

in the ANWR, an area that is totally under the control of the United States, that is part of the United States. We can also drill in the Gulf of Mexico, an area that is so sensitive to Floridians and where we have acquiesced to drilling in 2 to 3 million acres of the gulf.

To conclude, I suggest the bill we have filed, which tries to reenact and speak to the Cuban embargo that has been in place for many years, with good reason. That embargo would be stringently enforced with those who seek to invest in partnership with this illegitimate government, a government that continues to be a threat to its neighbors, continues to be a hostile government to the United States.

In September of this year, the President of Iran, Mahmud Ahmadinejad, is going to be visiting Castro in Cuba. This is a return visit for one that Fidel Castro paid to Iran a year or so ago. At that time, Castro said to the people in Iran: Working together and in partnership we will bring the United States to its knees. It is with this government that some would suggest we should enter into a partnership in order to solve our energy woes. I would say those efforts are misguided, and I look forward to further debate on my proposal which seeks to reassert the long-held position of the United States that trade with Cuba today would not be in the best interests of this country.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Hawaii is recognized.

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S. 147, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. AKAKA. Mr. President, I rise again to talk about legislation of critical importance to me and the people of Hawaii, S. 147, the Native Hawaiian Government Reorganization Act. As my colleagues are aware, we have been trying to schedule this bill for a debate and vote on the Senate floor. Unfortunately, the bill has been blocked by a handful of my colleagues who fail to understand the importance of this issue to the people of Hawaii.

S. 147 is a bipartisan bill. It is supported by members on both sides of the aisle. I want to thank my colleagues who have cosponsored this legislation: Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUYE, MURKOWSKI, SMITH and STEVENS. Your support for the people of Hawaii has not gone unnoticed.

I want to talk about what we did to draft this legislation. I want to explain the broad and inclusive process that we used. My colleagues should know that in drafting this legislation we consulted a broad array of individuals, both native and non-native.

In 1999, Hawaii's Congressional delegation formed the Task Force on Native Hawaiian Issues. The Task Force was composed of myself, the senior Senator from Hawaii, and our colleagues in the House of Representa-

tives, Representative NEIL ABERCROMBIE and Patsy Mink. It was determined that I would serve as the head of the Task Force.

My colleagues need to understand that the issue of political status for Native Hawaiians is not a new issue. It has been a hot topic for many, many years and in fact has been a topic of contention since Hawaii became a State in 1959. Given its history, I wanted to tap into the experience of the many individuals who have addressed this issue and who would be impacted by Federal recognition for Native Hawaiians. I decided to establish five working groups: the Native Hawaiian Community working group, the State officials working group, the Federal officials working group, the Native American and Constitutional Scholars working group, and the Congressional members and caucuses working group. Overall, more than 100 individuals were involved in meeting and advising Hawaii's Congressional delegation on what should and should not be included in this legislation.

The Native Hawaiian Community working group's role was to advise us as to the views of the Native Hawaiian community. The membership of the working group was balanced to include a broad variety of individuals from different islands, professions and backgrounds.

The State officials working group was composed of State legislators as well as the heads of State agencies who would be directly impacted by a Native Hawaiian governing entity participating in a government-to-government relationship with the United States. This group advised us on the impact of such a policy on State programs and agencies.

The Federal officials working group was composed of Federal officials from agencies currently administering services and programs impacting Native Hawaiians. The role of this working group was to advise us of how best to extend the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples.

The Native American and constitutional scholars working group was composed of a number of tribal leaders and key constitutional scholars in Indian law. We benefited from the advice provided by tribal leaders who were willing to share lessons learned and from constitutional scholars well-versed in Federal Indian law.

The Congressional members and caucuses group was composed of our colleagues who sought to help us at the member level to move this legislation.

We held several public meetings in Hawaii with the members of the Native Hawaiian community working group and the State working group. Individuals who were not members of the working group, and many who opposed our efforts, were allowed to attend and participate in the meetings. Overall, we had over 100 individuals provide initial input to the drafting of the legisla-

The bill was first considered by the 106th Congress. Five days of hearings were held in Hawaii in August 2000. While the bill passed the House, the Senate failed to take action. The bill was subsequently considered by the 107th and 108th Congresses. In Each Congress, the bill has been favorably reported by the Senate Committee on Indian Affairs and its companion measure has been favorably reported by the House Committee on Resources.

