

But what I will do is share with you, the whole Senate, what I wrote about my brother in introducing him to the Judiciary Committee. I only quote a part of it:

Milan, Jr., is the eldest child of Milan Dale and Jessica Udall Smith's ten children. I am the eighth in that number and Milan's youngest brother. In my 54 years of life, Milan has been an example and force for good in our family, and, since the death of our parents, has been truly a family leader and friend to us all through times of tears and cheers.

For as far back as my memory serves, I have been witness to a concourse of people who have sought him out for his wisdom and judgment, for counsel and comfort on matters great and small. These have included my parents, myself, and all of my brothers and sisters, cousins, and kinsman from far and wide, his own six children, and of course, his legions of legal clients over many decades. Without respect of persons, he has been a wise friend and a good shepherd to all.

His academic preparations and provident life speak for themselves. But, in sum, what I can say is that he is one of the wisest men I have ever known. He has an understanding heart, a heart for judgment, he is possessed of the spirit of discernment, between good and bad, right and wrong, the just and the unjust. I cannot think of a time or a court, when a man of his quality and preparations are more sorely in need than this one, at this time, in our time.

Mr. President, I am honored to be here today to speak about my big brother. I urge his confirmation to the Ninth Circuit Court of Appeals.

That brings us to the point where it is my privilege to ask for the yeas and nays on behalf of Milan Dale Smith, Jr.

I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Missouri (Mr. TALENT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are they any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—93

Akaka	Bennett	Bunning
Alexander	Biden	Burns
Allard	Bingaman	Burr
Allen	Bond	Byrd
Baucus	Boxer	Cantwell
Bayh	Brownback	Carper

Chafee	Hagel	Murray
Chambliss	Harkin	Nelson (FL)
Clinton	Hatch	Nelson (NE)
Coburn	Hutchinson	Obama
Coleman	Inhofe	Pryor
Collins	Inouye	Reed
Conrad	Isakson	Reid
Cornyn	Jeffords	Roberts
Craig	Johnson	Salazar
Crapo	Kennedy	Sarbanes
Dayton	Kerry	Schumer
DeMint	Kohl	Sessions
DeWine	Kyl	Shelby
Dodd	Landrieu	Smith
Dole	Lautenberg	Snowe
Domenici	Leahy	Specter
Dorgan	Levin	Stabenow
Durbin	Lieberman	Stevens
Ensign	Lincoln	Sununu
Enzi	Lugar	Thomas
Feingold	Martinez	Thune
Feinstein	McConnell	Vitter
Frist	Menendez	Voinovich
Graham	Mikulski	Warner
Grassley	Murkowski	Wyden

NOT VOTING—7

Cochran	McCain	Talent
Gregg	Rockefeller	
Lott	Santorum	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

CORNYN (for ISAKSON) amendment No. 3961, to prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law under the border security measures authorized unless title I and section 233 are fully completed and fully operational.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, may I remind my colleagues, as announced yesterday, that the majority leader has authorized strict enforcement of the 15-minute voting rule and 5-minute extra and on stacked votes 10 and 5. We have a great many amendments and a lot of work to do to finish this bill before Memorial Day. We are about to proceed to the amendment offered by the Senator from Georgia, Mr. ISAKSON. Senator CRAIG has asked specially for 5 minutes to talk about the President's speech. We are not going to be able to accommodate discussions beyond the Isakson amendment, except for Senator CRAIG. After the 5 minutes, Senator ISAKSON will be recognized to make the opening argument on his amendment. We do not have a great deal of time under the

order to proceed with the two votes at noon. So let us use the time as expeditiously as we can.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we resumed yesterday what I think most of us believe is a historic debate in consideration of comprehensive immigration reform. This body debated immigration reform and brought forth a resolution in 1986. We did it once again in 1996. And here it is, 2006, and we are back, frustrated in some ways, angered in others, that there may be as many as 12 million illegal immigrants in our country, illegal foreign nationals who came in a relatively uncontrolled or unenforced fashion.

