an enormous hardship. He doesn't speak the language. He is unaware of the Nation's cultural trends. He is American, raised here, educated here. He is one who is deserving, who would be helped by this legislation.

I see the minority leader, and I know he has a very busy agenda. Regretfully, I have a little bit more, so I will finish up.

Let me give a third example of the type and character of individuals that this bill would legalize. The Plascencias are Mexican nationals living in San Bruno, CA. They are undocumented. They face removal from the country due to the fact that they have received ineffective assistance of counsel. They have four children, all born in this country. The mother and father are subject to deportation; the children are not. They arrived in this country in 1988, and they have worked hard. Mrs. Plascencia studied English. She is now taking nursing classes at the College of San Mateo. She worked for 4 years in the oncology department of Kaiser Permanente Hospital, where she was a medical assistance.

Mr. Plascencia works at Vince's Shellfish Market. During the last 13 years he has worked his way up from part-time employee to his current supervisory position. He is now the foreman in charge of the packing department.

The Plascencia family has struggled to become legal residents for many years. Based on the advice of counsel, whom they were later forced to fire for gross incompetence, they applied for asylum. The application was denied, and they were placed in removal proceedings.

Their children—Christina, 13; Erika, 9; Alfredo, 7; and Daisy, 2—are entitled to remain. Their eldest daughter, Christina, is enrolled in Parkside Intermediate School in San Bruno, where she is an honor student. Erika and Alfredo are enrolled in Belle Air Elementary School. They are doing well. They have received praise from their teachers.

This family has worked hard to achieve the financial security their children now enjoy. This includes a home they purchased 3 years ago in San Bruno, CA. They own their car. They have medical insurance. And they have paid their taxes.

It is very clear to me and I think to a majority of Americans that this family has embraced the American dream and their continued presence in our country would do much to enhance the

values we hold dear. So I believe that by presenting a pathway for the 12 million to become legal, this bill offers the only realistic option. Think about it. How do you find 12 million people, and what do you do when you find them, if you do? If brought across the border, they return the next day. This is their home. This is their work. There are no adequate facilities to detain them. And most, today, have become a vital and necessary part of the American workforce—in agriculture, in restaurants, in hotels, in landscaping, and throughout our economy.

We need to build a border infrastructure that is modern and effective. We can do that. Operation Gatekeeper has shown irrefutably we can, in fact, enforce our borders if we have the will to do so and we are willing to spend the money to do so. But we also need to find an orderly way to allow those people who are already here, who are embedded in our communities and in our workforce, to be able to continue to remain. This bill does that.

I know this is tough for everybody because I know emotions run high and it is really hard to change your mind on this subject because there are so many conflicting pressures. But we have an opportunity to chart a new destiny for a lot of people. We have an opportunity to do something which has a chance to work, which is real, which meets the needs of real people out there, and which can stop the illegal infusion through our borders in the future if we act wisely, well, and effectively.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, a man—well, actually a boy—by the name of Israel Goldfarb came to the United States from Russia with his parents. He and his family were forced to leave Russia because of the pogroms that were going on. The economic situation for the Goldfarb family was chaotic, and no end was in sight for the problems the family faced. The little boy came to America with his parents and found a home with his parents in Minnesota, got an education, changed his name from Israel to Earl, and eventually came to California, where he met his wife. She was also of Lithuanian extraction. They married and had a very good life.

The best part of their life was their having one child. They had one child from that union. The reason that is so meaningful to me is that one child is my wife. My wife's father was a Russian immigrant, may he rest in peace. Of course, he and his lovely wife are gone. But for me, whenever I hear stories of immigrants and immigration, I think, but for this great country that opened its arms to this Jewish immigrant family, I wouldn't have had the opportunity to fall in love with my wife, Landra, and have five children of whom we are very proud. So immigration to me is more than just a word.

I am very happy that the Senate has started debate on immigration reform. Last week, 8 days ago, I traveled to the border, the California-Mexican border. It was an eye-opening trip, to say the least. I was able to see firsthand the problems created by our broken immigration laws. We need a serious strategy to address this crisis, and that is an understatement.

I am always so impressed with public servants. Public servants are more than Governors and Secretaries in the Cabinet and Senators. Public servants are the people who work in these buildings here in Washington and all over the country, these Federal offices. People who work in these agencies we have created all over America, I saw them firsthand in California a week ago Wednesday. Such dedication is hard for me to comprehend. Every day, these men and women put their lives on the line to enforce laws that we pass. I am very proud of the people who work on our borders. Again, we need a serious strategy to address the crisis that we have—and it is one.

Immigration reform is a matter of national security. We must know who is crossing our borders, when they cross our borders, who is living and working in our country. We need tough and smart enforcement at the border and throughout the country. And we need realistic immigration laws that bring immigrants out of the shadows, paying taxes, learning English, and contributing to our communities.

I strongly support enforcement, but I also know that enforcement alone cannot solve the problem. We have tried that. We tried it for the last many decades. We have tripled the number of Border Patrol agents over the last two decades. I am glad we have. I voted for every one of them. We increased immigration enforcement in the budget 10 times over. We need to do more, but during the same time we tripled the number of border agents and increased our immigration enforcement budget 10 times over, the probability of catching someone illegally crossing our borders has fallen from 32 percent to 5 percent.

My recent visit to the border convinces me all the more that enforcement alone is not the answer. I flew over miles of the border—San Diego going into Arizona. As I said, I have talked at length with the Border Patrol agents. They recognize better than anyone in this Chamber that fences don't keep people out. Near San Diego, we have a big metal fence. I don't know how tall it is, maybe 8 feet tall. And then we put up another chain link fence—tall, maybe 9 or 10 feet tall. The agents explained to me that people cut through, climb over, tunnel under. They showed me the new fence, a big, thick, chain link fence. They showed me the dents in the fence, the secondary fence, from people throwing ladders up and hooking them and climbing up over these.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. Mr. President, I will use leader time.

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

Mr. REID. Mr. President, the agents also showed me huge slingshots, for lack of a better description, metal slingshots that shoot ball bearings. These criminals who are trying to illegally bring people over the walls have these huge slingshots, and they will get a ladder over where the metal fence is, and they fire these and they do tremendous damage to our Border Patrol agents. That is just one example. I saw that famous tunnel. It was a third of a mile long; in some places 80 feet deep.

Half a million people come over our border, the Mexican border, every year. The fact is, our economy depends on them. We simply cannot get the situation under control until we acknowledge economic reality. To be sure, we need more Border Patrol agents, and we should give them the equipment and technology they need. We must shut down the flow of illegal immigration, but we also need realistic and enforceable immigration laws.

One crucial element of this strategy is to provide incentives for the undocumented immigrants already in the country to step out of the shadows. Today, there are more than 11 million undocumented people in our country, and more are coming every day. From a national security perspective, this is not acceptable. A sovereign government must know the identity of people crossing its borders and living in its cities. Of course, most of these 11 million people pose no threat, but those who do—we must know who they are.

Most of these 11 million have been here for a long time. Most have children and spouses who are U.S. citizens or permanent residents. Most pay taxes on property and are active, valuable members of their communities. Virtually all of them came here to work. But they are living in hiding. If they are the victim of crime, they don't report it because they are afraid to have contact with the police. They accept abuse and low wages in the workplace. They live in fear every day that they will be deported and separated from their families. They must have incentives to come out of the shadows. It is unrealistic to think we can round up these people and expel them.

As conservative columnist George Will recently wrote in the Washington Post:

We are not going to take the draconian police measures necessary to deport 11 million people. They would fill 200,000 buses in a caravan stretching bumper-to-dumper from San Diego to Alaska.

That is farther than San Diego to Miami.

He writes:

And there are no plausible incentives to get the 11 million people to board the buses.

Even if we could depart 11 million people, how would we? Do we want to? It would cost billions of dollars. Some

sectors of the U.S. economy would literally shut down, and it would be inconsistent with our core values as Americans.

There are two competing approaches to this issue. The House of Representatives has passed a bill that represents one approach. The Senate Judiciary Committee—and I compliment and applaud Senator SPECTER, Senator LEAHY, Senator KENNEDY, and all the members of the Judiciary Committee—reported out a bill that is bipartisan.

I believe the House bill is profoundly misguided. It purports to be a border security bill, but it contains provisions that are not about securing our borders at all. It makes criminals out of and demonizes a lot of hard-working people who are just trying to provide for their families. In my view, the House bill is mean-spirited and I really believe un-American and it would not solve the problem.

In contrast, the Senate Judiciary Committee bill would take real steps to restore order to our immigration system. It combines tough, effective enforcement with smart reforms to the immigration laws. It would strengthen our borders, crack down on employers who hire illegally, and bring undocumented immigrants out of the shadows. It would require them to learn English and pay taxes, have no criminal record, have a job, and pay fines in order to work toward legalization. And it is not amnesty. There is no free pass, no jumping to half of the line. It is a bipartisan bill. Half the Republicans on the committee voted for it.

By shifting the flow of undocumented immigrants to legal channels and creating a hard-earned path to citizenship for those already here, we can finally focus on catching the criminals and terrorists who put our Nation at risk. That makes more sense than spending precious law enforcement resources trying to track down hard-working housekeepers, dishwashers, and other people who have jobs.

As we weigh these competing proposals in the coming days, we must not forget we are a nation founded on and built by immigrants.

My grandmother came from England. I talked to you about my in-laws—Russia, Lithuania. My great-grandparents came here to pursue the American dream. Let us honor that proud heritage and move forward on the committee-reported bill. That is a step in the right direction.

The PRESIDING OFFICER (Mr. THOMAS). The majority leader.

AMENDMENT NO. 3191 TO AMENDMENT NO. 3192

Mr. FRIST. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3191 to amendment No. 3192.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Commissioner of the Bureau of Customs and Border Protection to collect statistics, and prepare reports describing the statistics, relating to deaths occurring at the border between the United States and Mexico)

At the appropriate place, insert the following:

**SEC. —. DEATHS AT UNITED STATES-MEXICO BORDER.**

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

- (1) the causes of the deaths; and
- (2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

- (1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and
- (2) recommends actions to reduce the deaths described in subsection (a).

Mr. FRIST. Mr. President, the debate and discussion today has been superb in terms of addressing the overall issue of border security and immigration. It centers on the issue of security, of the economy itself, social issues, and issues of compassion. The amendment I have just proposed is an amendment that focuses on the latter; that is, the issue of compassion.

Over the past decade more than 3,000 men, women, and children have died along our borders. These deaths represent an immense humanitarian tragedy, a tragedy that all too often is shuffled off into the corner. While we have an obligation to protect our borders—and much of our discussion over the last 24 hours has been on the absolute critical importance of securing those borders—I think we have even a higher obligation to protect and preserve the life of every person who sets foot on American soil.

The people who die come here searching for a better life. They are not bad people. There are people such as Matias Garcia.

Mr. Garcia was the oldest of five children. He left school at the age of 8 to work in the fields. It is a story which is not too uncommon today. Each year he would cross that border illegally, unfortunately, coming into this country to enter California.

In the spring of 2003, he started crossing that border in May—one of the hottest months of the summer. A coyote—a human smuggler—left him with only 2 gallons of water. It wasn't enough. He became delirious, lost touch with reality and collapsed on the ground, to die within sight of the Arizona highway he had struggled to reach.

I commend the Customs and Border Protection's existing efforts to save

migrants. I know the men and the women of the Customs and Border Protection agency put human life first, but we are failing today.

When I first started looking into this issue, I asked for the statistics and the statistics simply were not available. I would have to go to a local newspaper, call that newspaper along that border and another newspaper to compile statistics.

We must better direct our efforts to understand why people die, where they die and, most importantly, what we can do to reduce that death toll.

I have already requested that the Government Accountability Office report to us about this. But we cannot wait. We must begin to count those deaths now to see what lies behind those deaths and to see what we can do to mitigate that unnecessary loss of life. We must reduce the death toll.

This amendment will do both of those things, and we must save all the lives we can. I ask my colleagues to support this vital amendment. It requires the CBP to begin compiling reports about the number of deaths along the borders and their causes, and to also analyze those trends in border deaths and suggest specific policies that might serve to reduce them.

I ask my colleagues to support this critical amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from New Hampshire (Mr. GREGG).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HARKIN) is absent attending a funeral.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "yea."

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 83 Leg.]

**YEAS—94**

Akaka	Bond	Clinton
Alexander	Brownback	Coburn
Allard	Bunning	Cochran
Allen	Burns	Coleman
Baucus	Burr	Collins
Bayh	Cantwell	Conrad
Bennett	Carper	Cornyn
Biden	Chafee	Craig
Bingaman	Chambliss	Crapo

Dayton	Kennedy	Reid
DeMint	Kerry	Roberts
DeWine	Kohl	Salazar
Dodd	Kyl	Santorum
Dole	Landrieu	Sarbanes
Domenici	Lautenberg	Schumer
Dorgan	Leahy	Sessions
Durbin	Levin	Shelby
Ensign	Lieberman	Smith
Enzi	Lincoln	Snowe
Feingold	Lott	Specter
Feinstein	Lugar	Stabenow
Frist	Martinez	Stevens
Graham	McCain	Sununu
Grassley	McConnell	Talent
Hagel	Menendez	Thomas
Hatch	Mikulski	Thune
Hutchison	Murkowski	Vitter
Inhofe	Murray	Voinovich
Inouye	Nelson (NE)	Warner
Isakson	Obama	Wyden
Jeffords	Pryor	
Johnson	Reed	

## NOT VOTING—6

Boxer	Gregg	Nelson (FL)
Byrd	Harkin	Rockefeller

The amendment (No. 3191) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the following Senators be recognized: Senator MARTINEZ, for up to 3 minutes; Senator CRAIG, for up to 15 minutes; Senator DORGAN, for up to 20 minutes; Senator LINCOLN, for 15 minutes, with a Republican speaker between Senator DORGAN and Senator LINCOLN; and that the majority leader or his designee be recognized at 5 p.m.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 2 minutes.

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

(The remarks of Mr. MARTINEZ are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor this afternoon to participate in what I believe is a fundamentally important, if not historical, debate about national security and border control and immigration and local law enforcement, of a magnitude and an importance that this country has not seen in a long while.

This afternoon, I want to focus on border control because border control is synonymous with national security. If there is one responsibility our Government has—it is, in fact, a constitutional responsibility—it is that of national security.

It is crucial, for observers, citizens, listening in, watching, trying to understand this debate—and oftentimes frustrated by it—to understand that while there are many contentious issues that

will be discussed and debated over the course of the remainder of today and tomorrow and next week—and that the news media may well focus on only segments of it, attempting to dramatize it, attempting to suggest there are great divisions amongst Members of the Senate and the Congress as a whole, and the citizens as a whole—Congress will start and end with legislation that serves, first and foremost, the national security interests of our country.

