

work with the Guard. He was training with the Green County Fire and Rescue Team, to become a volunteer firefighter. He also helped out with the junior ROTC program at Green County High that he had formed, teaching classes and encouraging the students who were following his example to serve their country.

Sergeant Montgomery was deployed to Iraq in January 2005. Ryan and his unit were charged with escorting the many supply convoys which traveled in and out of Baghdad, often a hazardous assignment, and also searching for the enemy or their deadly roadside bombs. Sergeant Montgomery successfully took part in 130 missions. As his father, Raymond Montgomery said, "He really felt like he was doing good over there. He absolutely loved it." Before deploying to Iraq, Ryan's unit also served in Kuwait.

During his downtime in Iraq, Ryan could most often be found working on his humvee with his twin brother Bryan, who served as a mechanic for the 623rd. He would also write or e-mail the folks back home, or he would talk or watch a movie with his brother Bryan. The two didn't get a lot of free time together in Iraq, but they usually saw each other every day.

Born in Greensburg, where he lived his whole life and which is the county seat of Green County, Ryan and Bryan were known as twin cut-ups, according to their mom, Patricia. She recalls that the two identical brothers would often switch clothes to confuse family friends and babysitters.

Patricia remembers that Ryan taught Bryan how to ride a bike when the two were little. As a child, Ryan loved family dinners. And he loved to make people laugh. "If you see someone without a smile, give them yours"—that was Ryan's motto, according to his mother. Bryan recalled, "My brother and I always lived like a laugh could solve anything."

Both Ryan and Bryan played the great American pastime—Little League—as kids. What they may have lacked in athleticism, they made up for in enthusiasm. "They were average athletes," says John Durham, the boys' Little League coach. "But I don't think there was another member of the team that had as much fun out there playing than they did."

In high school, Ryan played in the marching band in addition to his work with Junior ROTC. He played the trumpet and Bryan played the tuba and the trombone. And he liked to go hunting with his dad.

Ryan was also interested in truck-pulling. As a kid, Ryan's dad took him and his brother to truck pulls at local fairs. It was something that naturally appealed to both boys, and when he was old enough, Ryan bought a Chevy S-10 that all three men worked to modify together.

After Ryan's death, Bryan continued his brother's project, driving the truck they had collaborated on to victory in

a truck pull that was dedicated to Ryan in Temple Hill, KY. It was the same competition that Ryan had won in 2004 with the same truck. After winning, Bryan said, "It felt great to follow in Ryan's success like that."

Ryan left behind a loving family who will forever treasure his memory. We thank his father, Raymond Montgomery, his mother, Patricia Montgomery, and his brother, Bryan Montgomery, for sharing their stories of Ryan with us. We are also thinking of Ryan's sister, Ashley Montgomery, and his stepmother, Sharon Montgomery, today.

I want to leave my colleagues with the words of SGT Ryan Montgomery himself. These words were found on his computer in Iraq. He wrote:

This place is a roller coaster ride; you never know what is going [to] happen next. It's scary when you think about it. But I pray every night for every soldier who has given their freedom to free these people.

Ryan continued:

I pray for my family and every blessing God [has] put in my life. [It's] hard to live day to day, not knowing what the next day holds. I just pray and carry on with the mission. I didn't think this place was going [to affect] me like it has. I'm a different person, but for the good.

Words cannot describe the overflowing of gratitude, and pride, and honor one feels after reading this young man's words. Nor can they describe the depths of sorrow we feel at his loss. Sergeant Montgomery's courage was so strong that, even amidst the "roller coaster" of battle, he was able to hold on to his love of God, his family, and his mission to spread freedom.

I ask my colleagues to join me today in saying that America can never repay the debt we owe SGT Ryan Montgomery or the Montgomery family. We are truly blessed to live in a country where so many brave men and women, like Ryan, volunteer to face hardship out of the love of freedom, and love for the rest of us.

I yield the floor.

SECURING AMERICA'S BORDERS ACT AMENDMENT

Mr. CORNYN. Mr. President, I return to the floor to speak about the pending amendment to the border security and immigration bill that was voted out of the Senate Judiciary Committee, on which I am proud to serve. I want to explain to my colleagues and anyone else who may be listening why I oppose this amendment. I believe that, while there are many good things in the bill, or amendment, one of the bad things it contains is that it provides amnesty to those who have violated our immigration laws. As I have said before and I will say again, I cannot accept amnesty as part of any comprehensive solution to our immigration crisis. But more important, it is not a question of whether I can accept this as part of the solution. I don't believe the American people will accept amnesty as part of the solution either.

Unfortunately, at its core the committee product includes an amnesty. Let me explain in some detail because I think there are those who see amnesty in every solution that has been offered. Some say the guest worker program that the President speaks about is an amnesty. I don't necessarily agree with that because it is a temporary worker program, as he has used that term, not an alternative path to citizenship such as the Judiciary Committee bill. But I do think that there are some things that can justifiably be called amnesty; that is, if words have any meaning.