Last night I heard, and America heard, our President deliver what I believe was one of the most comprehensive approaches toward dealing with this issue. First and foremost, he recognized what the Congress did not recognize in 1986, nor did we recognize it in 1996. No matter how comprehensive our reform is, it will not work, unless this Nation controls and secures its borders and, therefore, devises programs that allow a reasonable number of foreign nationals to come into our economy on an annual basis to help us grow and help us continue to be the great immigrant Nation we are. Then the President, beyond his approach toward securing the border, talked about a variety of other approaches.

Let me talk only about border security. A good number of us began to work with the White House several months ago, and our message was quite simple. We didn't believe the Congress could fashion comprehensive immigration reform, that the politics of the day were too contentious, unless we had convinced the American people, first and foremost, that primarily our southern border would become more secure, that the flood of humanity coming across it on an hourly basis was stopped, and that the comprehensive bill that would then be fashioned would recognize the needs of our economy and bring workers to our economy in a reasonable fashion. The President gets it. His speech last night said it. While the work the Judiciary Committee and the Senate have done do beef up border control, you don't get there overnight. You don't invest billions of dollars and stand up a virtual wall, and a real wall in some places, in a 24-hour period. The President, understanding that, is now engaging the four border States along our southwestern border, with the complement of the National Guard, not to enforce but to facilitate the Border Patrol, which is legally trained and deputized to do what is necessary in the area of border enforcement.

Securing our southwestern border is critical. One AP reporter asked me last night: Isn't this political?

I said: It is not political at all. The President simply gets it. If this Senate doesn't get it, shame on us. We can't write a bill in any fashion, Democratic

or Republican, that works unless our borders are secure, and the law plays against the border in allowing an orderly approach through that border on a daily and an annual basis.

Yes, our economy needs immigrant workers. We will need several hundreds of thousands a year, if we expect our economy to continue to grow as it has, to prosper. But we want them to come to work. And those who might want to stay ought to get in line and apply for citizenship and do as all other Americans have done in the past who were born in a foreign country, who came here and became an American. They assimilated. They learned our culture; they learned our history; they learned to speak English; and we accepted them with open arms. It is the vitality of our country. We have always accepted an orderly amount of the world's humanity to become Americans. But we did it in a controlled and responsible way. That is what our President said last night. We ought to applaud him for an immediate approach to a problem while we work out the long-term approach. That debate is here today. That debate is here for the balance of the week, to build a comprehensive reform package that plays up against a secure border that our President proposed to us last night and that we should rush to help him implement for the sake of this country.

I thank the chairman of the Judiciary Committee and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, we now have 1 hour equally divided. On this side, the time is under the control of Senator ISAKSON, who has signified that there will be 5 minutes for Senator CORNYN, 5 minutes for Senator ALEXANDER, 5 minutes for Senator CHAMBLISS, and we will try to find time for Senator THUNE as well. We will alternate back and forth. Time is under the control of Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. KENNEDY. Parliamentary inquiry, Mr. President: How was that time allocated? Was that morning business?

The PRESIDING OFFICER. The time of the Senator from Idaho was allocated to the Senator from Pennsylvania.

Mr. KENNEDY. I see. How much time on each side?

The PRESIDING OFFICER. The Senator from Massachusetts has 34 minutes. The Senator from Georgia has 27½ minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, parliamentary inquiry: It was my understanding that the time of the distinguished Senator from Idaho was not a part of the debate but was to precede our debate, and we were supposed to equally divide the remaining time. Am I incorrect?

The PRESIDING OFFICER. The time was allocated to the Senator from Pennsylvania as the bill was laid down, equally divided.

Mr. ISAKSON. So we have how many minutes?

The PRESIDING OFFICER. There is 27½ minutes.

Mr. SALAZAR. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. SALAZAR. My understanding was that under the unanimous consent agreement that had been entered into by the floor managers, the next hour would be divided equally between the Senator from Georgia in relation to his amendment, as well as the amendment that I would be offering following the Senator from Georgia.