The bill that is now before us includes provisions that are unique and important and truly address those kinds of concerns that Americans have been speaking out about ever since 9/11, ever since we were thrust upon the issue of immigration and a reality that we had anywhere from 8 to 12 million foreign nationals, undocumented people within our country, and that some of them, while but a few, were intent on doing us harm, were intent on attacking our citizens and not here to work and to benefit themselves and their families. So it is appropriate that we start this discussion by looking at a critical element of national security, and that is simply border control.

I must tell my colleagues, that is as difficult, if not more difficult than attempting to address, understand, and identify some 11-plus million undocumented foreign nationals who are now in our country. Why? Because we have phenomenal borders. The United States has 7,458 miles of land borders and over 88,600 miles of tidal shoreline. We cannot possibly build a fence that long, that high, and that deep everywhere to accommodate with absolute surety that those borders are impenetrable.

I grew up with this as a very common statement amongst most Americans. When you read the history books and the government books of my day, while I was in the sixth and seventh and eighth grade and in high school and college, America was tremendously proud that it had literally thousands and thousands of miles of northern border and southern border that were unguarded, that we were a peaceful nation. And the nation to our north, Canada, and the nation to our south, Mexico, were peaceful nations. We didn't have to have guarded borders, and we didn't guard them. It was not only impractical in that day, it was simply unnecessary.

We realize the world has changed significantly and that clearly establishing workable security policies that act in many ways as a fence or a border must be called a virtual fence, a virtually impenetrable border because it won't be just building the fence where many propose it ought to be built. It goes well beyond that. It truly is a policy that works, that allows, that identifies, that controls, that shapes the relationship of our border so that while we want to stop those who may do us harm and control those who want to cross the border undetected, we must also recognize that we have to allow

and we must allow movement of innocent citizens and commercial traffic. That is the nature of a border—to control, to shape, to clarify, to identify those who move across our borders.

In the last 5 years, we have increased funding for border security by 60 percent. For those who say you have done nothing, you are just flat wrong. This Congress, understanding from 9/11 to today the responsibility of controlling our borders, has invested dramatically the resources of the American taxpayer. We now have some 10,000 Border Patrol agents along the southwestern border and 1,000 along our northern border. Our border protection agents have removed more than 4.5 million people, of whom some 350,000 have criminal records. In fiscal year 2005 alone, the U.S. Border Patrol apprehended 1.19 million people attempting to enter our country illegally. Through the State Criminal Alien Assistance Program, Congress has provided more than \$4 billion to State and local governments to help with the cost of incarcerating criminal aliens. It isn't just making sure the border is impenetrable, but when they cross the border making sure that we at the local level can bring about the kind of law enforcement that apprehends at least the criminal element and incarcerates them and holds them for future prosecution.

Last year's emergency supplemental funding bill contained an amendment by Senator ROBERT BYRD and myself reprogramming funds from other programs to make an immediate and substantial downpayment on increasing Border Patrol as well as adding hundreds of other law enforcement agents and nearly 2,000 more detention beds for illegal immigrants the law requires to be held for criminal activity. We didn't even have space, once arrested, once apprehended, to put the criminal element or those we felt might be engaged in criminal activity.

However, even as we have increased border enforcement, net illegal immigration continues to be estimated at 400,000 to 500,000 people a year. We were all stunned last week at the report that undercover Federal agents managed to smuggle radioactive material through security checkpoints at the border. For all the billions we have invested, while there is no question the border is tightening, it is still penetrable in an illegal way.

Clearly, despite the resources we have poured into the border, and with many successes, there is still much left to be done. The legislation before us, incorporated in a much broader immigration policy, is the kind of legislation that ought to go first, coupled with a responsible national immigration policy.

Both bills before the Senate today contain numerous provisions aimed at improving our border security. They will increase the number of Federal officers policing our borders and improve their training. These bills will clean up

Federal laws addressing criminal aliens, increasing the penalties for alien smuggling and gang violence and illegal entry and reentry, and expanding the definition of aggravated felony that is the basis for removing aliens or denying them entry in the first place.

These bills support the President's decision to end the catch-and-release program. Can you imagine, that is exactly what we have been doing. You catch an undocumented worker, you file it, you release them. Why? We didn't have the capacity to detain them and hold them, to process them appropriately and make sure they were returned to the other side of the border. Clearly, that is now in here, instead of requiring detention of all aliens caught illegally across the border until they could be formally removed. We couldn't handle that. Now we are increasing the number of ports of entry and provide for improvement of existing ports.

There is much more to improve border security in this legislation. I thought I would refer to a few of the other areas of enforcement policy. The bill authorizes 250 new Customs and border protection officers, 200 new positions for investigative personnel to investigate alien smuggling, and 250 additional port of entry inspectors annually from fiscal 2007 to fiscal 2011. It also increases the number of Customs enforcement inspectors by 200 in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004. It authorizes 2,400 additional Border Patrol agents annually for 6 years, adding an additional 4,400 agents to the border over 6 years to the 10,000 already added by the Intelligence Reform and Terrorism Prevention Act of 2004, for a total of 14,400 new Border Patrol agents by 2011.

If America says nothing is being done, then America, listen up: This Congress is as committed as you are concerned about border control and building that fence. But it will not be a steel and concrete fence stretching from the Gulf of Mexico to the Gulf of California and the west coast. It will be a virtual fence of electronics, of surveillance flights, of the recognition of new ports and people, personnel, because the other is, at best, impractical and, at worst, once done, unworkable. That is why what we are doing now, many of us who have studied and worked with this issue for a good number of years believe, is the right approach.

Technical assistance and infrastructure: The bill authorizes such sums as are necessary in the acquisition of unmanned aerial vehicles, cameras, poles, sensors, and other kinds of technology to achieve operational control of the borders and to construct all-weather roads and add vehicles and vehicle barriers along the borders.

It requires the Department of Homeland Security to replace damaged primary fencing and double- or triple-layered fencing in Arizona's population

centers and on the border, and to construct at least 200 miles of vehicle barriers and all-weather roads in areas that are known transit points for illegals who traffic the border. Is this nothing? This is a phenomenal, historic investment in building that virtual fence that is necessary and appropriate at this time.

It is safe to say that nobody in Congress, House or Senate, believes our job is done until we have acted to increase security for America's citizens, knowing that those who cross the border cross it legally and that those who cross are not a criminal element, are not putting our citizens at risk. None of us believes our job will be done until the border is closed but open to legal entry, open to those who have a right to come across because we have so designated them, so recognized them for the purpose they would come—to work in our economy to provide for themselves and their families, to come here to work, to go home, to someday become an American citizen if they choose and if they stand in line and make the application and make the effort to become just that.

I have been very outspoken about agriculture and agriculture's need for foreign national workers. American agriculture needs some 1.2 million workers annually. Many will be foreign nationals, as they have been in the past. Without them, it is possible that we could collapse American agriculture. If we cannot find the workforce for American agriculture to come here to work, then American agriculture's investment will go elsewhere to fill the supermarket shelves of our country with the quality of plentiful food that American consumers have grown and expect to be there. What American consumers have not recognized is that over the last 20 years, most of that food has been harvested by illegal foreign nationals.

Next week, I will talk in detail about changes in policy that are embodied within this legislation to improve our immigration policy, to recognize those who have come who deserve to be treated fairly. But today, tomorrow, and clearly throughout the week, I hope Americans understand that first and foremost our effort is to gain control of our borders, to make them secure, to make Americans feel comfortable that we have done our very best to take the thousands and thousands of miles of border, both land and sea, and to secure them for the sake of our Nation's security.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, some long while ago, I was on a helicopter flying in Central America between Honduras, Nicaragua, and El Salvador, in the mountains and jungles, with two other Members of Congress. We, unfortunately, ran out of fuel. So we abruptly landed. It is a universal rule that if you are in a flying machine and you

run out of gas, you will be landing soon and we did. We were there for 4 or 5 hours until someone found us and sent other helicopters in to get us out.

The campesinos in the area had seen the helicopters landing and they decided to walk up and see who we were. So 30, 40 campesinos came to the helicopter that landed, and we talked with them. We had an interpreter with us.

I visited with a young woman with her three children in tow. We talked about her life. She had never met anybody from the United States. I asked about her life and I said: What would you aspire to do with your life? She said: I would like to come to the United States of America. I said: Why would that be the case? She said: Well, that is where there is opportunity—in the United States of America. This young woman, in the jungles of Nicaragua and Honduras, saw opportunity in the United States.

It is true that in much of the world, if you ask people what are your aspirations, they would like to go to the United States. We are a beacon of hope and opportunity. We have created a country that is quite extraordinary—a country in which we have developed a broad middle class. That middle class helped create jobs that paid well, that had retirement and health benefits, raised families, built communities, built churches, built schools, sent their kids to schools. What a remarkable country.

At the start of the last century, leading all the way up to this century, we had debates, which sometimes turned violent, about what are the conditions of freedom, what are the rights in this country. People died in the streets. James Fyler died. Not many remember his name. He was shot 56 times. Do you know why James Fyler was shot 56 times? It was because he believed that people who were going down into the coal mines ought to have a better deal. He stood for coal miners, for the right to form labor organizations and bargain collectively. He paid for that with his life.

Franklin Delano Roosevelt, in the first third of the century, helped write and signed the Fair Labor Standards Act, which created rights for American workers. It changed the conditions of work in our country. When Roosevelt died—there is the story that I have mentioned previously on the floor of the Senate about the journalist covering his funeral. As his body lie in state in the Capitol of the United States, a long line of people formed to file past the body of the President. A working man holding his cap, with tears in his eyes, stood in the line a long while. The journalist came up to him and said: Did you know President Roosevelt? And the working man said: No, I didn't, but he knew me.

His point was that this was a President who stood with working men and women. Who knows the working men and women today? Who stands with them and for them today? Well, we

built a place that is quite extraordinary, and a lot of people want to come to this place. Now, if you fast forward to 2006, we see a strategy in this country with respect to trade, the outsourcing of American jobs, and now with respect to immigration, of insourcing cheap labor.

I know this is a sensitive subject and a very difficult one for the Congress and the American people. There are two elements of what is being discussed by President Bush and by those in the Chamber of the Senate. One deals with those who have come to this country illegally—the 11 million or so—and the second deals with an add-on to that, offered in unlimited quantity by President Bush and in the quantity of 400,000 workers per year by the underlying bill discussed in the Senate, called guest workers.

I will talk a little about this. This chart shows the illegal immigration over the past two decades. People don't like to use the term, but you have to use that term. We have processes for immigration here. Let me describe what that process is. We allow people, through H-2A visas and H-2B visas—agriculture and non-agriculture work—to come into this country legally. In addition, people immigrate to live here permanently. In 2004, 175,000 people immigrated here legally from Mexico. By comparison, last year, 1.1 million who attempted to come into this country illegally were stopped at the border.

Last year, we understand—although we don't have hard numbers—in addition to the 1.1 million who were stopped at the border, another 400,000 to 700,000 came across illegally, to add to this growing number of illegal immigrants in this country.

My colleagues say—and I understand the comment—nobody is going to round up 11 million or 12 million people and prosecute them and deport them and all that. I understand that. We are going to discuss the conditions of all of that, and that is important to do. I don't want to, nor would any of my colleagues want to, diminish the worth, the dignity of those who are part of this pool. They came here illegally, but many have been here a long time. I understand that is a difficult issue. But let me not talk about that.

Let me talk instead about the add-on by President Bush and by the underlying bill in the Senate dealing with guest workers. I want to talk about that because as we outsource American jobs through terrible trade deals and because big American corporations want to find cheap labor in China, Indonesia, Bangladesh, and Sri Lanka, as we outsource those jobs and decide to insource cheap labor to take the jobs on the bottom of the economic ladder here, the question ought to be asked: Mr. President, who knows today's American workers—especially those at the bottom of the economic ladder?

I know the folks at the top have had it real good for a long time. They have an increasing share of America's in-

come. But the folks at the bottom have struggled, lost ground, lost jobs, lost retirement, lost health care. Now this Congress is saying we want to change the status of 11 million people who are here illegally and make them legal, No. 1; No. 2, in addition to that, we want to have a guest worker program by which 400,000 people who now are outside of this country are going to be allowed in, in the next year, and that can increase 20 percent each year. As this chart shows, that guest worker provision, in my judgment, will likely lead to 4.6 million additional people coming into this country who now live outside of the country.

What is the purpose of this? I don't think there is much question at all. Why does the U.S. Chamber of Commerce and American business want this? They want to bring in cheap labor. We have seen lots of examples of this. Let me show a picture. This photograph shows immigrant workers who were doing work in response to Hurricane Katrina. I will tell you about this for a minute because I want to talk about motives and what is happening with respect to this proposal for guest workers which is of, by, and for American business that wants to import cheap labor.

On October 17 of last year, I chaired a Democratic Policy Committee hearing to talk about contracting practices with respect to the recovery effort due to Katrina. I heard from Al Knight and Mike Moran from Louisiana. They run a small business in Louisiana. Al and Mike run a New Orleans company. They were hired by a subcontractor of the Halliburton Corporation to provide 75 qualified electricians to work on a project they had begun at the naval air station in Belle Chasse, LA. The Halliburton subcontractor very quickly replaced their 75 local workers with workers from outside the region, many not trained as electricians and not from that region. Here is what Al Knight said, manager of the New Orleans company that lost that job, who had 75 workers who lost jobs:

Almost all of the workers were from out of State. Most did not speak English. Few seemed to be qualified electricians. According to the Halliburton subcontractor, they were being paid two-thirds of our prevailing hourly wage, with no benefits. At the time, they were living in small tents off base.

Another person who testified had this picture of the living conditions of immigrants being brought in at subpar wages to do this work. That is at the root of much of this discussion with respect to guest workers.

Five days after I held that hearing, the Washington Post ran an article that pointed out that there was a raid and they found the illegal workers down at that job site on a U.S. naval air base.

Look, I am not unsympathetic to people who want to work and come into this country. But I am much more sympathetic, as an American, to those people at the bottom fifth or the bot-

tom fourth of the wage scale in this country who are struggling to find good jobs, to hang onto those jobs.

We are told by companies: We cannot find American workers to take these jobs. Oh, really? I am telling you that there is a price at which people will take those jobs. You just want to pay dirt poor wages. How? Just bring in immigrants who work for lower level wages, and that way you never have to raise the income by which you attract American workers.

That, in my judgment, undercuts our economy, it disserves our workers, and it sends a message when you ask the question: Who knows American workers? Not this Congress, not this President. My hope is that we will start understanding what we are doing here. We are talking about American workers who all too often these days are seeing lost jobs, lost wages, lost retirement programs, lost health care, and lost opportunity. Now we are talking about a Congress that is talking not just about the 11 million people who came here illegally but about a Congress who says on top of that: Why don't we see if we can find a way, a formula by which we can add 400,000 a year; and at the end of 6 years, you conceivably could have said we want 4.6 million more workers who are now living in our country to come back to do this job. Is this about good government, about good economics? Is this sensible? Is this standing up for American workers? No.