The reason why I conclude that this Judiciary Committee bill provides an amnesty is because it creates a new path to citizenship for approximately 12 million people who have entered our country in violation of our immigration laws. I want to be quick to interject, we understand why it is that people come to America. It is the same reason that everyone wants to come to America, and that is because we are the beacon of hope and freedom and opportunity for the planet. We understand that and we harbor no ill will or grudge against people who simply want to provide for their family. We understand that. But as a sovereign nation, sovereignty implies control of our borders, and we do not have control of our borders today. It also implies that we will do first what is good for America and American interests, and then if we can, and certainly we do, we could go help our neighbor. But we simply can't throw our hands up in the air and say we give up when it comes to controlling our borders and enforcing our laws.

First of all, that would violate the sacred oath that we have taken as Senators, as Members of Congress, to defend and uphold the laws of the United States, including the Constitution. So what we are talking about is not a matter of wanting to be unnecessarily harsh or punitive toward those who have come here for what are all understandable and human reasons. But I do not believe the American people will accept a proposal which includes amnesty because they understand that American citizenship is a very special privilege, and they reject the notion that we have no choice but to give it out because the Federal Government has simply failed to enforce the law.

I strongly believe that we need comprehensive immigration reform, including border security. I think we need to provide a path to the 10 million people who have come here in violation of our immigration laws, who already live in the United States. But I have a fundamental disagreement with the approach contained in this amendment.

I believe we must start with the rule that people who have come to this country in violation of our immigration laws should be required to go through the same process as all other legal immigrants.

Let me say that again.

I believe we must start with an approach that people who have come to this country in violation of our immigration laws should be required to go through the same process as all other legal immigrants.

But this committee product does exactly the opposite. It is a solution of sorts based on weakness and the self-fulfilling prophecy that we cannot enforce our own laws. The message this amendment sends to the American people is that because we can't enforce our immigration laws, the only way to address the 12 million people who have come here in violation of our immigration laws is to reward them with a special pass, a permanent resident status, and citizenship.

Some say this legislation—the committee bill—is the only way to realistically deal with people who have come to our country in violation of our laws. But I reject this point of view—this defeatism. In fact, when I hear someone say that only amnesty will work, what I really want to ask them is: Why do we have immigration laws at all?

There are those, as I have said earlier, who see amnesty behind every bush and call every proposed solution to the problem amnesty. I am not addressing those people with my remarks today because I don't think they will ever be convinced otherwise.

But I do think there are ways to determine whether a proposal is amnesty, and I suggest to you the best way is to look at what this country did in 1986 and to compare the proposal in this Judiciary Committee bill with that 1986 law because that 1986 law is unarguable, undisputed. No one argues that law did not create amnesty. And if there are two things we can agree on, it is not only did it create an amnesty, but it was a complete and abject failure.

Amnesty didn't work in 1986 and it won't work today. That is because amnesty encourages disrespect for our laws, and it shows disrespect for those who have earned or are trying to patiently earn U.S. citizenship lawfully.

As I have said in this divisive debate, surely we can all agree that the 1986 law was amnesty and that it was a complete failure. Some argue that the committee amendment is not because it is different from the 1986 amnesty. But I don't agree the two proposals are that different. What I would like to do is show this chart to those who are listening and watching. In 1986, these are the elements of the 1986 bill that was signed by President Ronald Reagan. It creates a two-step amnesty process.

First, illegal aliens obtain temporary resident status. At the end of that period—just under 4 years—they could apply for a green card. That is for a legal permanent resident. But before they could get that green card, the 1986 bill required applicants for the green card to pay a fee and learn basic citizenship and English skills.

If this sounds vaguely familiar, it is because it is exactly the same model

carried forth in the legislation voted out of the Judiciary Committee, which is the basic bill that we are working on as part of this debate.

As you can see from this chart, both bills—both the Judiciary Committee product that we are now debating and the 1986 amnesty—are strikingly similar. And in some respects—this is really curious—the 1986 amnesty was tougher than the one currently before the Senate.

For example, the 1986 amnesty, like the current proposal, required that the person applying for legal status had to be in our country before a specified date. That date was you would have to have entered before January 1, 1982. That is 5 years prior to enactment. And the proposal on the floor says that you have to have come into the country before January 7, 2004.

This is an important concept when considering amnesty because there are always reports of rushing to the border by those working along the border as aliens seeking to make their way here to take advantage of the amnesty.

I ask unanimous consent to have printed in the RECORD an article in the Washington Times entitled "Illegals Acted on Rumors of Amnesty."