The PRESIDING OFFICER. The time following the vote between now and 12 o'clock has already been equally divided.

Mr. KENNEDY. So we have 34 minutes.

Mr. SALAZAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate the statement of the Senator from Colorado. I thank the Senator from South Carolina, the Presiding Officer. I thank Senator SPECTER, chairman of the Judiciary Committee, for the untiring efforts he made on the bill and the courtesies he has shown to me. I thank leader HARRY REID for accommodating us and allowing us to come to the floor and have a debate. I particularly thank LINDSEY GRAHAM and JOHN MCCAIN for seeing to it that all of us who had amendments to offer had a chance to negotiate the time to do that. I especially thank my staff, in particular, Mike Quiello, for the work he has done on this issue over a long period of time.

Mr. President, to set the stage for my remarks on my amendment, let me, first of all, tell you a little bit about myself. I am a product of the legal immigration system of the United States. My grandfather came here in 1903 and went through Ellis Island. There is nobody who has greater respect for the hope and opportunity and the laws of our country than do I. I was in the construction industry, and I know the great contribution the workers made to construction and to tourism and to hospitality services and to agriculture.

I, also, know the issue before us is now the most important issue domestically before the United States. When I ran for the Senate in 2003 and 2004, the most commonly asked question after Iraq was: What are you going to do about illegal immigration? In the first speech on any issue I made as a Senator, I made the statement that I thought illegal immigration was the No. 1 domestic issue in this country.

I rise to tell you my mind has not been changed. I think neither have the minds been changed of the American people because you have seen the in-

tensity of the interest of all Americans in border security and immigration.

My amendment is very simple. It says that before any provision of this Immigration Act could grant legal status to someone who is here illegally is in effect, the Secretary of Homeland Security must certify to the President and the Congress that every provision for border security and enforcement contained in title I and section 233 of title II is in place, funded, and is operational.

There is a simple reason for that. In 1986, this Congress, under President Ronald Reagan, passed a border security and amnesty bill for the 3 million illegal aliens who were in this country. We enforced the border and granted amnesty. And 20 years later, there are 11 million to 13 million illegal aliens who have come because of the promise of this country and its opportunity but also because we have given a wink and a nod to the security of our borders.

I want to emphasize that I am not just talking about something I am thinking about or that I read. I have been to our border. I took a codel with Senator COLEMAN in February. We went to Fort Huachuca in Arizona and saw the unmanned aerial vehicle working and identifying those coming across the border and sealing a 150-mile stretch. In San Diego, at the border with Juarez, we saw where the barriers at Smugglers' Gulch have effectively stopped the people coming through that gully and immigrating illegally into this country. We went up and down the border and saw the bits and pieces of security that worked. We also saw the over 1,500 miles of the border that are not secure—the 1,500 miles that have allowed people to come here either through smuggling or through their own volition or by paying bribes to get here, to get into our workforce, to overcrowd our schools, to stretch the services in our emergency rooms and put great pressure on our civil justice system.

It is time that we seal the border and secure it so that the promise of legal immigration works and illegally entering this country is not the preferred way to cross on our southern border.

I commend the President for his remarks last night. The President last night said, in order, the five important things we must do. The first thing the President said is to secure the border. With this amendment, with our commitment and with the President's commitment, securing the border will take place. Then we can grant a program to those who are here illegally, with the sincere knowledge that we know no more are coming. If we grant programs and status to those who are here illegally and look the other way, the next time we bring this up in 10 or 15 years, it will not be 12 million, it will be 24 million and, worst of all, we will have lost control.

Last night, the President said we are a nation of laws. And we are a nation of laws. I submit to you that when laws

are enforced, and they are enforced soundly, laws are obeyed and they are respected. We have not enforced our border and, therefore, its security is not respected.