I will tell you, it is about American businesses, big businesses who run most of the agenda around here, who want to continue to have access to a pipeline of cheap labor, because if you have cheap labor coming in, you never, ever have to increase wages at the bottom.

It has been 8 years since this Congress has increased the minimum wage for American workers—8 years. We have increased everything else—tax breaks for wealthy Americans, opportunities for companies to move jobs overseas. But we have not increased the minimum wage in 8 years. That is unbelievable. It is unforgivable, just in terms of values.

Now, we have quotas in this country by which we allow people in. Some don't like that. But the fact is, if tomorrow we had a new public policy and said as a country, look, there are no restrictions, no more quotas, no more immigration issues, whoever in this world wants to come here, God bless you, come and stay. If we did that, we all know what would happen. We share this small planet of ours with about 6.3 billion people; half of them live on less than \$2 a day. Half of them have never made a phone call, and they don't have access to clean, potable water. We simply cannot, as a country, having built what we built to increase our standard of living, decide that we can be the sponge for everybody everywhere who wants to come to our country. We cannot do that.



As a result, we have immigration laws. Those immigration laws provide opportunities for others to come to our country. Last year, for example, our Southern border allowed 175,000 people to immigrate legally. Second, through the processes of the visas that are issued for agricultural workers and temporary, seasonal nonagricultural workers, tens and tens of thousands more came across temporarily. That is the way we have always done business.

I understand those who have come to this floor saying let's try to find a way to address the status of the 11 million people who are already here. I don't understand this Congress, this President saying: Oh, by the way, we have this huge problem that has become a mushrooming problem, so let's bring in 400,000 more workers each year, and let's add to it by putting a formula in this bill that says we will have an expansion of 20 percent more each year, if you reach the 400,000 in the first quarter. I don't think that makes sense.

I understand all those who speak for immigrants, and I don't want to do anything to diminish their value, their worth, their dignity. God bless them all. But I also want to be here standing for American workers who are struggling trying to find their footing, trying to find a job.

There is no social program in this country, there is no social program that we work on in this Congress, as important as a good job that pays well because that allows everything else to be possible in a family. A good job allows people to take care of their kids. It allows people to do the things they want to do. There are fewer and fewer of those kinds of jobs.

To suggest on top of dealing with the 11 million-plus guest worker program to bring 400,000 a year in with a 20-percent expansion program on top of that, I think it defies all common sense. This is clearly a corporate strategy to keep wages low. It clearly will replace the jobs of American workers.

Let me describe a study that was recently done. Professor George Borjas of the John F. Kennedy School of Government did a study on the impact from 1980 to 2000 on U.S. wages by ethnicity. What he said is the kind of integration occurring with people taking substandard-wage jobs—and incidentally, corporations have been wanting to do that because if someone is illegal, they can pay them little or nothing. They don't have a lot of leverage with the employer. What he said is it has decreased income for the average American worker. It has decreased income for the Hispanic workers more than anyone, talking about the Hispanic workers who are part of the workforce legally, and it has decreased income for African Americans, Whites, and Asian. But Hispanics and African-Americans have been the hardest hit of all.

The fact is, with this illegal immigration and now on top of that, hundreds of thousands of so-called guest workers on top of the visas that al-

ready exist, there isn't any way to describe what this is going to mean other than it is going to depress income for the lowest 20 to 40 percent of the American workers, and it is going to take jobs from the lowest 20 to 40 percent of the American labor force.

I remember Ross Perot when he talked about NAFTA, the horrible trade agreement that has dramatically injured our country. He was then talking about American jobs going to Mexico. He called it that giant sucking sound, that giant sucking sound, sucking American jobs to Mexico. He was right about that. All the economists, all the hotshots who got paid all the money on behalf of American businesses particularly supporting NAFTA told us: Some jobs will go there. They will be low-skilled, low-wage jobs.

Oh, I am sorry. We have some experience now. Mr. President, do you know what those jobs are? The three biggest imports into this country from Mexico are automobiles, automobile parts, and electronics, all of them the product of high-skilled jobs but not high wages. They displaced high-skilled, high-wage jobs in this country. Now that giant sucking sound will be heard from the other direction. That giant sucking sound will be sucking 400,000 immigrant workers into this country each year at the bottom of the economic ladder to displace workers in this country. I am not talking about the 11 million; I am talking about 400,000 additional workers who will displace American workers and continue to put downward pressure on wages.

I don't understand what the thinking is of people who decide that they want to find a way to continue to diminish opportunities in our country for our workers. I think of what a turnabout this has been for this country in a century. There was a time when American workers were valued, work was valued. No one stood quite as tall as those who had a good job.

I am going to speak on this next week again, and I know others have some time, but I do want to make one final point. I have not yet spoken about the security on our borders. Senator DOMENICI and I introduced legislation dealing with real border security, which I expect we will talk about additionally. While I have talked about jobs and income and immigration, the issue here is in addition to security, a country targeted by terrorists has to have secure borders. A country that is such a magnet for illegal immigration has to have secure borders. A country that cares about its workers has to have secure borders. A country that cares about the ability of a worker to find a job and have a decent wage and have retirement benefits has to care about the security of its borders. It is just that simple.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Time has expired.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, before the Senator from North Dakota leaves, I have been paying attention to his comments and feel strongly that he has made very good points. I am going to zero in on areas he did not cover. I suspect he will agree with many.

One point is there is an answer to stopping our perforated borders. There is a means of doing it a lot cheaper than people have talked about. And the other point is a requirement for English to be the official language. It is a rather complicated subject, but those two areas I think the Senator probably would agree with me, as I agree with most of the remarks he has made.

First, Mr. President, for some reason, I have never been sure why it is, but I have been invited to speak at more naturalization ceremonies in my State of Oklahoma than any other Members, I believe. It is always a very touching event for me because these people go through the process, the legal process, of becoming a citizen of the United States, as my grandparents had to do. They learned the language. They learned more about the history of this country than the average person you will run into on the streets of Washington, DC. And these people are so proud.

I recall one guy. He is from Vietnam. His name is Thi Van Nguyen. He is an outstanding young man, and he had worked hard to become a citizen. I happened to be a speaker at his naturalization ceremony that was taking place in one of the courthouses in Oklahoma.

After the ceremony was over, he went down and changed his name to James Thi Nguyen, instead of Thi Van Nguyen, which was the highest honor one can pay because here is a person who wanted to go through the process of becoming a citizen the right way. It appears to me anything short of a slap in the face to all these people who came here legally and did it right.

I would like to mention a couple of areas I am going to be offering in the way of amendments. One is what we call the National Border and Neighborhood Watch Program or the BRAVE Force. There is an acronym for everything. It stands for border regiment assisting in valuable enforcement.

I think we have learned one thing that probably most of us knew already. I draw from a background of having been a developer in south Texas right on the Texas border. I have been there many times, and I have been down there actually working and developing for some 35, 40 years.

It happens I am an aviator, so I would always fly my own plane down there and land at Cameron County Airport. It is adjacent to the immigration center. I would watch and see what was going on. Yes, we are taking good care of those people.

I started getting interested in it. I said: What is the negative? What are

these people facing should they be caught trying to come illegally over the border? They go into the center. So I looked over at the center and saw half were in brown jumpsuits and half were in orange jumpsuits. I said: What is the reason for that?

They said: A football team brown versus the green and basketball and other activities.

Probably the food—I went over and inspected it—is better than most people would eat in their country.

I looked at that and thought: We aren't really offering much of a disincentive for people to come in illegally.

This program we call the Brave Force Program recognizes that our borders can be closed, our borders can be strong borders, and we can stop people from coming in. I am sick and tired of people saying this can't be done or it can only be done with a certain kind of fence. There are areas with serious problems, but the answer is in numbers.

The minutemen demonstrated very clearly that if you have enough people down there and take a 35-mile area, you can stop people from coming across. I recognize the criticism of that program. I don't agree with it. Certainly there is some authentic argument against it when they say these people are not law enforcement people. They are not trained that way.

I found out something after 9/11 when we were dealing with the TSA, and that is that Federal law enforcement officers have a mandatory retirement age of 57. Since I have worked with them before, I started getting letters from them saying: Why can't we come in as sky marshals and other positions? We, as an organization, would be willing to do it just for cost, just to pay our expenses.

If we had an army down there, as my amendment calls for, these people are available. It is virtually just for the cost of sustaining these people while they are on watch. There would be an army of law enforcement officers for each trained Border Patrol agent. Then we have the neighborhood watch people who are volunteers and are not trained properly, but they can help the second tier.

There would be three tiers. We would have the trained Border Patrol people, then the retired law enforcement officers, and then, of course, the neighborhood watch people. It is a numbers game that has been very successful and has worked.

Civilian volunteers, much like the minutemen, would be able to report to those who are in a higher level of training. I think this BRAVE Force would be effective. You don't have to be a rocket scientist to see we can do something on the border. It is just we have not been able to do it.

Let me interject that as one of the high-ranking members of the Senate Armed Services Committee, I certainly don't want to get sucked into the point

where we are going to have to use military people on these borders when they are already overworked. The OPTEMPO of our military right now is at an unacceptable rate. By "military," I mean our standing forces, as well as the Reserve components—the Guard and Reserve. This wouldn't affect that. This would ensure we are not going to have to further dilute our military.

That is one of the amendments I am going to offer. The second one has to do with the English language. I know people get all exercised about this issue. The language is taken almost verbatim from PETER KING's House Resolution 4408 by strengthening a very weak provision in the Judiciary Committee bill that will be under consideration here, that illegal immigrants currently in the United States must merely "demonstrate an effort" to learn English when applying for a green card.

Anyone can demonstrate an effort to do anything. You don't have to do anything to do that. So that is a meaningless phrase. There is no requirement whatsoever. My amendment would require these immigrants to learn our language by making English the official language of the United States and making all official business of the United States conducted in English, including publications, tax forms, information material, and other items.

As a matter of fact, my amendment follows what at least 26 other States already have at the State level. They have English as the official language. Half the States already have that, and there is nothing wrong with making that uniform throughout the United States.

Making English the official language would eliminate about \$1 billion to \$2 billion annually that we spend on providing language assistance, including Federal agencies and funds recipients, according to the Office of Management and Budget.

Studies show that those who know English get better jobs, earn more money, and are less likely to be uninsured. As a result, English decreases Government dependency.

This will come as a shock to you, Mr. President, because they think—and I do speak Spanish. I have worked for many years in areas—I was a commercial pilot in some of the Latin American countries. I know the language fairly well, so I can communicate. But I do know this: There are a lot of immigrants in this country who support English as the language.

In 1995, there was a poll—I talked about this once before on the floor—by Luntz Research, and it said that more than 80 percent of immigrants supported making English the official language.

Eighty percent. These are the ones who are supposed to be against it. They are not against it, they are for it.

The need for official English appears in our newspapers every day—injuries in the workplace, lawsuits over

mistranslation in hospitals, people who are unable to support their families—all because they can't speak English. Making English the official language would also help immigrants assimilate, which is vitally important to becoming an American and preserving our rich heritage.

As my colleague, Senator ALEXANDER, said yesterday—and I thought so much of this, I got his quotes—he said:

Becoming an American—

This is very significant—

Becoming an American is also a unique accomplishment because it has nothing to do with ancestry.

In other countries, it has to do with ancestry. My family came from Germany, so we all come from different places.

He said:

America is an idea, not a race. We are united by principles expressed in our founding documents—the very principles that we are debating in this immigration legislation—not by our multiple ancestries.

I am still quoting from Senator ALEXANDER, who made this speech yesterday, which is well researched and well thought out.

Some suggest that our diversity is what makes our country great. To be sure, diversity is one of our strengths, but diversity is not our greatest strength. Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. The greatest accomplishment of the United States of America is that we have molded that magnificent diversity into one Nation based upon a set of common principles, language, and traditions. That is why the words above the desk—

And the desks of many of us, including mine—

say "One from many," not "Many from one."

Clearly, as Senator ALEXANDER so eloquently stated, our Nation is unique among the nations of the world in that we welcome people from all countries and backgrounds to become Americans. By becoming Americans, they are saying they want to adopt our laws and our way of life, and this includes speaking English. It is very much like the case I just cited to you of Thi Van Nguyen coming in so emotionally wrapped up. It wasn't enough just to become a citizen of the United States, he wanted to adopt my name.

Some of our colleagues as well as the people watching us may think this amendment is unnecessary because they mistakenly think English is our official language anyway, but it is not. I have received constituent letters insisting that the Senate do something about bilingual ballots, bilingual education, and driver's licenses in other languages.

People in my State of Oklahoma are angry, and they have good reason to be so. It seems there are those who object to immigrants learning a single word of English. This is not an exaggeration. In the April 10, 2006, issue of *The Nation* magazine, an article called "Strangers in the Land" seriously asks:

Why should linguistic competence be a factor—or acceptable as an item for democratic debate—in determining citizenship? As my comrade for a day in Los Angeles would attest, a nonEnglish speaker in the United States not only can get and hold down a job; she—

Or he—

can also turn out the vote. Why should a nonEnglish speaker be allowed to mobilize for American democracy, not to join it as a citizen?

Learning the language and learning something about American history was something the ancestors of nearly everyone in this Chamber accomplished as a matter of course. All of a sudden, everything is changing, and we are told that it is unfair to expect today's immigrants to do likewise. Yet if people are not encouraged to learn English, they will be dependent upon translation services for the rest of their lives. There is nothing wrong with using a translator. I have done so on my trips to Africa quite often. But it is dangerous to rely entirely upon the accuracy of any translator, especially in one's own country. The competence of any given interpreter is all too often in the eye of the beholder.

Judge Wayne Purdom told the National Law Review that once interpreters are in place, the arguments have only begun:

Sometimes one interpreter is very critical of another's translation—right in the middle of the courtroom—and they will interrupt and contradict each other and say the other person's translation is inaccurate.

We have seen it happen. We have documented cases. Even the translation currently required at the polls has failed to accomplish its intended purpose: helping people cast an informed ballot.

Consider the 2000 election: In one community in New York, the Chinese bilingual ballot translated the "Democratic" label on all State races as "Republican," while "Republican" was translated to be "Democrat." Consequently, we know the results.

In the 1983 case of *People v. Diaz*—and we have talked about this before—a California court confessed, and I am quoting now from the record:

We recognize that frequently there is no single word in a foreign language which carries the identical meaning of a single word in the English language. We examined four different Spanish translations of the Miranda advisement at issue.

That was the case going on at that time.

