

The amendment is as follows:

At the end of the instructions, add the following amendment:

This section shall become effective one (1) day after the date of enactment.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3426 TO AMENDMENT NO. 3425

Mr. FRIST. I send a second-degree amendment to 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 3426 to amendment No. 3425.

Mr. FRIST. 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:

Strike "one (1) day" and insert "two days".

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk on the pending motion to commit.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion to commit S. 2454, the Securing America's Borders Act.

Bill Frist, Arlen Specter, Michael B. Enzi, Lindsey Graham, Trent Lott, Chuck Hagel, John McCain, Mitch McConnell, George V. Voinovich, Mel Martinez, Lamar Alexander, Norm Coleman, Pete Domenici, Orrin Hatch, David Vitter, Johnny Isakson, Jim DeMint.

Mr. REID. Parliamentary inquiry: Does this mean there are no other amendments in order? I couldn't file another amendment now, could I?

Mr. FRIST. Mr. President, that is correct. At this moment in time, you would not. If we were allowed to go ahead on the amendments, and once we start disposing of the amendments, this is something that would be in order.

Mr. REID. I was curious why we aren't able to offer any amendments at this time, but we can talk about that tomorrow.

Mr. FRIST. Mr. President, the point is well made.

CLOTURE MOTION

I send a cloture motion to the underlying bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 376, S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Craig Thomas, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Wayne Allard, Norm Coleman, Trent Lott, John Thune.

Mr. FRIST. All right. Mr. President, what we have just done, so our colleagues will understand, is as follows: Tomorrow morning, notwithstanding the fact we have yet to vote on even the very first amendment offered, we will have a cloture vote that—

Mr. DURBIN. We have adopted three.

Mr. FRIST. I will stand corrected. No, I will not stand corrected. On the very first amendment that was offered we still have not had a vote. And, yes, there have been several other amendments that have been addressed. We will have a cloture vote, which was filed by the minority leader, on the underlying Specter substitute amendment, and that will be the first vote tomorrow morning.

I suspect that cloture vote will fail. And we have been very clear about our desire on this side to consider amendments from Senators on both sides of the aisle and our willingness for votes. We discussed that over the course of the day. It appears that this will not be likely and, therefore, we will be prevented from making any real progress on the bill.

So moments ago I offered a motion to commit, which incorporates an amendment by Senators HAGEL and MARTINEZ and others who have been working on this amendment over the course of the day. The fact that those cloture motions were filed tonight means that we would have the cloture vote on that motion on Friday. And depending on the outcome of that cloture motion, we could have a second cloture vote on the underlying bill, the so-called Frist bill, as well.

So we will have the Specter cloture vote tomorrow morning, and then one or possibly two other cloture votes on Friday morning.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, I would hope, the amendment—we have a general idea what it is about—I would hope this amendment is one, as it has been related to me, that is such that it improves the underlying Specter substitute, that it deals with only the legalization process.

I would hope, after Senators and staff pursue that amendment in detail tonight, that it is something we could all support and move on to completing the bill as soon as germane amendments were offered and debated and voted upon.

It would be great if we could end this very acrimonious week on a high note. And we will not know that until we study this amendment. We are hearing of a lot of things that are in it and not in it. So time will only tell.

I would say, through the Chair to the majority leader, because we have already had phone calls in the last half hour or so from Senators—they have asked me, as the distinguished majority leader did earlier today, if I would agree to earlier cloture votes. I do not know what the pleasure is of the Senator from Tennessee, if you want to wait until Friday, or you want to try to complete this tomorrow.

Mr. FRIST. Mr. President, through the Chair—and we had discussed the possibility of that a little earlier—I think it is best for us to make that decision tomorrow, only because the Hagel-Martinez amendment is a negotiated compromise amendment that none of our colleagues have had the opportunity to really see yet.

I have had numerous phone calls over the course of tonight as well. I think it is important people have the opportunity to look at that carefully tomorrow and see how much time it takes for people to have both the opportunity to look at it themselves, as well as their staff. We ought to keep that potential on the table.

Mr. REID. So unless there is some agreement, the two cloture votes would begin occurring an hour after we come in on Friday.

Mr. FRIST. Through the Chair, that is correct.

Mr. REID. Is that right, I say to the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. There may be some other cloture motions to consider on Friday, which I will come to here shortly.

UNANIMOUS CONSENT REQUEST— S. 1086

Mr. FRIST. But before doing that, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086. I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, Senator KENNEDY and other Senators have been told prior to this piece of legislation passing there would be a vote on hate crimes legislation that has been in this body for a long time.