So I call on all of our colleagues, Democrats and Republicans alike, everybody who is interested in a comprehensive reform of our immigration policy and our immigration system, to think what comes first. And what comes first is securing the border. After that, the American people would be willing to work with us on programs to grant status. But in the absence of securing the border and making that commitment, we are not going to have the cooperation of the American people. We are not going to have comprehensive reform, and a growing problem in this country will grow even greater.

My last point is there may be some who say you cannot secure the border or it is going to take too long. Listen, this country put a man on the Moon in 9 years, and we responded to the terrorist attacks within 3 weeks. This country can do anything it sets its mind to do. We know how to do it. In incremental places, we do it now. It is time we put in the additional 6,000 border security agents, put the UAVs in the air, put the ground sensors on the ground, put the prosecuting officials along the border in those jurisdictions to see to it that the law is enforced and prosecuted, and it is time that we build the barriers in those areas that are easy smuggling corridors. We must make a commitment to ourselves and the American people.

The Senator from Colorado is going to offer an amendment side by side. I read the amendment. It gives the President the authority to authorize sections 4 and 6, which are the status sections, whenever it is in the best interest of the national security of the United States. That is well and good, but that has nothing to do with security on the border. If we don't adopt the Isakson amendment to secure the border, then we will have given a wink and a nod one more time to those who would come here illegally. We will have said to our local governments, school systems, emergency rooms, and law enforcement officers that we don't care.

Mr. President, I think we do care. I urge support for the Isakson amendment to the immigration bill. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. KENNEDY. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 3994

Mr. SALAZAR. Mr. President, I call up amendment No. 3994 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. SALAZAR) proposes an amendment numbered 3994.

(Purpose: To prohibit implementation of title IV and title VI until the President determines that implementation of such titles will strengthen the national security of the United States)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NATIONAL SECURITY DETERMINATION.**

Notwithstanding any other provision of this Act, the President shall ensure that no provision of title IV or title VI of this Act, or any amendment made by either such title, is carried out until after the date on which the President makes a determination that the implementation of such title IV and title VI, and the amendments made by either such title, will strengthen the national security of the United States.

Mr. SALAZAR. Mr. President, as we come back to the floor of the Senate today to take up this issue of national security and the national urgency on workable immigration law, I want to first say that I applaud my colleagues both on the Democratic and the Republican sides who have been working so hard to move forward with a comprehensive immigration reform package.

I also want to say thank you to the President of the United States of America for his statement last night to the Nation, in which he appealed to the best interests of America to come together and develop a comprehensive immigration reform package. I believe it is worthwhile to quote again from what the President said last night.

Tonight I want to speak directly to Members of the House and the Senate. An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be solved at all. The House has passed an immigration bill. The Senate should act by the end of this month so that we can work out the differences between the two bills and Congress can pass a comprehensive bill for me to sign into law.

Again, he said we need to work on this problem together, on all of its elements, or none of the elements will be solved.

Mr. President, amendment No. 3994 is an amendment that takes a very different approach from the Senator from Georgia, my good friend, Senator ISAKSON. As chairman Specter noted on the floor yesterday, the proponents of the Isakson amendment take the view that we ought to have all our border-strengthening and security measures in place before we address any aspect of this problem. I don't think that that is an effective approach.

In the past, for the last 20 years, when we have tried to approach immigration issues by only looking at one issue at a time, we have failed. We have continually thrown money at a problem to increase border security through funding. Yet our borders continue to be porous and broken, and the lawlessness that comes with that is something we see across America. I don't believe we should let this crisis fester. I don't believe we should continue to tolerate those being in the shadows of society, the 11 million undocumented workers in this country

today. I don't believe we in the Senate should stand in the way of a comprehensive immigration reform that has extensive bipartisan support in this body.

It is very clear to all of us today that the current situation is inadequate and there is a lot of work that needs to be done. I want to move ahead on all fronts and take the comprehensive approach that has been discussed on this floor, and a comprehensive approach which the President himself has endorsed.