We discovered that none of these translations was identical.

If governments do not agree on the proper Spanish translation of the phrase "You have the right to remain silent," how can they accurately translate the context of legal documents? And the short answer is, they cannot. But legal language is complex because it is meant to be exact. Translation may muddy that precision.

I can see the day when someone will go to court claiming that the Spanish translation of some piece of legislation

has a different meaning than the English version does. In the absence of an official language, there would be no way to resolve that dispute.

For decades now, we have looked the other way while multilingual mandate was piled upon multilingual mandate. State and local taxpayers have shouldered much of the fiscal burden for our insistence upon welfare forms in Spanish and school documents in Cantonese. Immigrants, too, have suffered from this "reign of multilingual micromanaging."

The National Review just this week put the problem in a very vivid perspective, and I will quote because I want this in the RECORD:

I was reading Li Shaomin's account of being held in China over long months.

Some of us will remember that.

Li recounted how the Communist security thugs taunted him and tried to break him. Taking his passport, they said, "This will do you no good. You may have an American passport, but you are not a real American, and never will be. You were born in China, and you will always be Chinese.

Every bilingual ballot and every multilingual government document sends this same message to immigrants: You are not a real American, and you never will be. This is wrong.

Thankfully, America's Hispanic immigrants are turning out this vile message that they need not bother to learn English.

Hispanic Magazine recently carried a story, "The Next Generation of Hispanic TV is in English." Allow me to read a paragraph from this news story:

Most U.S. Latinos are bilingual, 54.7 percent, say Census data, and consume media in both Spanish and English. The 2002 National Survey of Latinos by the Pew Hispanic Center found that 46 percent of second-generation and 78 percent of third-generation adult Hispanics speak mostly English.

The Pew Hispanic Center echoed these findings in 2004:

In one key segment of the Hispanic population—likely voters in U.S. elections—the English language media is the dominant source of news. More than half of Latino voters, 53 percent, get all of their news in English and 40 percent get news from media in both languages, while only 6 percent of likely voters get all their news in Spanish.

Statistics such as these are counter to what most people think. The idea that 80 percent of the immigrants want English to be the official language is really pretty incredible. Hispanics are learning English, they are willing to learn English and support the idea that immigrants should learn English. Only the groups which claim to represent the Hispanic people seem to have a problem with the English language. Of course, should Hispanic immigrants fail to learn English, these self-styled Hispanic leaders will benefit from their ignorance.

John Miller of National Review told *The Washington Post*, correctly, on May 28, 1998:

On the whole, there is an American national identity that immigrants ought to be encouraged to assimilate into.

A recent Zogby poll confirmed that most Hispanic Americans still agree with Mr. Miller. Eighty-four percent of Americans, including 77 percent of Hispanics, believe English should be the official language. So there were two totally different polls taken at different times coming to the same conclusions. We are not doing them any favors.

I think a lot of politicians are so afraid they are not going to get the Hispanic vote in some of these highly populated Hispanic States, and they are misinterpreting. To me, it is insulting to the Hispanic community to say: You cannot be a real American unless you learn—just by sitting on the side lines. I believe they are all capable of learning it and they are able to do it and they are willing to do it.

The other polls have similar findings. Ninety-one percent of foreign-born Latino immigrants agree that learning English is essential to succeeding in the United States, according to a 2002 Kaiser Family Foundation poll. A 2002 Carnegie/Public Agenda poll found that by more than a 2-to-1 margin, immigrants themselves say the United States should expect new immigrants to learn English. These are immigrants saying that they expect to have to learn English.

My official English amendment is the only popular thing to do, the right thing to do, and it is the fiscally necessary thing to do. Multilingual government is not cheap, and translation is not free. This Nation is at war with a relentless foe. Just as a family seeking to reduce expenditures will reexamine its budget to look for needless frills, so too must the U.S. Government.

I also wish to mention the two pictures I brought with me today. As the old saying goes, a picture is worth a thousand words. There is nothing I could say that would be more telling than these pictures, taken of high school students in California raising the Mexican flag above an upside down American flag. This is not only disgraceful, it is disgusting and a slap in the face at everything for which this great country stands. These students are living here enjoying the benefits of the United States, not Mexico. But this is happening all over the country, it is not just California. I believe this picture demonstrates what I have been talking about—that we desperately need to seal our borders and instill ways of helping immigrants know and love this country and appreciate the sacrifices made for the liberties they would be enjoying.

So there are two amendments that I have. One would go a long way to securing the border. I know it will work; it has been demonstrated by numbers. That is the name of the game. Secondly, making English the official language of the United States of America, to do away with this type of thing.

Over 2 years ago, on January 7, 2004, after President Bush's press conference

on Fair and Secure Immigration Reform, I announced my principles regarding immigration reform:

I would oppose any program that would shortcut the current naturalization process;

I would oppose any program that rewards illegal aliens for their illegal acts;

I would oppose any program that does not further address the porous nature of our borders.

I remain true to those principles today. Let me elaborate.

I agree with the 1997 U.S. Commission on Immigration Reform which stated 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 illegal immigration.

Roy Beck, executive director of Numbers USA, a nonprofit 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.

Illegal immigrants continue to flood our borders and cause a myriad of problems for our country and law-abiding citizens like you and me.

For example, according to the Center for Immigration Studies, CIS, a nonprofit immigration reform organization, some of the most violent criminals at-large today are illegal immigrants, not to mention the terrorists who have illegally entered our country or overstayed their visas.

I would like to share 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 alien fled to Mexico where he is hiding today.

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

We must prevent these criminals from coming across our borders.

Not only are illegal immigrants increasing by crossing the border in

droves, they are having "anchor babies" in rapid numbers.

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.

According to CIS, 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 represented about 9.5 percent of all U.S. births in 2002.

Additionally, in the Spring 2005 issue of the American Physicians and Surgeons Journal, Dr. Madeleine Pelner 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:

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.

Dr. Cosman continues:

In 2003 in Stockton, California, 70 percent of the 2,300 babies born in San Joaquin General Hospital's maternity ward were anchor babies, and 45 percent of Stockton children under age six are Latino (up from 30 percent in 1993). In 1994, 74,987 anchor babies in California hospital maternity units cost \$215 million and constituted 36 percent of all Medicaid births. Now they account for substantially more than half.

These anchor babies are being used to enable their parents to skirt the law, cross our borders, and bring in additional, illegal aliens.

Furthermore, as the law currently stands, by allowing these children to be considered citizens, it is an incentive for more aliens to illegally cross into our country.

I am very concerned about the cost these illegal immigrants have on the U.S. economy.

Because illegal workers do not pay income taxes, it is estimated that the

Federal Government could be spending \$35 billion a year in unpaid taxes, according to Gear Stearns Asset Management.

This figure does not include additional costs spent on illegal immigrants for welfare, healthcare, education, and imprisonment.

In fact, according to Americans for Immigration Control, a nonpartisan, grassroots organization, the implications for these illegal immigrants in the future could cost upwards of \$1,500 per year if these same illegal immigrants are granted amnesty because they would suddenly have access to many social programs for which they are not currently eligible.

This means the government could spend an additional \$6 billion in welfare expenditures alone.

Taxpayers also pay for illegal immigrant's healthcare.

According to the Oklahoma Health Care Authority, illegal immigrant women living in my State gave birth to 2,600 babies in 2005. Delivery of these children cost \$6.5 million, or 83 percent of all Medicaid money that is spent on healthcare for illegal immigrants in Oklahoma.

Taxpayers also pay every time an illegal alien visits an emergency room; which they often use as their primary healthcare provider.

Federal prisons are also feeling the strain from illegal immigrants.

June 2003, criminal aliens comprised 34,456 of the prisoners held in Federal prisons.

According to the Bureau of Justice Statistics, holding criminal aliens in Federal prisons cost taxpayers \$891 million in 2002.

In Oklahoma alone, the estimated annual operating expenditure for Federal prisons was almost \$12,000 per non-citizen inmate in 1999.

Additionally, elementary and secondary education is often one of the most expensive programs funded by State and local governments.

A 1982 Supreme Court ruling entitles children of illegal immigrants to taxpayer-funded government education.

Today, according to the Urban Institute, an estimated 1.1 million school-aged children of illegal immigrants are living in our country.

The cost of educating these illegal students is almost \$2 billion per year and is projected to top \$27 billion per year in the near future, according to Americans for Immigration Control.

Considering the burden and risk of the current level of illegal immigration, I firmly believe it is vital to secure our borders first, before we address any other immigration issue.

What the Judiciary Committee voted out is amnesty; it allows virtually anyone who is here illegally or who wants to come here to apply for citizenship.

This is a reward for law-breakers. It is essentially an open flow for immigration.

We have seen in the past that this approach does not work.

For instance, in 1986, the Immigration Reform and Control Act, IRCA, granted amnesty for illegal immigrants already here in return for strict prohibitions against future illegal entrants.

In place of promised outcomes, however, the number of illegal aliens has more than tripled since IRCA was passed.

Another problem with the Judiciary Committee bill has to do with college tuition for illegal aliens.

While current law allows States to determine whether or not they will provide in-State tuition at colleges and universities for illegal aliens, the Judiciary Committee bill includes a provision whereby the Federal Government mandates that States provide in-State tuition for illegal aliens.

This is unfair for the thousands of out-of-State students who must pay higher tuition costs than illegal immigrants who have broken the law and do not belong in our country.

Some say we don't necessarily need as many guest workers as the Judiciary Committee bill allows.

For example, economist Philip Martin of the University of California says that, when the "Bracero" program of the 1960s that brought in seasonal Mexican laborers was discontinued in 1964, the California tomato industry that had depended on these workers developed oblong tomatoes that could be picked by a machine—increasing California's tomato output five times more than what it was before the machines were used.

In a recent Washington Post article, Robert Samuelson expresses his view that with a massive guest worker program, we are importing poverty.

Referring to guest workers, Samuelson says:

... they generally don't go home, assimilation is slow and the ranks of the poor are constantly replenished. Since 1980 the number of Hispanics with incomes below the government's poverty line (about \$19,300 in 2004 for a family of four) has risen 162%. Over the same period, the number of non-Hispanic whites in poverty rose 3% and the number of blacks, 9.5%.

He continues:

What we have now—and would have with guest workers—is a conscious policy of creating poverty in the United States while relieving Mexico. By and large, this is a bad bargain for the United States. It stresses local schools, hospitals and housing; it feeds social tensions (the Minutemen have witnessed this) . . .

As a matter of fact, according to the Pew Hispanic Center, the illegal immigrants that are currently here only represent about 4.9 percent of the labor force; they represent 36 percent of insulation workers, 28 percent of drywall installers, and 20 percent of cooks.

These illegal immigrants, while large in numbers, are not the majority of the workforce.

I ask that we consider the Frist bill which, though not perfect, would increase enforcement and border security.

I further ask that we not bring up the Judiciary Committee's amnesty bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise today to add my voice to this debate on reforming our immigration system. While many of us here may have our differences, I think one thing on which we all agree is that the current system is broken and something must be done now if we are ever to get this situation under control.

There does seem to be a consensus in this body, and I think it is appropriate, that we absolutely must strengthen our borders. I personally believe that securing our borders has to be a priority in what we achieve in this legislation. Our borders have been porous for years and we must take adequate steps to secure them, and we must do it now.

This is a homeland security issue, first and foremost, but it is also a good government issue. American taxpayers continue to see their tax dollars spent on securing our borders without the results they deserve. While traffic from areas where we have placed more enforcement has decreased, border crossings in total have risen by 43 percent, despite tripling patrol personnel. The cost of an arrest has increased from 1992, when it was \$300, to the cost of \$1,700 in 2002.

Americans cannot afford this type of performance from a security standpoint or an economic standpoint. At a time when America is facing its most serious threat and dealing with record deficits, having our borders remaining unsecured as we spend more on them is simply unacceptable. It is unacceptable to the American people in terms of security and economics.

But securing our borders without dealing with the over 12 million undocumented immigrants who are in this country is not the solution either. One without the other is not going to achieve the results we want in the cost-effective way we must do it.

Many in this body are probably somewhat unaware that my State of Arkansas had the largest per-capita increase of its Hispanic population of any State in the Nation during the last census. Arkansas has become what is referred to as an emerging Hispanic community, with largely first-generation immigrants. These immigrants have a dramatic impact on our communities and on our economies. They are hard working, they are active in the religious community, they are law abiding, and they are putting their children through school. Whether they came here legally or illegally, they are establishing roots and we cannot dispute that. The majority of immigrants in my State came to the United States because they wanted good work and a better way of life for their families. A good number of them are educated and wanted to take advantage of the opportunities afforded to them in the U.S.

economy. This is why a plan based on ripping these roots out of the ground and deporting over 10 million people is simply not realistic.

First, we couldn't afford it. Second, I am not sure we could implement it. And then think of what it would do to our economy.

While these people may have come here illegally, many of them have been here long enough now to have become part of the fabric of our communities. Removing them will break up families and it will hurt our local economies.

I am not saying we should grant amnesty, and neither does the amendment Senator SPECTER has offered. It is critical to know that amnesty is not the answer. No reform should grant amnesty. Total and immediate forgiveness for past crimes—these are not things we believe in this country. The rule of law is critical. To do so would severely undermine the rule of law in this country.

As I stated, it is impractical to believe, though, that we can simply round up and deport all illegals in this country. It is also unlikely we can coax illegals out of the shadows by offering them a limited period to remain in this country before we eventually deport them. They will continue to hide and move around in the same networks that have protected them thus far.

I believe the solution is earned legalization, and that is why I have supported the McCain-Kennedy bill and the similar bill that was passed out of the committee, offered as a substitute by Senator SPECTER.

Some have characterized these bills as amnesty. Amnesty is a general pardon for a previous crime. By contrast, this reform plan includes serious consequences for those who remain in our country illegally.

Under the committee bill, an illegal immigrant faces an immediate \$1,000 fine, a security background check, application for a work visa, and an 11-year path to citizenship. Most immigrants who apply for citizenship now achieve that in 5 to 6 years. After staying continuously employed for 6 years, paying all back taxes, learning English—as my colleague from Oklahoma has expressed as being a very important part of this—learning U.S. history and government, and paying another \$1,000 fine in application costs, the worker could then apply for a green card and legalization.

That is not going to the front of the line, but it is going to the end of the line after those who have already chosen a legal path to begin with. Their green card application, as I said, will go to the back of the line behind all the legal applicants who are waiting for those green cards. Finally, this path is only available to the illegal immigrants who were here before January of 2004.

This does not sound like amnesty to me. It sounds like a challenge but a challenge that presents excellent rewards instead of the dire consequences

we would suffer if we took an irrational reaction to this enormous problem that is growing in our Nation.

