



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, WEDNESDAY, APRIL 5, 2006

No. 42

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, You are our dwelling place in all generations. Keep us this day from a moral casualness that leads away from ethical paths. Help our Senators to labor to please You, their most important constituent. Give them wisdom to avoid even the appearance of evil as they strive to live for Your honor. Make them fervent in their pursuit of spiritual fitness so that they will love You with passion and strength. Keep them from vacillating ways and lead them in Your righteousness.

As we take refuge in Your providence, use us all as instruments of Your grace to bring relief to a suffering world. Continue to sustain our military men and women in harm's way.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we are returning to the border security bill which has been pending since last Wednesday. Last night, the minority leader filed a cloture motion on the chairman's substitute amendment. I was a little surprised when I heard this happened, although I was not on the floor when it was filed. I certainly understand the rules that permit the minority leader to file this motion. I know it is a rare occurrence when the minority leader files such a cloture motion, and at this point he did on the bill. I believe we can make real progress on addressing the amendments if we allow them to come forward, debate them openly, and then vote on them. We do still have the first amendment which was offered to the bill last week pending before the Senate; that is, the Kyl-Cornyn amendment on which we voted on the motion to table last night, 0 to 99—a unanimous vote. The motion had been made and it was not tabled; therefore, it is the pending amendment. We have three other amendments Senators have offered and debated, but we have not been given the opportunity to vote on those.

As I said at the outset of the debate last week, my intention was to give ample time to have amendments come forward, to debate, to fully understand

what is in the Judiciary bill, to modify the Judiciary bill by debate and amendment. I encourage Members to come to the floor to do just that, to offer their amendments. Members show up, and then there is an objection to even offering the amendments from the other side. I specifically set aside these weeks for the Senate to debate this particular issue, the border security and immigration issue, because it is one that is important to the safety of the American people, the security of the Nation, and fairness to immigrants. We are a nation of laws, and we are a rich nation of immigrants. Both of those principles need to be respected in the debate, but we can only do so by making sure that the laws we pass are upheld and that we address the people who have broken the law. That can be done in a comprehensive bill, and we have to have debate and amendment.

The debate over security on our borders and handling immigration has generated a lot of ideas. The debate has matured, and we have had good debate on the floor. Now we have the attention of all 100 Senators and people around the country looking at what we do. They expect us to legislate, to address the very real problems that are out there today, and that requires debate and amendment.

If you look at other large bills we have done, the Medicare prescription drug bill, we had 128 amendments considered; the Energy bill, we had 60 or 70 amendments considered; on the highway bill, 47 amendments; bankruptcy reform, 61 amendments. It is important that we debate these amendments and act on them. We just can't sit on the side lines; the problem is too big, too important. It is growing. An estimated 3 million people crossed our southwestern borders illegally last year, and we don't know who they are. We don't know what their intentions are. We need to bring a rational, fair framework to assist a system that is just flatout broken. That is our responsibility.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2849

Today is a new day, and we are just getting started. With that, I hope we will have the opportunity to start afresh. The two managers last night indicated they would be working together and would try to work out a list of amendments to be voted upon. I assume those would include the amendments that were offered last week. I would hope that they are. I encourage them to work out a process to give Senators on both sides of the aisle the chance to offer amendments and to have them voted upon so that we can complete that path to finishing a bill which is critically important to the safety and security of the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SECURING AMERICA'S BORDERS ACT

The ACTING PRESIDENT pro tempore. 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.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to \$20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have worked on trying to break the im-

passe, and staff for Senator LEAHY and myself worked late last night and have a number of amendments where both sides think we can argue them, debate them, and vote on them. But we have still not resolved the issue as to what to do with certain pending amendments. It was my hope that the pending amendments would be included in the list, but that was not to be the case. We have debated the Kyl-Cornyn amendment. It is my thought that we ought to vote on that amendment. But that is objected to by the Democrats. In order to proceed to consideration and votes on other amendments, we have to set aside the Kyl-Cornyn amendment. Senator KYL is understandably concerned about setting aside his amendment, that he will not have an opportunity to vote on it. So we are still working to try to resolve the issue.

I have just had a short discussion with the distinguished Democratic leader. We are prepared to move ahead, not as usefully as we might but at least to use floor time on matters which we would have later. We have agreed that Senator SANTORUM would be recognized to lay down an amendment and speak about it and that Senator NELSON of Florida would lay down an amendment and speak about it. In the interim, we are continuing to talk to see if we can resolve our differences of opinion.

Mr. REID. Mr. President, it is my understanding that Senator SANTORUM would lay down his amendment, speak on it for whatever time he feels appropriate. Following the termination of his remarks, the Senator from Florida would be recognized, or someone on his behalf, to lay down amendment No. 3220 and speak for whatever time he thought appropriate.

Mr. SPECTER. That is my understanding as well. So we have agreed upon something.

Mr. REID. I ask unanimous consent on that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 3214

Mr. SANTORUM. Mr. President, I call up amendment No. 3214 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself and Ms. MIKULSKI, proposes an amendment numbered 3214.

Mr. SANTORUM. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act)

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF POLAND AS A VISA WAIVER COUNTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States, exemplified by the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.

(2) Polish history provides pioneering examples of constitutional democracy and religious tolerance.

(3) The United States is home to nearly 9,000,000 people of Polish ancestry.

(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.

(5) Since the demise of communism, Poland has become a stable, democratic nation.

(6) Poland has adopted economic policies that promote free markets and rapid economic growth.

(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.

(8) On May 1, 2004, Poland became a member state of the European Union.

(9) Poland was a staunch ally to the United States during Operation Iraqi Freedom.

(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.

(11) The Secretary of State and the Secretary administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.

(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.

(13) More than 100,000 Polish citizens visit the United States each year.

(b) VISA WAIVER PROGRAM.—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be deemed a designated program country for purposes of the visa waiver program established under section 217 of such Act.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, this is an amendment offered along with Senator MIKULSKI on the Polish visa waiver program. This is an issue I have talked about on numerous occasions along with Senator MIKULSKI. We have concern that one of our best allies—in fact, one of our staunchest allies—has great concerns about the way they are being treated in the United States with respect to the visa waiver program.

The visa waiver program is available to 27 countries around the world. That allows citizens from those countries to travel in the United States for vacation and visiting families, et cetera, without requiring a visa. This is a program which is given to countries which we have a special relationship with and which are able to meet certain criteria laid out in the law and have been certified by the Department of State as having met that criteria.

Poland, so far, has not been able to meet the criteria that has been laid out in statute, although I will say that when Senator MIKULSKI and I introduced this in the last session and