National security is at the heart of a workable immigration law, and we should not allow an immigration law to go into effect if it will not address the national security interests of the United States. That is at the heart of my amendment. My amendment is a very simple amendment. As the clerk read that amendment, it was very clear and straightforward, and it simply requires the President of the United States to make a determination that the national security of the United States will be strengthened by the following programs: Title IV, which includes the new guest worker program, and title VI, which includes the provisions relating to the 11 million undocumented workers who are living in the shadows of America today; and it also includes the bipartisan changes to immigration that have been forged in this body by leaders such as Senator CRAIG and Senator FEINSTEIN on agriculture jobs and the DREAM Act, which is another bipartisan measure. Under our amendment, those provisions of the bill cannot be implemented unless and until the President of the United States finds that it is in the national interest and for national security that those provisions of the legislation be implemented.

Senator ISAKSON's amendment, on the other hand, is designed to weaken this comprehensive approach. The approach of my friend from Georgia would focus only on border enforcement. When we look at the history of the last 20 years, approaches that have focused on border enforcement only have been approaches that have not succeeded in dealing with the issue of immigration.

I agree with President Bush that we need to address this issue in a comprehensive manner, and I urge my colleagues to support amendment No. 3994.

At the end of the day, it seems to me that those of us in this body who recognize the importance of this issue need to understand that the stool has to have three legs for us to develop comprehensive immigration reform.

First, we need to secure our borders. In the legislation we have proposed, there are multiple provisions that deal with the strengthening of our borders, including the doubling of the number of Border Patrol officers, bringing in new technology that would allow us to make sure we know who is coming and going across our borders, and a number

of other provisions that are intended to ensure that our borders become secure.

The second leg of that stool is making sure that we are enforcing our immigration laws within our country. We have not done an adequate job of enforcing our immigration laws in this country. The President acknowledged that reality as well. Our legislation will make sure that we are enforcing our immigration laws within the interior of our country.

The third leg on that stool is to make sure we are addressing the human and economic reality of the 11 million people who currently live in an undocumented status in America today.

Sometimes when we get into these debates on the Senate floor, it is a discussion about policy, but it is also important for us never to forget why we are here, and never to forget that there are, in fact, millions of human beings who are very much affected by the current system of lawlessness on our borders.

Sadly, last year, over 300 people died trying to cross the border. In my own community, over the last several Sundays, I heard a Catholic priest talk about how it is that people were dying of thirst and hunger in the deserts of Arizona and places such as Texas. I heard my colleague, my friend from Arizona, Senator JOHN MCCAIN, speak eloquently and passionately about this issue.

Since 1998, more than 2,000 men, women, and children have lost their lives crossing the border between Mexico and the United States. That is not what we are about in America. Anywhere else in America if we had 2,000 people dying, the people of America would be standing up and saying we must do something to correct this problem and to correct it in a way that is going to work. That is why a comprehensive solution is needed in this situation. That is why my amendment No. 3994 was proposed. It will help us move down the road to developing that comprehensive immigration reform package.

I thank the Chair, and I yield the remainder of my time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wonder if the Senator will yield for a question. Is it the Senator's understanding that if we accept the Isakson amendment, we will continue to have this culture of illegality in the United States? If we accept the Isakson amendment, we will still have the hiring by employers of illegal aliens, we will be driving wages down, we will still have a whole culture of illegality, we will have people in the shadows, we will have people whose names we don't know because we are unable to bring people out into the sunlight and understand who is actually here in terms of our national security? Does the Senator from Colorado not believe that this is really—the Senator from Colorado, as I understand it, has been a

strong supporter of border security, provisions that are in the underlying bill. He has been a strong supporter to make sure that this is a key element in our total immigration strategy: a strong border and that we deal with the dangers of our border, but to understand that if we are going to be able to deal with the dangers of our border, we are going to also have to deal with enforcement in this country of employers. We are also going to have to deal with the adjustment of the status of those who are here. Is that the position of the Senator from Colorado?