The other path for an illegal immigrant would be to continue trying to hide. But now, under increased enforcement measures and stiffer penalties as we have seen that we would put into place under this bill, I believe the majority of the people who have come here illegally but came to make a better life for themselves, will emerge from those shadows to become legal residents of their communities, to engage in what we came here to seek, because we have provided for them a pathway to become legal.

It comes at cost. It comes at great cost to them, both financially as well as the time they have to spend to engage themselves in becoming legal residents of this great Nation. But it is worth it to them and it is worth it to us to set this issue straight, to begin to reform a problem that is growing desperately out of control.

Many of them already pay local taxes in the communities where they are. Some of them are paying into Medicare and Social Security with no promise of receiving any of the benefits. But think how we could strengthen those programs if we put them on a pathway to legalization. We know who these 12 million undocumented workers are and we put them into the system to strengthen Social Security and Medicare by assuring that their withholdings are coming out and going into the system as well.

I am reminded of an incident in my home State of Arkansas. Recently, we saw law enforcement officials who were acting on a tip from an informant. These were national law enforcement officials. They did not contact the local law enforcement in our small communities there in Arkansas, but the folks from Washington swooped into a poultry processing plant and they arrested approximately 120 workers who were carrying forged or illegal identification documents.

What occurred there does not make what those illegal immigrants did right. It doesn't make it right at all. They were there illegally. They were there with forged documents. Actually, it was a local U.S. citizen in the community who had helped produce those documents for them. But I want you for a moment to think about what occurred after these Washington law enforcement officials swooped into a community without notifying the local law enforcement and seized 120 workers.

Most of these workers were parents. They are parents who were not allowed to call home to tell their children what was happening. We had children who were left behind in the care of the Catholic Church, or friends, or anybody who would take care of these children. Some of them were as young as 12 months old—kids abandoned because the parents were not allowed to call.

It was a sudden and brutal act and it separated families and left a commu-

nity divided. Not because people wanted to defend the illegals who were there, the undocumented, or those who were there with false documents, but because of the way it was handled. That is what we are here to debate. Not that we differ about that. I don't think anybody in this body wants amnesty. They don't. What they want to do is to make sure we handle this issue in the right way.

I would imagine most of my colleagues in this body learned, as I did, at an early age from their parents that there is a right way and a wrong way to do everything. We have an opportunity to come together, to figure out the right way that is consistent with the American values we all hold dear, to figure out a solution to this enormous problem that continues to grow. It reflects on who we are as Americans with respect for the rule of law, making sure that people know they have to follow the law and they have to act within the confines of the law, but with the kind of encouragement that every human being should be allowed to reach their potential.

You can pay those fines, you can take the initiative and learn English and learn about this great country. You can get back at the end of the line after having tried to break into the line in front and still have the ability to reach that potential if you are willing to pay for your mistakes. That is what this bill is about.

When I think of the calls for the arrest and the deportation of 10 to 20 million undocumented immigrants in this country, I think of that frightful night in Arkansas where children and parents were severed in an unruly way. Their families were destroyed. Children were left by themselves without anyone to care for them because law enforcement had not thought that out.

I think of that frightful night in Arkansas and then I see it multiplied thousands of times across this country. That is not the right way to handle this issue. As Americans, we can be smart. Yes, we can be diligent and we can even be tough. But we can be tough in a way that reflects the values of who we are and how this Nation was created—by giving people opportunity and requiring responsibility.

We stand at a crossroads in this country. Over the last decade and a half, the Latino population has expanded in every area of our country, many of them coming here legally but some illegally. We are faced with a decision that gets to the heart of what values we hold dear as Americans. We have always said: If you work hard and you play by the rules, there is a place for you in America to raise your children and contribute to our great melting pot, to strengthen our communities, to be a part of this great land.

We are faced now with what to do with some who have broken the rules to come here but have since worked hard to provide for their families. I hope the Senate will give this very dif-

ficult question the reasoned and thorough debate it deserves, but that we will not forget the balance, the very intricate balance of American values that brings out the rule of law and the importance of the rule of law but also the desire and the compassion we feel. That is what the American spirit is all about.

I believe the Senate will agree to welcome those who came here illegally if they are willing to show another American value, and that is sacrifice. We all know a great deal about sacrifice as we see incredible Americans, men and women in the Armed Forces and all over this country, whether it is our emergency responders or others. If we see those who have come here illegally showing that willingness to exhibit that American value of sacrifice, then I think we as a body will be able to produce something to welcome them into our great society and our great Nation.

I urge my colleagues, as we continue in this debate, that we keep our heads calm and our minds open.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

AMENDMENT NO. 3206 TO AMENDMENT NO. 3192

Mr. KYL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. CORNYN, proposes an amendment numbered 3206 to amendment No. 3192.

Mr. KYL. I ask unanimous consent the reading of the amendment be dispensed with and that this be designated the Kyl-Cornyn amendment.

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

The amendment is as follows:

(Purpose: To make certain aliens ineligible for conditional nonimmigrant work authorization and status)

On page 329, line 11, insert "(other than subparagraph (C)(i)(II) of such paragraph (9))" after "212(a)".

On page 330, strike lines 10 through 15, and insert the following:

"(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the alien is subject to a final order of removal under section 217, 235, 238, or 240;

"(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

"(C) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to



the arrival of the alien in the United States; or

“(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

“(D) the alien has been convicted of any felony or three or more misdemeanors; or

AMENDMENT NO. 3207 TO AMENDMENT NO. 3206

Mr. CORNYN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3207 to amendment No. 3206.

Mr. CORNYN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following:

This provision shall become effective 1 day after enactment.

Mr. KYL. Mr. President, Senator CORNYN and I introduced this amendment, which is very simple in its terms but we think very important. The essence of it is to say that criminals should not participate in the temporary worker program and path to citizenship program that is allowed for under the bill that passed out of the Judiciary Committee.

It seems rather elemental that whatever program we have for immigrants to this country, that they be people who have worked hard and played by the rules, as some people characterize it, that they be hard-working people who, other than perhaps coming into the country illegally, have been law-abiding citizens. That seems fairly elemental.

As a matter of fact, in the 1986 law that many have described as amnesty and few think worked very well, there was a specific prohibition of that law applying to people who had been convicted of a felony or three misdemeanors. That is the exact term that our amendment provides for. If you have been convicted of a felony or three misdemeanors, you are not eligible to participate in this program.

In addition, if you have been ordered by a judge to depart the United States and you have violated that court order, you would not be permitted to participate in this program. Those are the two key points.

There is one other element to it, and that is having to do with prior convictions of crimes and posing a threat to the United States. If the Department of Homeland Security Secretary determines that you have been convicted by final judgment of a serious crime and you constitute a danger to the United States or that there are reasonable grounds to believe you have committed a serious crime outside of the United States before you arrived or that you are a danger to the security of the United States, then you would not be able to participate in this program either.

Now, as I said, this seems rather straightforward. Why would we allow criminals to become citizens of the United States? Why, indeed? Why was this provision left out of the underlying bill? Whatever the reasons, it shouldn't have been. This amendment fixes that.

Why is it important? For one reason, we have an awful lot of criminals that have either come into the United States or people who have illegally entered the United States and then committed serious crimes, serious enough that they have had to be imprisoned in U.S. prisons. In fact, one of the exercises we go through every year around here is to try to get Federal funding under SCAAP, which is called the State Criminal Alien Assistance Program, SCAAP funding, to reimburse States and local governments for housing illegal-immigrant prisoners.

In the past, we felt that since it is the responsibility of the Federal Government to control the border and that has not been done, that when one of these people commits a crime and is convicted of that crime and imprisoned, the Federal Government ought to at least pay part of the expenses. It has usually been in the neighborhood of a fourth to a third of the expenses.

Part of what Senator CORNYN and I propose is that we would increase the amount of Federal support for the State and local governments for housing these criminal illegal immigrants.

How big is the problem? Of the 1.5 million State and Federal prisoners in 2004, over 91,000 were foreign nationals. Think about that: 91,000 criminals in prison were foreign nationals. About 57,000 in State prisons, about 34,000 in Federal prison.

The SCAAP funding gives us some idea of the number of these people. As I said, it has paid roughly about a third of the expenses when we spend about \$600 million a year; unfortunately, last year we only funded \$305 million. Even if it were funded at \$700 million, it would represent about a third of State costs. That gives some idea of the magnitude of expense associated with the housing of these illegal immigrants.

With regard to the provision that deals with the so-called absconders, people who went before a judge and the judge said, for whatever reason, you must depart the United States, you are under court order to leave, but they don't, they just meld back into society, the Bureau of Immigration Customs Enforcement estimates that there are more than 400,000 such absconders and 80,000 fugitive criminal aliens with outstanding final orders of removal who are hiding in the United States. These are people who have committed serious crimes. There is no way that these people should be allowed to get on this path to citizenship or participate in this worker program.

The Bureau of Immigration and Customs Enforcement estimated earlier this month that the number of fugitive aliens in the United States is about

465,000. Fugitives are foreign nationals who have been ordered removed by a Federal immigration judge but failed to comply with the order.

From March 1 through September 30, 2003, which is when ICE began tracking fugitive apprehensions, there were 3,409 fugitives with final orders of removal who were apprehended. In the same period, 2004, they apprehended 7,239 fugitives with final orders of removal, which was an increase of 112 percent over that period in 2003.

The point is that there are more and more criminal aliens coming to the United States or people committing crimes while they are here or people who are being given orders to depart and who are not doing so.

I noted before that between 10 and 15 percent of the apprehensions of illegal immigrants today are people who have criminal records. And they are serious criminal records. We are talking about murder, homicide, kidnapping, drug offenses, rape, assaults, and the like. These are serious criminals.

In Arizona, my own State—the most recent figures are about a year old—almost one in six inmates is a Mexican citizen. I don't mean to suggest by this that Mexican citizens are somehow more prone to be committing crimes. I don't have the statistics for foreign nationals of other countries. But the bottom line is, from only one foreign country, we have almost one in six inmates in Arizona prisons of this one foreign country. If you add the others, the number, obviously, will be larger.

In March of 2005, Phoenix jails housed 1,200 criminal aliens who by law should have been deported. And even when deportation is ordered, according to a FOXNews report, about 60 percent of those orders are ignored. So you still have a huge number of people who are unaccounted for.

In Los Angeles, in that same period, 95 percent of all outstanding homicide warrants and 60 percent of outstanding felony warrants were for illegal aliens. This is according to a FOXNews report. Let me repeat that statistic. If you want to know why we have offered this amendment, in L.A., a year ago, 95 percent of all outstanding homicide warrants and 60 percent of outstanding felony warrants were for illegal aliens. That is an astounding figure.

So while it is true many people come to this country to work and provide a better living for their families and the only crimes they have committed are coming into the country illegally and using fraudulent documents for employment and other purposes, it is also true a large amount of crime is associated with this phenomenon of illegal immigration.

One of the first things we should do when we talk about enforcement of the law is to ensure we are not adding those criminals to the group of people who would be authorized to participate in what is going to be a very humane program of temporary worker, and for some a pathway to citizenship.

Let me cite two other statistics, and then I would like to yield to my colleague from Texas.

In September of 2004, of the 400,000-plus illegal immigrants who were ordered to be deported, 80,000 had criminal records. Now we do not know their whereabouts, including the countries from which they came. The point here is that many were from countries that we call countries of interest; that is to say, countries where terrorists come from. We know there are tens of thousands of illegal immigrants today who are apprehended coming from those countries and probably three times as many who are not apprehended. So in addition to people who have committed crimes in the United States, there is a significant possibility some of these people pose the kind of threat this amendment would go to as well.

Considering this group of so-called other than Mexicans, people who cannot simply be repatriated to Mexico who have to be sent to their home country, this number has increased dramatically. In 2000, the number was only 28,598, although that is a lot of people. In 2004, it was 65,000. In the first 8 months of 2005, that number grew to over 100,000. And we are told that the end result from last year, if my recollection serves me correctly, was about 165,000.

So the bottom line is that, No. 1, there are illegal immigrants who are criminals coming into this country. There are people who are illegal immigrants who, once they get here, are committing serious crimes. There are people who clearly could be suspected of being a danger to the United States. And finally, there are close to half a million people who have been ordered by a judge to leave the country for one reason or another under our laws that constitutes a serious enough offense that they are required to leave—who are absconders; they have decided to ignore the court order—and have not done so.

These are not the kind of people we want to become U.S. citizens. These are not the kind of people we want caring for our lawns or caring for our children or doing any of the other work that has been discussed here earlier today.

The bottom line is, there are plenty of people who can do those jobs. We do not want to be adding to the problems of crime in this country by accepting on an equal footing, with the other kinds of folks whom we are happy to have here working with us on a temporary basis, known criminals, people who should not be in this country under any circumstances, certainly not under the generous provisions of the bill before us. I hope when we have a chance to vote our colleagues will agree that, whatever else, criminals should not be participating in this program.

THE PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, this debate we are having on this important

legislation is critical to our Nation. It is long overdue. I am glad we are finally talking about border security and immigration reform in a comprehensive way.

I know, as a member of the Senate Judiciary Committee, our chairman, Senator SPECTER, and the committee have worked very hard on this legislation. There is a lot of the legislation that I think is very good. For example, the border security component of the bill is very strong. I am proud to say that a good chunk of that came from legislation Senator KYL and I have drafted and has been out there for a year or more.

But I believe with all my heart that what has brought us to this day and this debate on the Senate floor is because Americans are terribly concerned that in a post-9/11 world, we simply do not have control of our borders. And they believe—and I believe they are correct—it exposes us to a danger and that the Federal Government has a primary responsibility of making sure our security interests are protected. As I said earlier today, border security is national security.

Now, how did we get here? I believe this is important because I do not want people to get the wrong impression. We are a proud nation of immigrants. All of us—no matter who we are, how we pronounce our last name, where we were born—came from somewhere else. America has been the net beneficiary of the fact that we have been that beacon of freedom and opportunity which has attracted people from all around the world. What distinguishes this country from the rest of the world is that once you come to America, you become an American, not because of the color of your skin or your religious affiliation or beliefs or the country where you were born, you become an American because you believe in the American ideal and you believe that everyone, no matter who they are, is entitled to the opportunity to achieve their own American dream. That is really one of the greatest legacies this Nation will ever have.

But we are also a nation of laws. To me, the toughest part about this legislation has been, how do we reconcile that vision—our American values of a nation of immigrants—with this important notion and ideal of a nation that also believes in the rule of law?

One of the reasons I so strongly support this amendment is that while we are a welcoming nation and we open our arms to people who want to come to America to achieve a better life—hopefully through legal avenues of immigration—we know there are some who have not come here through those legal avenues. What we are attempting to achieve in this legislation is to create legal avenues of immigration into this country.