Part of this article says:

Nearly 35 percent of the illegal aliens captured trying to enter the United States in the 19 days after President Bush proposed a still-pending guest-worker program say they were trying to take advantage of what they saw as an amnesty.

I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. CORNYN. Mr. President, in 1968 Congress recognized it was important to grant amnesty only to those aliens who had been here more than 5 years. In contrast, the pending legislation puts the date of eligibility to January 2, 2004, a little over 2 years ago.

This chart also addresses other eligibility requirements. As Senator KYL and I discussed yesterday, the 1986 amnesty required that applicants be admissible under immigration laws and that they not have been convicted of a felony or more than three misdemeanors, compared to the current proposal that simply requires that the applicant be admissible under immigration law; that is, they might still come to the country and be eligible for amnesty even if they are a felon or even if they have committed more than three misdemeanors because of certain de minimis provisions of the immigration law.

Hopefully, our amendment will cure that omission, which will now ensure that felons and those who have been convicted of at least three misdemeanors cannot take advantage of the amnesty.

My hope is that we will at least make this bill as tough and set standards as high as they did in 1986, which cer-

tainly is not the case for the current proposal pending on the Senate floor.

Continuing under this chart, in 1986, the law created a new temporary resident status that lasted for 43 months. The current amendment creates a new conditional nonimmigrant status valid for 72 months. That is step 1, a temporary status.

Much has been made under the committee proposal about the hurdles that those who are currently in violation of our immigration laws but are nevertheless here in the United States will have to achieve in order to obtain a green card which then, of course, is a pass to citizenship. It is described by critics as a difficult process because illegal aliens will have to learn citizenship skills, pay a fee, pay back taxes, and continue working here in the United States.

But as the chart shows, the 1986 amnesty also required applicants to learn basic citizenship skills, including understanding ordinary English and history of the Government of the United States and to pay a fee.

But the most important point beyond the similarity of the amnesty in 1986, which everyone agrees was amnesty, the most important point is that we all can see that the amnesty in 1986 did not work and was a complete and total failure.

All you have to do is look at the fact that about 3 million people who have come into the country in violation of our immigration laws benefited from that 1986 amnesty.

Here we are 20 years later and we are not talking about 3 million people, we are talking about 12 million people, and maybe more.

That is part of the reason some people regard amnesty as a magnet that will attract further illegal immigration across our border and only to have us agree to another amnesty and then meet the next wave of people coming across our border who have perhaps a future amnesty.

Some people are very upset with the Federal Government and its failure to enforce our laws and to secure our borders. But the American people are a very forgiving people. I think if they believed that Congress is actually trying to solve this problem, as I believe we are, they will perhaps forgive us for not having secured our border before, made sure we had enforceable worksite verification and employer sanctions for those who hired people in violation of our immigration laws.

But there is one thing the American people won't forgive; that is, if we try to trick them again by trying to sell them an amnesty in 2006 when they know good and well that the amnesty in 1986 was a complete and total failure.

I am earnestly interested in finding a solution to this problem. I believe the better starting point for solving this complex problem is with fairness. That means treating the people who have entered our country in violation of our

laws no better than those who patiently wait outside of our country for their chance at the American dream through legal channels.

This can be done by allowing those who have come here illegally a second chance to depart and then reenter the country legally. This is the model that was contained in legislation that Senator JOHN KYL and I introduced well over a year ago. We did so after holding about half dozen hearings on the broken immigration system and ways to fix it. Both of us, like all of our colleagues, but particularly Senators from border States, are earnestly interested in trying to find a way to fix it. But I recognize—and I believe Senator KYL does as well—that there needs to be flexibility built into any proposal.

We recognize there will probably have to be humanitarian exceptions for the elderly or third country processing for those who have no country to return to. Senator KYL and I are working on proposals to make these concepts work as part of a comprehensive bill. But then for the 12 million illegal aliens in this country, I am confident for their personal situations we would all agree that some special consideration is warranted. No one can test that.

But when creating a Federal policy that will impact tens of millions of people in the years to come, there has to be agreement and consensus on a general rule. That is why I disagree with the Judiciary Committee product. The general rule under their proposal is that illegal aliens will be rewarded with a special pass to citizenship and that person will be allowed to break in line ahead of those who have attempted to come to this country legally and are patiently waiting outside the country for their chance.

As you can tell, it is no secret that I oppose the committee product. I oppose it because I think it is bad policy and will reward illegal behavior. I believe it is a proposal built on an assumption that our immigration laws cannot be enforced. That is something I will never agree with because that is simply to give up and to admit defeat.

But, most importantly, I oppose it because I believe it repeats a mistake that our country made 20 years ago which, if repeated, will never be excused or forgiven by the American people.

I yield the floor.

EXHIBIT 1

[From the Washington Times, Aug. 2, 2004]

ILLEGALS ACTED ON RUMORS OF AMNESTY

(By Jerry Seper)

Nearly 35 percent of the illegal aliens captured trying to enter the United States in the 19 days after President Bush proposed a still-pending guest-worker program say they were trying to take advantage of what many saw as amnesty.