Mr. President, I want to understand clearly, he is not taking a second step to anyone, is he, in having a strong border enforcement; am I right?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. SALAZAR. Mr. President, my friend from Massachusetts is correct. We stand firmly for the proposition that we need to absolutely secure our borders. Indeed, if we fail to address the reality of 11 million people living in the shadows of the United States today, we will have failed to achieve the national security objective.

If one thinks about what happened in the days after 9/11, our Government ought to know who is living in our society. We cannot know that when we have 11 million people living in the shadows. Those people need to be brought out of the shadows, they need to be brought out into the sunlight, they need to be registered, they need to pay a fine, they need to learn English, and they need to do the rest of the things we talk about in this legislation.

The very fundamental principle of an immigration law to provide us with national security in America will be altered if we are not able to move forward with the implementation of those provisions of the law.

The proposal which my good friend from Georgia has proposed, the Isakson amendment, would essentially gut the sense of our comprehensive immigration reform bill because we would not be able to deal with that reality and we would not be able to deal with the guest worker program that the President of the United States is proposing.

Mr. KENNEDY. Mr. President, if the Senator will yield further, therefore, the Senator from Colorado, with his amendment, believes that he offers a path that is going to protect our national security in the most effective way because we will gain information, we will gain knowledge, we will understand the people who are here and will know their names, will know their addresses, will know where they live, and they will be part of our society.

Secondly, I understand that he believes that without his amendment, we are still going to have this culture of illegality where we have employers hiring undocumented workers. The Isakson amendment doesn't do anything about that, as I understand. If we adopt the Isakson amendment, we will

still have the exploitations of undocumented workers, and we will also have the conditions where we are driving wages down, which drives wages down for Americans. Does the Senator not believe that will continue to be the result unless we do a comprehensive approach?

Mr. SALAZAR. Mr. President, I agree with my friend from Massachusetts. In fact, that would happen. We would have 11 million workers who probably would continue to work as they have been working now, for some of them decades in this country, and that the system of illegality in terms of employers hiring undocumented workers is simply a system that is going to continue into the future unabated. That is why it is so essential that we move forward with this issue in a comprehensive approach.

Last night the President was absolutely correct in his statement that we cannot deal with this issue of immigration reform in a piecemeal manner. We have to deal with it in a comprehensive manner that addresses the issue of 11 million undocumented workers who are in this country today.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. Who yields time?

Mr. KENNEDY. I yield 4 more minutes, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 4 minutes.

Mr. KENNEDY. Mr. President, as I understand the Senator from Colorado, his position, quite frankly, is much more consistent with what the President talked about last night, am I correct, where the President talked about a comprehensive approach to deal with the challenges of illegality. And his position is that we ought to look at it in a comprehensive way, and the best way to deal with illegality on the border is to also deal with illegality in employment and deal with legality and illegality in adjusting the status in terms of earning the right to remain here; am I correct?

Mr. SALAZAR. Mr. President, my friend from Massachusetts is, in fact, correct. We need to deal with the entire set of immigration issues today, including the illegal hiring of people in this country. The provisions we have set forward in this bill will allow us to, in fact, bring those people who are here illegally and who are undocumented out of the shadows so we can address the national security interests.

My amendment requires the President of the United States to basically say that before the guest worker program is implemented, the President has to determine that it is in the interest of national security for us to implement those provisions; that before we move forward with the program that addresses the reality of 11 million undocumented workers, the President of the United States shall acknowledge and make a statement that, in fact, it is in the national security interests of

the United States of America. That is why this amendment is a much better, preferred approach than the amendment which is being offered by my friend from Georgia.

Mr. KENNEDY. Mr. President, finally, I have my differences with the President, but I agree with the Senator from Colorado. We support that judgment and that decision and his ability to make that judgment and decision. That is what the Senator from Colorado supports, and I do, too.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia controls 20 minutes, and the Senator from Massachusetts controls 17 minutes.