Some people may decide they want to come here to become legal permanent residents and citizens and become Americans. Others might figure they

want to come to this country on a temporary basis to work and to earn a living so they can support their family, so that they ultimately can return to their country of origin with the savings and skills they have acquired while working in the United States. But in a very real sense, these temporary workers do not intend to become Americans. They do not intend to sever their relationship with their country and their family and their culture.

The fact is, we need those legal workers here in the United States. We ought to create—and I do support creating—a legal avenue for them to come and work for a time and then to return to their country of origin. The fact is, that serves America's national interests. It also serves the national interest of those countries from whence they come. Indeed, one of the components of that, which we will talk about more as this debate continues, has to do with establishing a legal opportunity for people to work for a while in the United States and then to go home with savings and skills they have acquired here.

The reason that is important—and this should not be overlooked—is that no country could sustain the permanent exodus of its hard-working young people, which is what is happening to many countries south of our border today. Those economies are handicapped dramatically because of the massive immigration and permanent exodus of their young people to this country.

What we ought to be about, not only in our national interest but as a means of reaching out to those countries and enabling them to create economic opportunity there at home, is a way for them to build their own economy to create opportunity in their homeland.

While there are certainly people who will want to immigrate to the United States permanently, there are many others who, if given the opportunity to work for a while in the United States, would be more than happy to maintain their ties to their country and their culture and their family and return home and possibly to come back after a period of time.

But I say all that by way of predicate to say that we have a right as a sovereign nation not only to protect our own borders, we have an obligation to make sure the American people are not exposed to extraordinary danger that might occur if common criminals are given a free ride, inadvertently, in this bill.

Now, I do not imagine for a minute the authors of this bill intended that felons, persons who were guilty of three successive misdemeanors, people who are under final orders of deportation or criminal absconders—I do not actually believe the authors of this bill intended to grant an amnesty or to forgive those crimes or to welcome those people into the United States because I believe either these individuals, by virtue of the crimes they have committed,

should not be accepted into the United States—and we certainly have a right to control who comes and who does not come, and I think these people have disqualified themselves by virtue of their criminal activity—but there is also another segment of people, some 400,000 individuals, who have had their day in court, who have been ordered deported because they have had their due process, and they simply have failed to reappear so the law may be carried out. So they are what is called an absconder. And 80,000 of those some 400,000 people are criminal absconders, people guilty of felonies in the United States, people who have, since they have come here, disqualified themselves by virtue of their failure to comply with our law and no longer deserve to be able to live in the United States.

So I believe it is very important to make those distinctions. We ought to be able to distinguish between those individuals who have come to the United States because they do not have any opportunity, they do not have any hope of providing for their families where they live—we are willing to find a way to provide them a way to work in a legal system or, if they are willing to comply with the requirements of the law, to exit the country and return in a legal way and work and live in the United States, should they choose to do so and should they be qualified—but surely we can all agree there are certain persons who, by virtue of their misconduct, as evidenced by their unwillingness to comply with our laws and exposing the American people to danger in the process, that we ought to be able to protect the public safety and distinguish between people who have violated the immigration laws and those who have committed far more serious crimes or abused their rights and had the opportunity to be heard and are under final orders of deportation.

I will not go into any more detail other than just to say a few things about this amendment that I gladly join.

One of the reasons I am concerned that under the Judiciary Committee bill some people might perceive that what is granted is an amnesty is because while there may be some definitional disputes about what constitutes an amnesty, what I am confident of is that people will agree that in 1986, we had an amnesty. And I am confident the vast majority of people will agree with me, not only was it an amnesty, they will agree with me, I believe, that it was a complete and total failure. The tradeoff for the amnesty of 3 million people was to get worksite verification and employer sanctions, yet the Federal Government did not step up and provide that capacity. So what happened is that 3 million now becomes 12 million today. One reason I am so determined not to repeat the mistakes of 1986 is because I believe it would be a magnet for further illegal immigration.

This amendment is sensible. It provides that criminals can't get a green

card, and those who have had their day in court and proven themselves disqualified from further opportunity to immigrate to the United States legally and become American citizens or permanent residents should not be included in what some might regard as a repetition of the amnesty that was issued in 1986.

It is with pleasure that I join Senator KYL in cosponsoring this amendment. We urge our colleagues to support us.

Mr. KYL. Mr. President, will the Senator yield for a couple questions.

Mr. CORNYN. Certainly.

Mr. KYL. First, does our amendment criminalize anything that isn't already criminalized?

Mr. CORNYN. Absolutely not. That has been one of the misconceptions or perhaps straw men that have been hoisted out there because some people have suggested we are trying to criminalize people who merely want to come to this country for economic opportunity to provide for their families. This does nothing of the kind. These are people who have already been convicted of felonies in the United States or three misdemeanors or have committed serious crimes out of the United States, or that the Secretary of the Department of Homeland Security believes are a safety risk to the American people.

Mr. KYL. So nothing in our amendment makes any new kind of conduct a crime. It simply deals with people who have already committed crimes?

Mr. CORNYN. That is entirely correct.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think that is a very important point. I know there are many people who were concerned about the House bill. Much of the marching that was done last week was against the House bill on the grounds that it was creating new crimes and even felony crimes. Nothing in either the legislation that Senator CORNYN and I have introduced nor in this amendment creates any felony offense, nor does this amendment create any misdemeanor offense. It simply says people who have already committed crimes should not participate in this program or who have violated a court order of removal.

There are millions of people who have come to the United States illegally but who otherwise, other than perhaps using false documents, have worked hard and abided by the rules. It is not in their interest to violate our laws. Yet when the subject is discussed, it is easy to roll all of the people up in one group and suggest that good and decent people are no better than people who have committed crimes, and they ought to all be treated the same. And some people have even said they ought to all be made criminals and thrown out of the country.

While we may not like the fact that we have permitted people to come into this country illegally, I believe it does

a great injustice to people to assume they are all alike and to bunch them up into the same group. We need to extract out of this group of people who all of us intend to try to treat in the most humane and responsible way we can, however, the ultimate framework of a guest worker program or other programs are developed, we need to separate that group of people from those who have committed crimes, people whom we don't want to be here. That is the purpose of our amendment. We have decided it is important for us to distinguish between the people who do not deserve to be automatically eliminated from consideration for whatever program is going to be adopted here, those people who have actually committed crimes and whom we would not want to bring into the country if we had a choice in the initial instance, in other words, people who would be admissible in the country, certainly people who would be deportable for having committed these kinds of crimes. So clearly if they should not be admitted into the country or they should have been deported for committing certain kinds of crimes, it wouldn't make any sense to allow them then to participate in a guest worker program or to put them on the path to citizenship.

That is the essence of our amendment. Of all of the things we disagree about—we understand there are many—we think it is important to distinguish between that group of people who otherwise have been law-abiding people and the group of people who have committed crimes. And ironically, most often the crimes these people are in jail for are committed against other immigrants, frequently illegal immigrants. They rape them. They rob them. They beat them up. They hold them for ransom. In all of the big cities in the Southwest, the largest number of crimes are committed by illegal immigrants against primarily illegal immigrants. So to help those who are otherwise innocent from being further preyed upon, we need to remove from this country, not allow them to participate in the program, to remove those people who would continue to prey upon the innocent. That is what our amendment would do.

I hope when it comes time to vote, our colleagues will recognize that whatever other disagreements there are, these are the people who should not be allowed to participate in the program.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before commenting on the pending amendment, I ask unanimous consent that Senator HAGEL be added as a cosponsor to the committee bill.

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

Mr. SPECTER. First, I thank Senator KYL and Senator CORNYN for coming to the floor to start the debate and

offer an amendment. We are trying to push ahead with this bill. It is appreciated that they have come early. I am advised that the other side of the aisle would not be prepared to vote on this amendment today or tomorrow. What we are trying to do is to line up a series of votes for Monday afternoon. I am advised that Senator BINGAMAN wishes to offer an amendment to add resources to Border Patrol, and on the surface, without final commitment, it looks as if it is an acceptable amendment. We want to have an opportunity there. Senator ALEXANDER has already spoken about an amendment which has a number. It has not yet been called up.

We are anxious to move ahead. It is always difficult getting started on a bill, but it had been my hope that on a Thursday afternoon, when we went to this bill yesterday, had opening statements and had a full afternoon of discussion and extensive discussion today, that we would have been prepared to have amendments and have some votes. Thursday is supposed to be our late night. Maybe more accurately stated, our late night, if we ever have a late night. Well, we are not going to have a late night tonight because there is not a whole lot we are going to be able to do.

I believe the thrust of the Kyl-Cornyn amendment is a good one.

If I may have the attention of Senators KYL and CORNYN while I am saying good things about them.

Mr. KYL. We are all ears.

Mr. SPECTER. I believe the thrust of the amendment is a good one. I want to take a look to see what is meant by "voluntary departure" under 240B. But it looks to me when you want to exclude the criminal class from being on the path for working in this country, the citizenship path, that is desirable.

It is my hope we can move ahead and transact some business and hear some amendments and hopefully move to votes at the earliest possible time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see Senator BINGAMAN. I will be brief in my remarks because I assume he wants to speak. If I could say to the chairman, who was here earlier, I hope very much we can begin to move to votes. I spoke earlier today about an amendment which I filed which is amendment No. 3193. It is filed at the desk. It already has the cosponsorship of Senators CORNYN, ISAKSON, COCHRAN, and SANTORUM. I ask unanimous consent that Senators MCCONNELL and MCCAIN be added as cosponsors.

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

Mr. ALEXANDER. The majority leader, Senator FRIST, is also a cosponsor.

While I do understand and am disappointed by the fact that we are not going to be moving to votes tonight, this is not a new idea that I have made in my amendment. My first speech on

the floor of the Senate in 2003 was about the importance of becoming American, how in our country we are unique because we do not base our backgrounds on race or ancestry but on a set of ideas, and how important it was for us to put the teaching of American history back in its rightful place in our schools so our children can grow up learning what it means to be an American.

Senator REID, the Democratic leader, joined me on that. Senator KENNEDY joined me and Senator REID. He and I are working together to create Presidential academies for students and teachers of American history. We are trying to take the National Assessment of Educational Progress and make sure that it includes another way of putting the teaching of American history back in the right place in our curriculum.

The reason we do that is because our common schools were created to help immigrant children learn the three Rs and what it means to be an American. Because if you don't know the principles upon which our country is based, it is difficult to become an American. We have this advantage over other countries in the world who base their nationality on race or on the color of their skin or their ancestry. We don't do that. It is important to become an American by understanding the principles of our country. We agree on that. It is those principles that we debate here.

This is not a debate about who is pro or anti-immigrant. We are all pro-immigration because that is an important part of our character. But we have more than one principle at issue here. The first one is the rule of law. We are all for the rule of law because people who come to this country don't come to a country where we don't stop at stop signs and we don't observe contracts and we don't follow the law. We follow the law here or there are consequences. We have those principles. And we have the principle of equal opportunity. And we have the principle of a free market or laissez faire. We have the principle above the President's desk of E Pluribus Unum. Our great achievement is that we have taken this magnificent diversity and forged it into one country. We are the United States of America, not the United Nations.

Therefore, the amendment that I had filed today and is ready to be voted on tonight or tomorrow or Monday, whenever we are ready, ought not to be very controversial. It is simply to help the half million to a million people from other countries who are legally here and ready to become citizens, to help them become Americans. It does that by providing them with \$500 grants so they can learn our common language. It doesn't make them learn it; it helps them, if they want to learn it. It says to those who become fluent in English that they may become citizens in 4 years instead of 5. It doesn't penalize

them. It gives them rewards. It gives grants to organizations to help them learn our history. It codifies the oath of allegiance George Washington and his troops took and that millions of Americans have taken which basically says I am not Scotch-Irish anymore, which my family was. I am an American. I am proud of my Italian heritage, but I am proud to be American. That has been our history.

Senator SCHUMER and I in two Congresses have introduced legislation making that oath a law, not just some administrative dictum that someone could mess around with, but put it right up there with the Star-Spangled Banner, the National Anthem, and other great symbols of America.

My amendment establishes a reward to recognize the contributions of outstanding new citizens. It asks the Department of Homeland Security and the National Archives to develop ways to dignify and celebrate these wonderful ceremonies such as the one the President attended on Monday where 30 people stood up and said: I have been here 5 years. I have demonstrated good character. I have learned English, and I am proud of where I came from. But I am prouder to be American. I swear allegiance to this country, the same oath George Washington and the officers took at Valley Forge in the year 1778 and which new citizens have taken in this country ever since then.

We could talk about border security. It is important, and that is the rule of law. We can solve that problem. We know how to do that. We can agree on that. We can talk about how many guest workers we want. We already authorize 500,000 or more work visas a year. Perhaps we need more. We can figure that out. The distinguished Senator from New Mexico and I have been working for a year with the National Academy of Sciences to make certain that we in-source brainpower so we can keep our jobs from going to China and India. I would like, through this legislation, to make it easier for the brightest people in the world to come here and help us create our high standard of living.

I mentioned earlier in the day that the top three jobs at the Oak Ridge National Laboratory, our largest science lab in America, are held by three foreigners with green cards from England, Canada, and India. The Senator and I have worked together to recapture our advantage in supercomputing in America so that America can be the leader in computing. Who runs that program? It is a citizen of India who is living here. Not only is there nothing wrong with that, but he is here helping improve my standard of living and the next person's standard of living.

I want our discussion to be a comprehensive discussion. I want us to deal with border security. That is the rule of law. But I want us to set rules for welcoming the people who temporarily work here and study here, but I also want us to make sure we do the most

important thing and remember those three words up there in the Senate Chamber, "e pluribus unum." They are not there by accident. They mean that we need to devote extra effort to making sure that those who come here legally also become Americans. That is the real limit on the number of new citizens who can come here—whether they can become a part of our culture, a part of our country, and become Americans.

If we don't do that, we are nothing more than a united nations; we are not the United States of America. I think there is broad agreement in this body about that. That is why Senator SCHUMER and I introduced the oath of allegiance bill. That is why myself and others are working on helping to put American History back in our schools for children. I am ready to vote on this amendment tonight or tomorrow, but I certainly hope the chairman and the leaders on both sides of the aisle would allow Senator BINGAMAN's amendment and my amendment and others to be voted upon as soon as possible.

The American people are expecting us to deal with immigration. We are here and we are ready to do it. Let's get on with it. It is time to stop debating and start acting, and a good way to start would be to help prospective citizens become Americans. That would finish a comprehensive bill.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to lay aside the pending amendments so that I may offer an amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3210 TO AMENDMENT NO. 3192

Mr. BINGAMAN. I send an amendment to the desk to amendment No. 3192.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3210 to amendment No. 3192.