I would hope—and it is my understanding the chairman of the committee had worked this out with Senator KENNEDY—we could, at an early date, I mean in a matter of hours, work this out. This sex offender registry is

an important piece of legislation. But also, as we have learned here in the Senate, people keeping their word is also important. I am confident it was some kind of a misunderstanding. I am hopeful that is the case. But until Senator KENNEDY and others and Senator SPECTER work this out, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, just a moment of explanation because I think this bill is, in substance, broadly supported. I am disappointed to hear the objections tonight.

Let me comment very briefly on the bill because it is an issue that I think this body does feel strongly about and that we need to move forward on because it can make a difference. This particular bill is child predator legislation, and we all need to be working together to keep our children safe from child predators. American families, as we all know, should not have to live in fear of sexual predators lurking in neighborhoods and enticing our children.

In the last 24 hours, we have all seen—actually here in the Senate and in this town—we have learned some shocking and tragic news about the growing problem of online child pornography. The abuse of the Internet has really, unfortunately, become the gateway to more serious violent sex offenses against both children and adults.

On Tuesday night, we learned of the arrest of another online child predator and the tragic plight of a child predator victim. The predator was an official from the Department of Homeland Security who was arrested for seducing a child over the Internet. Allegedly, this individual initiated a sexually explicit online chat with a detective posing as a 14-year-old girl. He allegedly described in graphic detail the sexual acts he wanted to perform with her and offered to exchange sexually explicit photos. Fortunately, law enforcement intercepted this individual before he could victimize an innocent child.

But for too many innocent children, the child predators are not caught until it is too late. Yesterday we also heard from one of the victims: 19-year-old Justin Berry from California who courageously testified before a House Energy and Commerce Committee hearing on sexual exploitation of children over the internet. For 5 five years, Justin was the victim of an online child pornography ring. At 13, this lonely teenager innocently hooked up a web camera to his computer, hoping to meet other teenagers online. Instead, he heard only from adult child predators who struck up friendly chats and offered him compliments and gifts. One day, one predator offered to pay him \$50 to take off his shirt in front of the webcam. Eventually, these predators lured him into performing pornographic acts in front of the webcam for an audience that grew to more than 1,500 people who paid him hundreds of thousands of dollars.

These shocking stories are not isolated incidents. They are symptomatic of a larger problem.

I believe we should seize this opportunity to transform these tragedies into positive action.

The bill I called up tonight—S. 1086, the Sex Offender Registration and Notification Act—would help protect our kids against child predators. It was introduced by Senator HATCH. It has 33 bipartisan cosponsors. It was reported unanimously by the Senate Judiciary Committee. It is supported by the Fraternal Order of Police, the National Center for Missing and Exploited Children, the Boys and Girls Club of America, the Federal Law Enforcement Officers Association, and the National District Attorneys Association. And it is supported by the families of child predator victims.

Among its many provisions, the bill will create a national sex offender registry accessible on the Internet and searchable by zip code;

Require convicted sex offenders to register, including child predators who use the Internet to commit a crime against a minor;

Make failure to register a felony;

Encourage information sharing among local, State and Federal law enforcement; and

Toughen criminal penalties for violent crimes against children under 12.

Here in the Senate, we need to act to address this issue. In light of the events this week, we should not delay. We should act now before another innocent child becomes a victim of a child predator.

It is an issue we do need to address, and I believe it will pass in an overwhelmingly bipartisan way. In light of the events of this week, we should not be delaying it any longer. I look forward to working with my colleagues on the other side in getting this bill passed as soon as possible.

Mr. REID. Mr. President, very briefly, if the distinguished majority leader will yield, Democrats support the concept of a national registry. It is important. But we also support the concept that people who are injured, maimed, or murdered as a result of hate crimes also deserve protection. We hope we can do all this at one time. I am hopeful and confident that can happen.

EXECUTIVE SESSION

NOMINATION OF BENJAMIN A. POWELL TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent to proceed en bloc to the following nominations on the calendar: No. 239, Benjamin Powell; No. 310, Gordon England; No. 485, Dorrance Smith; No. 252, Peter Flory. I further ask unanimous consent that the clerk report them individually at this time in order to file cloture motions.

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

The clerk will report the first nomination.

The legislative clerk read the nomination of Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Benjamin Powell to be General Counsel of the Office of the Director of National Intelligence.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, R.F. Bennett, John Thune.

NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF DEFENSE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Gordon England, of Texas, to be Deputy Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Gordon England to be Deputy Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Larry E. Craig, Ted Stevens, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, R.F. Bennett, John Thune, Craig Thomas.

NOMINATION OF DORRANCE SMITH TO BE AN ASSISTANT SECRETARY OF DEFENSE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.