Despite the many modifications to the legislation over the past 7 years, I have ensured that the process authorized in this bill has always retained the appropriate balance between the structure necessary to comply with Federal law and the flexibility necessary to ensure that Native Hawaiians can make the critical decisions necessary to form their governing entity.

I want all of my colleagues to know that when the Senate considers this bill, I will offer a substitute amendment. The substitute amendment has been widely distributed since September 2005 and is the result of successful negotiations between the executive branch officials and our Congressional delegation and Governor. I thank the chairman and vice chairman of the Senate Committee on Indian Affairs for helping to facilitate the negotiations process.

The substitute amendment satisfactorily addresses the concerns raised in a letter from the Department of Justice to the chairman of the Senate Committee on Indian Affairs. The letter addressed 4 concerns with the legislation: liability of the United States, civil and criminal jurisdiction, military readiness, and gaming. The legislative language in the substitute amendment has been cleared by the executive branch and addresses the practical concerns expressed in the July 13, 2005 letter.

I look forward to the debate on the substitute amendment.

My colleagues can see from the process that I have just outlined that this legislation is based on the collective thoughts of a wide array of individuals, native and non-native, from Hawaii and across the entire Nation. It is based on the contributions of individuals well-versed in the Federal policies dealing with indigenous peoples—by those who understand the legal and political relationship the United States has with its indigenous peoples. It is based on Federal law and is substantiated by the many judicial rulings on the political and legal relationship between the United States and its indigenous peoples. It reflects the respect that the people of Hawaii have for the preservation of the culture and traditions of Hawaii's indigenous peoples—the culture and traditions which form the basis of the spirit of Aloha—which all citizens of Hawaii are proud to demonstrate.

This bill is supported by Hawaii's Governor, Linda Lingle, the Hawaii State Legislature, Office of Hawaiian

Affairs and Department of Hawaiian Home Lands. The National Congress of American Indians and the Alaska Federation of Natives have passed resolutions in support of this bill. The bill is also supported by a number of organizations, native and non-native, including the American Bar Association, Japanese American Citizens' League, Inter-Tribal Council of Arizona, and the Hawaii State Teachers Association.

I want to express my sincerest appreciation to our majority and minority leaders for working with me and Hawaii's senior Senator on scheduling the Senate's consideration of S. 147, the Native Hawaiian Government Reorganization Act of 2005. It is my understanding that the motion to invoke cloture on the motion to proceed to S. 147 will be filed on June 6, 2006, with the vote on the motion to occur on June 8, 2006.

I look forward to this opportunity to finally discuss S. 147. As my colleagues have heard over the past week, this is an issue of importance to all of the people of Hawaii, and this is not a native versus non-native issue in Hawaii. Rather, this is about authorizing a process for the people of Hawaii to be able to address longstanding issues resulting from a tragic, poignant period in our history. This is about establishing parity for Hawaii's indigenous peoples in Federal policies. This is about clarifying the existing political and legal relationship between native Hawaiians and the United States.

Again, I express my deep appreciation to our majority and Democratic leaders, to the cosponsors of this legislation, and to the senator from Arizona for helping to work out this agreement. I want to express my deep appreciation to Hawaii's senior Senator who has stood firm with me as we have sought to do what is right for the people of Hawaii.

Passing this legislation will make it right.

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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### IMMIGRATION

Mr. SESSIONS. Mr. President, I want to share some thoughts about the immigration legislation that we will be dealing with next week. The bill before us is a massive piece of legislation—over 600 pages, as I recall, and deals with a number of extremely important issues. Little, if any, thought has been given, and certainly no debate and discussion or seeking of economic and scientific information to help us decide what our future immigration policies should be.

I have studied that legislation in some depth. I am a member of the Ju-

diciary Committee, and have some fine lawyers on my staff. We have been digging into it, and have become more and more troubled as we studied what the legislation actually means and says. It does not do what it purports to do, which is to create a guest worker or temporary working policy for America. It has a number of other problems with it that I think deserve the most serious consideration.