According to a confidential Border Patrol report to a Senate committee, 1,000 of 2,881 foreign nationals interviewed by agents after their capture at the U.S.-Mexico border between Jan. 7 and Jan. 26 acknowledged that rumors of an amnesty program—outlined in

Mexican press reports and passed on by relatives—had influenced their decision to try to enter the United States illegally.

Mr. Bush's proposed immigration initiative, formally announced Jan. 7, would allow millions of illegal aliens in the United States to remain in the country as guest workers for renewable three-year periods if they have jobs. The aliens eventually could apply for permanent legal residence.

About 8 million to 12 million illegal aliens, mostly Mexican nationals, are estimated to be in the United States.

Beginning just days after the Bush announcement, the number of illegal aliens caught crossing into this country from Mexico increased dramatically, immigration-enforcement officials said, although the White House painstakingly has denied that the president's guestworker proposal offered amnesty—saying, instead, it would give illegal aliens holding jobs in the United States temporary work permits, but they eventually would have to go home.

Outlined as a set of principles and not as specific legislation, the Bush proposal did not prescribe any penalties for those caught entering the country illegally and would allow those here to remain in the United States for an as-yet undetermined number of renewable three-year periods.

The Border Patrol report said 66,472 illegal aliens were apprehended along the U.S.-Mexico border during that 19-day period, about 3,500 a day. The January 2004 total is more than 11 percent higher than the number of apprehensions reported in January 2003, according to patrol records.

The report said questionnaires were given to field intelligence agents to interview apprehended aliens on a random basis to determine their "perception of the proposed temporary guestworker program." The questionnaire used the word "amnesty" because of the widespread reporting in the Mexican press referring to the proposed program as an offer of amnesty, the report said.

The questionnaire was canceled Jan. 26 after its public disclosure. The report said Border Patrol officials determined that the questionnaire's integrity had been compromised by the press coverage.

The Border Patrol has denied that the questionnaire was politically motivated or intended to imply that Mr. Bush was calling for a general amnesty, saying, instead, that the agency routinely develops questionnaires to request information from field offices on a variety of issues.

"This practice is critical to providing the Border Patrol with a comprehensive understanding of the border environment," the report said. "The collection of this type of information is an essential tool that enables decision-makers to develop plans and operations specifically designed to counter threats or issues that the questionnaire identifies or confirms."

The National Border Patrol Council, which represents the agency's 10,000 nonsupervisory agents, said apprehension totals increased threefold in the San Diego area alone, adding that the majority of aliens detained along the border in January told arresting agents that they had come to the United States seeking amnesty.

Most of those arrested and eventually deported had no history of immigration violations, the council said.

The council has told its members to challenge the guest-worker proposal, calling it a "slap in the face to anyone who has ever tried to enforce the immigration laws of the United States."

Congress approved an amnesty program in 1986 that gave legal status to 2.7 million illegal aliens.

A CBS News/New York Times poll in January 2004 said no issue upset the public more

than Mr. Bush's amnesty/guest-worker proposal, with only one-third of Americans supporting him. And a CNN/Gallup/USA Today poll that same month said 74 percent of respondents thought the United States should not make it easier for illegal aliens to become U.S. citizens.

Sen. Charles E. Grassley, Iowa Republican and a senior member of the Senate Judiciary Committee, had asked Homeland Security Secretary Tom Ridge to explain whether "rumors of amnesty" concerning the Bush proposal had played any role in attempts by illegal aliens to cross the border.

Mr. Grassley told Mr. Ridge in a letter that he was concerned that illegal aliens were risking their lives and putting their futures in the hands of corrupt alien smugglers in an attempt to gain entry to the United States.

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 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.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206) to establish an enactment date.

Bingaman amendment No. 3210 (to amendment No. 3192), to provide financial aid to local law enforcement officials along the Nation's borders.

Alexander amendment No. 3193 (to amendment No. 3192), to prescribe the binding oath or affirmation of renunciation and allegiance required to the naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my sincerest appreciation for the leadership of Senator JOHN CORNYN as we have attempted in the Judiciary Committee—of which we are both members—to try and help produce a bill that will actually work, that will allow legal immigration to be formal, effective, and allow more people to come into our country legally while ending the disarray which now exists. He is so knowledgeable as a former justice on the Supreme Court of Texas and former attorney general of Texas. He understands it so well, being a Member from a State that deals with this in such a consistent and continuous way. I thank the Senator for his excellent work.

One of the aspects that is most troubling to me about the process—as it has gone along, I have become even more concerned about it—is that it indicates a lack of serious thought about what we are going to do as a nation to deal with those who are here illegally now. We know there are a lot of good