Mr. BINGAMAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

At the appropriate place, insert the following:

**TITLE —BORDER LAW ENFORCEMENT RELIEF ACT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Border Law Enforcement Relief Act of 2006"

**SEC. 02. FINDINGS.**

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed \$89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

**SEC. 03. BORDER RELIEF GRANT PROGRAM.**

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

**SEC. 04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, the purpose of this amendment is to assist

border law enforcement agencies—that is, local law enforcement agencies—in addressing border-related criminal activity.

Border law enforcement agencies incur significant expenses in dealing with crimes, such as human smuggling, vehicle thefts, drug trafficking, and the destruction of private property. These crimes occur and this enforcement is required because of their proximity to the international border and because of the failure of the Federal Government to adequately secure that international border.

According to the study by the Border Counties Coalition, criminal justice expenses related to immigration alone exceed \$89 million a year.

Mr. President, it is time that the Federal Government help these border communities cover some of those costs. Specifically, this amendment that I have offered, which is based on the bill I earlier introduced entitled “the Border Law Enforcement Relief Act of 2006,” would establish a grant program within the Department of Homeland Security to help local law enforcement situated along the northern and southern borders to obtain the resources they need to secure our border communities. It would authorize \$50 million a year to help law enforcement hire additional personnel, obtain necessary equipment, cover overtime expenses of their personnel, and cover transportation costs of their personnel.

Eligible applicants would include agencies serving communities within 100 miles of the U.S. border—the border with Mexico or with Canada—and any other department located outside of that jurisdictional limit if it is designated by the Secretary of Homeland Security as a high-impact area. The designation would be made because that area is greatly impacted by the flow of illegal immigration, drugs, and other such problems.

Securing our Nation’s borders is the responsibility of the Federal Government. However, as we all know, the Federal Government has failed to provide adequate security along our international borders. The result is that local communities are having to pay for a variety of costs, from health care to law enforcement. It is wrong to place this additional burden on these local communities. They do not have the resources to deal effectively with these increased burdens.

It is time that Congress recognizes the tremendous burden with which local law enforcement agencies along our borders have been saddled. I hope my colleagues will support this important measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 3193

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 3193, which I filed at the desk, be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 3193.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

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

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

AMENDMENT NO. 3206

Mr. KENNEDY. Mr. President, a short while ago, Senators KYL and CORNYN offered an amendment. They claim that the committee bill would allow criminals to become permanent residents under the committee bill, and this is not correct.

The committee bill requires all applicants to undergo criminal and security background checks, and all applicants must also show that they have not committed any crimes that make them ineligible under our immigration laws.

As many Senators know, Congress passed sweeping changes to our immigration laws, and just about any crime makes one ineligible for a green card. This includes aggravated felonies, crimes of violence, drug crimes, crimes of moral turpitude, money laundering, murder, rape, sexual abuse of a minor, drug trafficking, possession of explosives, theft offenses, child pornography, forgery, counterfeiting, bribery, perjury, and many others.

Anyone who has committed any of these crimes cannot—cannot—and will not get a green card under the committee bill.

What the amendment does, though, is undermine the earned citizenship program in the bill. Millions of Mexicans, Central Americans, Irish, and nationals from other countries would be prevented from applying for legal status not because of criminal crimes but status violations. The goal of comprehensive immigration reform is to encourage illegal workers to come out of the shadows, be screened, and be given work permits, and if they are on the track to eventually being eligible for citizenship, they have to earn it. This is not an amnesty program. No one is forgiven. Anyone who wants to get on this path has to pay a fine, demonstrate that they have a work record, also demonstrate that they paid their taxes, and then get to the end of the line of those who want to come to the United States, and for 11 years meet those responsibilities.

That is one part of this legislation. This amendment that is offered would end the possibility for earned legalization. That would be the effect if this amendment is accepted.

If the proponents of the amendment are interested or concerned just about crimes, other crimes being added to the list, we are ready to talk with them, and we will try and engage them in a conversation and see if that is their purpose. If their purpose is to undermine a key element of the proposal, that would be unacceptable, and we will have the opportunity to express our views with a vote in the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, there is one more thing I wanted to say this evening about the amendment Senator CORNYN and I offered, an amendment which provides that criminals cannot participate in the program that we adopt here—whatever that program is—in terms of being temporary workers or being put on the path of citizenship, or however this body ultimately defines what happens to immigrants who have come here illegally, or so-called future flow workers. I think almost everybody can agree it shouldn’t apply to criminals, or to people who have violated a court order to depart the country.

I made the point earlier, and I want to reiterate it, that it is important to separate out the group of people who have come here, albeit illegally, to do hard work and not otherwise violate our laws, except perhaps using fraudulent documents. Those people end up being the primary targets of other illegal immigrants who commit heinous crimes against them.

So one of the reasons for denying these criminals the right to participate in the same program is to get them away from the people who are most susceptible to being preyed upon.

We talked to chiefs of police, to sheriffs, to the Border Patrol, to other law enforcement officials, and they have different statistics, but by and large they all agree that predominantly the serious crime in their communities, particularly large communities, is immigrant on immigrant and it is mostly illegal immigrant. And the crimes that are committed would just break your heart.

There are stories like this. Immigrants pay a couple of thousand dollars, roughly \$2,000 is the going price now, to a coyote to be smuggled into Arizona from Mexico. They may have had to pay different people along the way on the bus up to Altar, where they could then come across, or wherever. But the fee is probably in the neighborhood of \$2,000.



Before they come across somebody comes and says it is now going to cost you an additional \$500 or, I am sorry, we can't do it. So they have to somehow communicate to somebody else in their family or a friend to come up with some more money.

They then attach themselves to the coyote who brings them across the border. A lot of different things can happen. First of all, another group vies for that group of illegal immigrants because they are all worth money. We had a shootout on Interstate 10 between Tucson and Phoenix involving two vehicles with illegal immigrants in them with two different coyote gangs. They were having a shootout on the freeway, and people were killed and injured, over who was going to control the load of immigrants because that is value. You could hold the illegal immigrants here in a safe house and tell them that until they come up with another \$1,000, let's say, they are going to be held hostage, basically, or the coyote or his friends will call the police or Border Patrol if they don't come up with the money.

Women are forced to commit improper acts. There are assaults, sexual assaults. There is a great deal of crime perpetrated on these illegal immigrants. If they have not been beaten or raped or robbed or held ransom for more money, then what happens is they are waiting in the safe house and the Phoenix Police Department shows up at the safe house because they have gotten a call of a disturbance in a house.

It wasn't a disturbance at all. It was the coyote calling the Phoenix police because he has another load coming in that night and he needs to get rid of these people. He has gotten all he can out of them. He sucked them dry. They don't have any more money. He has taken all they have. They don't dare go to the police. Now he has called the police and said there is a disturbance. They show up at the house and pick up these illegal immigrants. If they are from Mexico they are put on a bus back to Mexico.

That is what can happen to these people. These are the ones who do not die in the desert and who are not abused some other way. We cannot allow the criminal element here, people who have committed crimes, who are criminals, to continue to prey on these people. It is one of the reasons our amendment says that criminals cannot participate in this program.

There is another reason. Citizenship in this country is a tremendous privilege. Anyone who knows immigrants who have come here or who has participated in a swearing-in ceremony knows how much legal immigrants value this privilege. As I said before, my grandparents came here and they were so proud of their American citizenship. They felt so privileged to have been able to come here. It is not fair to them or for the millions who are waiting in some country, waiting to come

here and who have to attest to their good character. They have abided by the laws. They have committed no crimes. To then see somebody else who has not only entered the country illegally but also in some other way has committed crimes or has refused to depart after a judge's order, to then be able to participate in a legal program allowing them to become a temporary worker or be on a path to citizenship—what kind of a signal does that send? It cheapens American citizenship. It cheapens legal permanent residency.

It is wrong to simply say that because we have a hard time with the amount of people who have come here illegally, we are not going to differentiate among them in any way, we are just going to take them all in and let them all get on this path to citizenship. That is wrong. I do not think the American people will allow us to permit that kind of individual to participate in this program.

That is what the underlying bill allows. There are a lot of things wrong with this underlying bill. This is just one of them. But I hope with each of these things that we point out, our colleagues will come to realize that there is an answer here somewhere, but it is not every provision of this bill. So, piece by piece, we will focus attention on this bill to try to determine where we can make changes so at the end of the day we have a good product—comprehensive immigration reform, enforcement, and an opportunity for people our society needs to work here on a temporary but legal basis.

If we can do that, we will have succeeded. But if we simply pass a bill that has a tremendous number of flaws in it, we will have failed. I hope we can correct this first flaw with the amendment that Senator CORNYN and I have offered to at least ensure that criminals can't participate in this program.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. KYL. I yield the floor.

Mr. SESSIONS. Well, just for a question. I want to first say how much I value the insights of the Senator from Arizona into this important issue. On the Judiciary Committee he is one of the Senate's most knowledgeable members on immigration issues, and one of the best lawyers here. I think he has raised a very troubling point.

This is part of the legislation that is moving forward, for reasons I am not quite sure of. But it does seem to have moved too fast, and it has a lot of real problems—almost anybody would agree.

But this deal about crime is a very important issue. I have had the sense that we may be seeing more criminality on the border. Sheriffs from Arizona and Texas came up and told us about the rising crime rate, the increased number of assaults on their people and Federal people.

I recall a recent trip I just took with the Armed Services Committee to Europe. I met with General Jones, who

has Africa. He talks about the border areas that tend to be the areas that are the most dangerous.

Is the Senator concerned that we are creating areas in the country, as a result of lack of enforcement around the borders, that are really more dangerous than other parts of his State?

Mr. KYL. Mr. President, I would say to the Senator from Alabama, that is exactly the case. I would cite two parts of the testimony before our Subcommittee on Terrorism, Technology and Homeland Security.

We had the U.S. attorney for Arizona testify that just from last year, the number of assaults at the border has gone up 108 percent. It is not just on law enforcement officers, but a lot of the assaults are perpetrated against them. I intended to get the statistics on the number of homicides. But there are homicides and then there are an awful lot of other kinds of assaults. The border, in many places, is becoming a very violent place.

There is one good news element that was confirmed by the testimony that was taken in the committee. The reason for this increased violence, they said, was that the Border Patrol was actually improving its ability to control territory. Territory that previously had been the sole jurisdiction of the cartels and the coyotes was now being contested by law enforcement. So naturally they were fighting back.

The bad news, of course, is they fight back with high-caliber weapons. They are organized. It is a very dangerous place. As a result, our officers are seeing assaults every day.

The other thing that this testimony confirmed was that it is not just nice people coming across the border, it is over 10 percent who are criminals. I mean, if you stop and think about it, if you have 600,000 people coming into the country illegally who are apprehended, so it is maybe three times that many who are coming in who are not apprehended, and over 10 percent of them are criminals, you are talking about tens of thousands of people who have decided that this is a good way to get into the United States, come in as an illegal immigrant. These are not the kind of people we want in our country.

When you look at the type of crimes that the people who have been apprehended have been accused of committing or have been convicted of committing, it is homicides, it has been rapes, serious assaults, drug crimes—serious crimes. So not only is the border becoming more violent, but the people coming into the United States are an increasingly criminal element, and they are continuing to commit crimes in our cities, in particular against other illegal immigrants. That is why we believe it is very important that at least one group that ought not to be able to participate in whatever program we adopt is this group of criminals. That is another reason our first effort should be to get control of the border.

Forget the problem of people coming here to work. If for no other reason, you want to keep the people from terrorist countries out, keep out the people smuggling methamphetamine into the country, and keep people with criminal records out of this country.

That is why many of us think the first thing we ought to do is get control of the border.

I went on a little long in answering the question.

Mr. SESSIONS. That is good. I wanted to follow up because the Senator mentioned methamphetamine. I had an opportunity today to meet with the executive director of the Alabama District Attorneys Association. Through Alabama laws and the Federal law we passed pseudoephedrine is not so available now, from which methamphetamine is being made in the United States. He just told me casually this morning, now all the methamphetamine is coming in from Mexico.

You are on that border. Do you sense that there is a growing problem with methamphetamine being brought in across the unsecure border?

Mr. KYL. I would say to the Senator from Alabama, this is what we have been briefed. The President was at the border. He was briefed likewise on this phenomenon. Sheriff Larry Dever from Cochise County, Sheriff Ralph Ogden from Yuma County, they both told me this. The chiefs of police in Tucson and Phoenix told me this, the Chief of the Border Patrol in both the Tucson and Yuma sector, all of them agree that methamphetamine is now the No. 1 drug coming across and, by the way, also underneath—in some of these tunnels. We need to make that a crime as well. It is not even a crime to dig a tunnel under the border. But we have an amendment that hopefully will cure that. But now a backpack of methamphetamine is said to be worth, by these law enforcement officials I identified to you, to be worth between a quarter of million and a half million dollars. You can take a poor, illegal immigrant, many of them in a group, and put this backpack on each of them and give them \$10,000—more money than they have seen in a long time—and say: You scoot across the border and you'll be met by XYZ. That is a cheap way to get it across. They are not making it as much in Arizona, in fact, anymore. It is all coming across the border, as you pointed out.

Mr. SESSIONS. One more question because I think this is very important for all of us here who strive to be responsible to the citizens we serve, and that is, we have had some amendments, some of which were accepted that I offered, that would increase bed space or increase Border Patrol agents and that kind of thing to improve enforcement. That is part of the bill that is before us. But I have been here long enough to get a little bit dubious about some of these things and learn the ropes around here.

One of the things that I have learned is, just because you put something in

an authorization bill, that you authorize a barrier, you authorize more patrol officers, you authorize more detention space, does not mean it will actually be created and done.

Mr. KYL. Mr. President, I say to the Senator from Alabama, I have to summarize this answer because welling up in my chest is a big complaint about the Congress, about the Clinton administration, about the Bush administration. Let's be honest. Nobody has done their job completely here.

We authorized.

Mr. SESSIONS. That is the committee you serve on, Judiciary, the authorizing committee, and that I serve on.

Mr. KYL. That is right. Senator FEINSTEIN and I got an amendment passed in 1996 to double the number of Border Patrol agents. It passed the Judiciary Committee, passed the Congress. It is an authorization. Do you think that in 5 years we had double the Border Patrol agents? No.

We couldn't get the administration to ask for enough funding in the budget, and, of course, if it is not asked for, then Congress is loathe to appropriate. So it took us about, as I recall, 7 years or maybe 8 years to get the number of agents doubled. We have succeeded in doubling them and adding another 2,000 or 3,000 on top of that. But it took far longer than it should have.

We have authorized SCAAP—the State Criminal Alien Assistance Program—that reimburses the jails and prisons in your State, my State, and other States for the criminal aliens housed in those prisons. The program is authorized. This administration this year requested in the budget exactly how much money for this program? Zero, nothing; same as last year. Congress had to find the money. And we ended up appropriating about \$300 million, which is less than half of what we should have. Had we done \$700 million, we would have reimbursed the States about one-third of their expenses. We only did \$305 million, as I recall.