Few, if any, issues that we face in this Senate have greater long-term consequences for our country than immigration. That is a fact.

Why are the American people so interested in this? Why have they expressed such concern about it? Because it is very important. We are responsible for them, and we have an obligation to them to think about this very carefully. Unfortunately, we have not done so. It is an idea that we have to do something. Yes, we need to do something. Let us all agree on that.

I have suggested that we should first proceed, as the House of Representatives did in a bipartisan, substantial majority vote decided, to deal with enforcement first, and establish some credibility with the American people that we can and will enforce whatever laws we have. To pass a new law and enforce it no better than the one that we have enforced in the past is no good.

That is the biggest frustration out there with anyone in our country who believes in law and order, policy and fairness and decency. You don't allow people to break in line ahead of others. How much more basic can it be than that? That is what we learned in elementary school. That is what we follow as adults in this country, but that is not what we are doing at the border.

We all know the system is broken. It has made a mockery of the law, and it is a terrible challenge for us, but one that we need to confront.

We decided in the Senate, and the President believes, we can't fix the law enforcement system first—we need to fix the entire scheme of immigration.

We have not had enough serious hearings on the fundamentals of what we are doing. I have asked for five hearings in the Senate on the Judiciary Committee on the economic and social implication of immigration. We were given one. It was a very valuable hearing but not enough, in my view. Certainly, I do not think the average Senator is fully engaged and aware of the serious concerns this legislation raises.

I will take a few minutes to go back over what I called in a speech a few weeks ago loopholes in the legislation. Some of that speech was based on the original Kennedy-McCain bill. I made that speech right after a compromise, the so-called Hagel-Martinez bill, hit the Senate. I will go back over these fundamental problems with the legislation. It indicates the weaknesses that exist today under the bill which will be in the Senate beginning next week.

As we go forward into the week, I will be discussing, and perhaps others

will as well, deeper flaws in the legislation that deal with the fundamental guiding principles of this legislation: What should we be doing? How many people should be allowed into this country? What skill sets should they bring? How should those decisions be made? How can we create a system which is enforceable, which will work to allow the country to decide what is in its best interests with regard to those who come here?

They say we are not supposed to talk too much next week. We are just supposed to come to the floor, offer amendments and maybe ask for 30 minutes of debate. We can have 20 amendments, and we will talk for just 30 minutes on those amendments on each side. We have been told: Don't talk too much, Senator, because we have to move this bill and get it off our plate. They do not want to talk about it too much because people back home might find out what is actually in the bill. That is the honest truth. On both sides, Republican leadership and Democratic leadership want to move something through. But "something" is not good enough. We ought to do the right thing.

Now I will talk about some of the flaws that continue to exist in this bill. I begin with loophole No. 1, illegal aliens. People here illegally are going to be part of this mass amnesty. We have discussed amnesty and whether the provisions in this bill are amnesty. I have to say I spent 30 minutes in the Senate going back to the immigration laws passed in 1986, and everyone admitted 1986 was amnesty when they passed it. They promised they would enforce the law in the future. They got the amnesty, and they didn't enforce the law. In 1986, they said there would be 1.5 million people claiming amnesty, yet over 3 million people claimed amnesty. They claimed we would have lawful immigration in the future, and now we have 11 million people here illegally. Why should the American people not have some doubts about the promises of Congress and the President to carry out a legal system that will work?

Let me point out a few of the things we are dealing with. "Blacks Law Dictionary," which is the premiere dictionary that virtually every lawyer in America has on his desk, has a definition in its section on amnesty, and it is defined as the 1986 Immigration Act. It is included as one of the definitions of what amnesty is.

What I suggest, essentially this current bill is probably less tight, less enforceable than the 1986 act. If amnesty has any meaning, this bill is amnesty. I don't want to get into any more debate about it, but I do not back down on the fundamental concept that the legislation before the Senate today is basically an amnesty for the people who came here illegally in violation of our law. They have to do a few things, they have to take some steps, but in no way will they be denied the fundamental things they sought when they came here illegally.