Mr. SESSIONS. Isn't it a Federal responsibility?

Mr. MCCAIN. Mr. President, regular order.

Mr. SESSIONS. Mr. President, I believe Senator KYL has the floor. I was asking a question.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Arizona, Senator KYL, has the floor and has yielded for a question.

Mr. KYL. Mr. President, the bottom line is that many things we have authorized—additional Border Patrol agents, additional equipment, additional aircraft, radar, UMWs, cameras—neither the President nor the Congress over the years has seen fit to provide. We have gotten a lot more in recent years than we have in the past. But the bottom line is merely because we authorize something doesn't necessarily mean it is going to be appropriated.

It is not just a matter of money. Sometimes it is a matter of enforcing

laws that we have on the books—such as the employers who find it very difficult to differentiate fraudulent documents and, therefore, they end up hiring illegal immigrants. But we don't enforce that law. It is hard to blame the employer, but the Government isn't trying to enforce it, either. Simply authorizing something doesn't necessarily mean it will happen.

Mr. SESSIONS. Mr. President, I ask the Senator, isn't that in fact what happened in 1986? We passed the amnesty bill, and the American people were told this would be a one-time thing, it would solve this problem, and we are going to have enforcement on the border. That was promised. But, in fact, it never occurred. The monies were never appropriated. The President never aggressively asked for the resources necessary to make this occur, and we ended up not enforcing the law.

Mr. KYL. Mr. President, I say to the Senator, my perception is that having passed the law, one reason people referred to it as amnesty is because it was not enforced. There was a commitment to enforce it. I don't know the reasons why it wasn't enforced, but in many respects it was not.

The key thing we need to do here, since the American people are skeptical of our ability and our commitment to enforce the laws, in order to be able to adopt the guest worker program and deal with the people who are here illegally and have a work program, in the future we are going to have to demonstrate to them we have the ability and we will make the commitment to enforce whatever law we end up adopting.

Mr. SESSIONS. I thank the Senator.

Mr. President, I wish to make a few comments.

I see Senator MCCAIN. Maybe there is time he wants to use.

The PRESIDING OFFICER. Is the Senator from Alabama seeking recognition?

Mr. SESSIONS. I seek recognition from the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this is a very real concern Senator KYL and I have talked about. The concern is we are basically telling the American people that in good faith we are going to recognize that somehow we failed to follow the law, that we failed to enforce the law and create a workable system. The last time in 1986 we said we had a million people here illegally, and we admitted we were going to give them amnesty, and that we were going to try to create a system in the future that would not lead to these kinds of problems again.

What happened was 3 million people showed up—not 1 million—and they claimed amnesty. We never enforced the borders. Here we are 20 years later, and we have an estimated 11 million people, although I think one of the survey firms in the country said there may be 20 million people here. We will find out, I guess, when this passes.

But the question is, What will we do to ensure with this implied promise we are making to the American people that won't happen again?

The truth is, President Carter, President Reagan, President Bush, the former, President Clinton, and this President Bush have not come to the Congress and said, Congress, we are not getting the job done on the border. Give us more money and we will fix it. We have this problem. We need a computer. The employers are telling us they can't ask the proper questions because of this law or that law. The employment enforcement is not working. Help us change the law, Congress, so we can create a workable system. They never asked for it. They never did anything to suggest that. The system has gotten completely out of control.

How do we know, when we pass this legislation and immediately provide for the benefit of those who come illegally new rights and privileges and a path that would lead them straight to citizenship, how do we know we are not going to have the problem again?

That is all I am asking. I don't know how you can do it.

You could say, Well, this law won't take effect until we have a border system that works. Is that the way we will do it? I am not sure.

But the American people have every right to be skeptical. They have every right to be skeptical. They have a right to wonder if we are at all serious about what we are saying here.

I was a Federal prosecutor for 15 years. That is what I have done the biggest part of my professional life. I tell you it breaks my heart to see a legal system so ineffective. What has been going on here is a mockery of law.

Time and again we come back and we admit we haven't enforced the law. What good is the law if it is not enforced, let me ask you. You can't make everybody happy. You can't do everything for everybody.

I believe very strongly that this Nation is a nation of immigrants. I am perfectly prepared to approve allowing quite an additional number of people to come into this country legally. But in exchange for that, I think we have to have the balancing act of a legal system that works so we do not continue to see the large numbers of people coming in illegally.

I will summarize again what I have said before. I think we can do it. This is not that difficult. We increase border security, we use barriers, we use the virtual fence concept, we use computer systems and biometric identifiers, the United States VISIT Program, which needs to be completed, and then we use enforcement in the workplace.

As C.J. Bonner—people who have followed this heard him speak out before. He represents the Border Patrol agents. He said that absolutely we can do this. It is not going to cost a fortune and it is not going to break the Treasury of the United States, but it is going to cost some money.

If we will step it up and do these things, we can create a tipping point where people come into the country legally instead of illegally. That is it.

Right now, they come illegally. Why? It is easier to come illegally, that is why. People do what they are allowed to do.

I believe we can make this system better. I believe the legislation that came out of committee moved far more aggressively to the amnesty direction in the bill that Chairman SPECTER started out with.

The legislation that is pending before the Senate today does not represent the settled opinion of the American people. Once they find out about it, they will not be as happy as we would like them to be.

It is time to slow down, listen carefully to what is occurring, make sure we have a plan in place that will guarantee enforcement on the border, that will guarantee workplace enforcement and a plan that will allow more people to come in a legal way, an effective way, using a biometric identifier so they can come through the border and maybe go back and forth every weekend if that works for them and create a system by which this country can decide how many workers and what category we need so that if we have a downturn in our economy, we are not driving Americans out of work in large numbers. Those are things that a rational country would do.

This legislation, as presently configured, does not do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Alabama. He is a man of passion and commitment and willing to stay late no matter what to make his points and advocate his positions. I always enjoy doing business with the Senator.

I want to make one comment; that the President of the United States today in Cancun made a very positive statement about what we are doing in the Senate. I am very appreciative of his comments. He said that we have to obviously put people at the back of the line that want to be citizens, but he also felt very strongly that we needed a viable guest worker program.

I am hoping over the weekend we can all think about our positions and perhaps get into some associations so that we can resolve this issue amongst everyone because it seems to have generated not only a lot of attention but a lot of controversy as well, particularly in the media.

I know we are all trying to achieve the same goal of securing our borders and at the same time resolving the issues of how people can come here and work legally if they are both qualified and needed, and, of course, addressing the issue of the 11 to 12 million people who are already here, some of them coming yesterday, some of them here 50 or 60 years.

Ms. MIKULSKI. Mr. President, I have an amendment to fix a broken bureauc-

racy and help noncitizens who are serving in our military become citizens of the United States.

There are over 40,000 non-U.S. citizens serving in the U.S. military today. Many want to become U.S. citizens but are caught up in red tape and paperwork, bureaucratic run-arounds and backlogs. That is wrong—many of these young people are on the front lines in Iraq, Afghanistan, and throughout the world fighting terrorists. They are focused on fighting the enemy; they shouldn't also have to fight the bureaucracy just to become a citizen of the country they are fighting for. My amendment makes sure that it is easier and quicker for non-U.S. citizens serving in our military to become citizens.

This amendment is called the "Kendell Frederick Citizenship Act of 2005." Why? Because Kendell Frederick's death in Iraq shows clearly how broken our bureaucracy is, and why it is so important to pass this bill. Kendell Frederick was an Army soldier from Maryland killed in Iraq on October 19, 2005. He was 21 years old. Kendell was killed by a roadside bomb on his way to be fingerprinted to become a U.S. citizen. But he was also killed by the botched bureaucracy of the U.S. Government: by their incompetence, by their indifference, by their ineptitude. This is inexcusable.

Every military death in Iraq is a tragedy, but this one did not need to happen. Kendell died in Iraq, fighting for America. Yet he wasn't born in America, he was born in Trinidad. He came to this country when he was 15 years old. As many who come to this country to pursue the American dream, he was filled with hopes about his future in this country. He got an education and graduated from Randallstown High School in 2003. While in high school, he decided to join ROTC. After he graduated from high school, he decided to join the Army with hopes that he would be able to go back to school.

In the Army, Kendell was a generator mechanic assigned to a heavy combat battalion. His job was to keep all of the generators running, which kept his battalion running. Kendell wanted to become an American citizen. Yet a series of bureaucratic screwups and unnecessary hurdles prevented that—and cost him his life.

Kendell had been trying for over a year to become a U.S. citizen. He started working on it when he joined the Army, while he was training and learning how to become a soldier. Kendell sent his citizenship application in and checked the wrong box. Specialist Frederick was busy training for war, packing to go to Iraq, saying goodbye to his mother, his brother, and his two sisters. All the while, he was also worrying which box to check to become a U.S. citizen.

After that, Kendell's application was derailed by immigration three times. First, after his mother checked the

correct box saying Kendell was in the military. Immigration sent the application to the wrong office, not the office that handles military applications.

Second, Immigration rejected the fingerprints he sent them, with no explanation. Kendell had his fingerprints taken when he joined the military. He had an FBI background check for the military. We have high standards to be in the U.S. military. There was no reason Immigration could not have used the fingerprints taken when he joined the military, but they refused.

Third, and finally, Kendell was told to get his fingerprints retaken in Maryland—but he was in Iraq fighting a war. His mother called 1-800 Immigration. That's supposed to be the HELP line. She told them: My boy is in Baghdad, he can't come to Baltimore to get fingerprinted. She would have loved for her son to come to Baltimore, but he was fighting in a war, fighting for America. Immigration told Kendell's mom there was nothing they could do. They were wrong. That was the wrong information. They were no help.

On October 19, Specialist Kendell Frederick was traveling in a convoy to a base to get fingerprinted. He did not usually go on convoys, but that day he was in the convoy. Kendell Frederick was killed when a roadside bomb struck that convoy. He was granted his United States citizenship a week after he died. He was buried in Arlington National Cemetery. Kendell was trying to do the right thing, yet he was given wrong information. He got the run-around. His sergeant tried to help, but he didn't know all the rules. It was not his job to know the rules—he was fighting a war. Kendell's mother did the right thing: she tried to cut through the bureaucracy, making phone calls, sending letters. She was diligent and relentless. The system failed—again and again. And a wonderful young man lost his life.

Kendell's mother, Michelle Murphy, could have just sat there. She could have boiled in her rage, but, no, she wanted to do something with her grief. When I spoke with her, she told me she didn't want any mother to have to go through what she went through, what her son went through. Service members and their mothers should not be worrying about what box to check on a citizenship application, which of many addresses is the right address to mail it to, or where to get fingerprints taken. When a service member is fighting for America, mothers have enough to worry about. Service members have enough to worry about.

This amendment makes it easier for military service members to become citizens. The provisions of this amendment cut through the red tape. First, it requires Citizenship and Immigration Services, CIS, to use the fingerprints the military takes when a person enlists in the military, so a service member doesn't have to keep getting new fingerprints. Second, it requires the

creation of a military Citizenship Advocate to inform the service members about the citizenship process and help with the application. Third, it requires CIS to set up a customer service hotline dedicated to serving military members and their families. Finally, it requires the Government Accountability Office to conduct an investigation into what is wrong with immigration services for our military.

No one should ever again have to go through what Kendell and his mother went through. I am proud to stand here today with Senator KENNEDY to offer this amendment named after Kendell Frederick, just as his mother asked me to do. The Kendell Frederick bill will make sure that anyone in the military who wants to be a U.S. citizen will be able to do so, quickly and easily. If you are willing to fight and die for America, you should be able to become an American. I urge my colleagues to join with me in passing this important amendment. Help the brave men and women fighting for this country become the U.S. citizens they deserve to be.

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

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

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO VICE ADMIRAL JACK FETTERMAN

Mr. MARTINEZ. Mr. President, I rise today to recognize the passing of an exceptional leader, as well as a respected Floridian. VADM John "Jack" Fetterman passed away last Friday at his home in Pensacola, FL, at the age of 73.

Following graduation from Albright College in Pennsylvania and Aviation Officer Candidate School in Pensacola, Admiral Fetterman began his career as a naval aviator. He later went on to become a Pacific Fleet naval Air Force commander in 1987 and was promoted to vice admiral.

I had the pleasure of meeting and working with Admiral Fetterman during the Base Closure and Realignment process last year. I found him to be a fierce and eloquent defender of the Navy and of the military.

Admiral Fetterman, in 1991, became the chief of Naval Education and Training at Pensacola Naval Air Station. He created and was the father of

the Core Values Training Program, which earned him the title of the "Father of Navy Ethics."

Admiral Fetterman retired as a three-star admiral in 1993. But upon his retirement, he did not just retire, he continued his love of the Navy and his service to the Nation by becoming the president and CEO of the Naval Aviation Museum Foundation.

Admiral Fetterman, with a great deal of love and care, guided and directed the Museum of Naval Aviation in Pensacola, which is truly a wonderful and remarkable place where the many heroic feats of people over the years connected to naval aviation are recorded and appreciated.

Admiral Fetterman, to the very last, continued to serve his Nation and his country well. I extend my condolences to the members of his family, to his beloved wife, and to all those in the community, in the naval community, who came in contact with such a fine American, who served his country so well.

At times such as this, I know we are always reminded that life is finite, and that we also have to harken and always appreciate a life well lived, as was Admiral Fetterman's.

Mr. President, I yield the floor.

#### CAMBODIA

Mr. MCCONNELL. Mr. President, today is a tragic anniversary for Cambodia.

Nine years ago, on March 30, 1997, a peaceful and legal rally held by the opposition Khmer Nation Party was disrupted by a grenade attack. To date, there has been no justice for the victims or their families, including American Ron Abney who was injured in the attack.

While I am aware of the many lawsuits relating to this incident that have been filed, dropped, or dismissed, I encourage the State Department to work with the Government of Cambodia to secure the return of the Federal Bureau of Investigation, FBI, so that the FBI can conclude its investigation into this crime. Bringing the perpetrators to justice is the only way to honor those killed and injured on that tragic day.

I am hopeful that the ongoing dialogue between Prime Minister Hun Sen and opposition leader Sam Rainsy will continue and that Hun Sen's pledges for reform are matched by concrete and measurable actions. My only advice to the Prime Minister is that he thinks before he speaks. It is counterproductive, at best, to call for the sacking of Yash Ghai, the U.N.'s special representative for human rights in Cambodia, because of critical comments he made on the Government's crackdown on dissent.

The desire for democracy and justice in Cambodia remains strong today, and I encourage the Cambodian people to remain vigilant. It is my hope that they, one day, know freedom from fear, can rely on good governance, and know