Mr. ISAKSON. Mr. President, I think the distinguished Senators, Mr. SALAZAR and Mr. KENNEDY, who are both Senators and lawyers and understand smoke and mirrors. I think they understand the enforcement of the law. The Isakson amendment calls for us to enforce the laws that have been brought about because of the lack of enforcement, which is why this bill is on the floor of the Senate now.

Mr. President, I ask unanimous consent that Senators CHAMBLISS, CORNYN, ALEXANDER, DOMENICI, and SANTORUM be added as original sponsors of the Isakson amendment.

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

Mr. ISAKSON. Mr. President, I am pleased to recognize for 10 minutes the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, there is no doubt that trying to fix our broken immigration system is a complex issue. Frankly, part of what we have been trying to do is to find solutions that thread the needle and shrink the gap between the approach of the House of Representatives, which is primarily an enforcement-only bill, and comprehensive immigration reform that I believe is supported by most of us in the Senate, including myself.

I differ with the sponsors of the bill in the Senate, and I intend to offer amendments that will, I believe, improve it, while retaining its comprehensive nature. I believe it is simply surreal to suggest that what the amendment of the Senator from Georgia does somehow retreats to the House position and is an enforcement-only approach.

Indeed, I think the Senator from Georgia has struck upon an ingenious way to thread the needle by saying, yes, we believe that border security is important; yes, we believe that we ought to produce the computer systems, hire and train the people, create the databases which will actually make this reform work, rather than put the cart before the horse and say, with the

stroke of a pen, that 12 million people who are living out of legal status are suddenly legal; and, yes, we are going to have 325,000 new people each year come into the country, regardless of whether our economy is in a boom or a bust and possibly compete with Americans for those jobs.

What the Senator from Georgia has done is say let's put the horse in front of the cart, not the cart in front of the horse. Let's do first things first. Let's make sure this will actually work.

Last night the President talked about sending 6,000 National Guard troops to help the Border Patrol secure the border, recognizing that it takes time to train Border Patrol agents. We now train them at the rate of 1,500 a year, and we can't all of a sudden secure the border because we can't all of a sudden train enough Border Patrol agents. We can't all of a sudden, with the wave of a magic wand, build the infrastructure that is necessary. We can't, with the wave of a magic wand, issue the request for proposals to actually let the contracts that will allow the construction of the computer systems and the databases that will actually make this work. We can't, with the wave of a magic wand, say we are going to create a secure identification card which will allow employers to verify the eligibility of prospective employees. It is going to take a little bit of time.

But that is not the same thing as saying, as the Senator from Colorado has said, that somehow we are going with an enforcement-only approach.

I support a comprehensive immigration reform plan that is built on a foundation of border security, that says we need to have worksite verification, that we need to have a secure identification card so that employers can determine whether in fact a person is eligible to work. I believe we ought to have sanctions against employers who cheat. I believe we ought to have a temporary worker program, not like the proposed guest worker program in this underlying bill, and that will be the subject for future amendments.

The message we need to send the American people is that we are actually serious about making this proposed comprehensive immigration reform system work. If we adopt the amendment of the Senator from Colorado, it will send a message that we are not serious about making sure we have the infrastructure and the people and the systems and the cards in place that will actually make this comprehensive reform work.

The American people have already been burned once very badly when it comes to comprehensive immigration reform. In 1986, when President Ronald Reagan signed an amnesty, the tradeoff was supposed to be worksite verification and employer sanctions for employers who cheat. But the Federal Government never did what it was supposed to do by providing the means for

employers to actually make that determination in a way that had some integrity. Now I believe the American people are looking at us skeptically, wondering whether we are going to try to pull the rug out from under them again.

The American people can be amazingly tolerant, they can be amazingly forgiving, but they won't be mocked, and they will not believe us unless we build some confidence into the system by saying we are going to take care of helping to secure the border, we are going to provide the means to enforce this system, before we are going to implement a 12-million person amnesty which will put a tremendous load on the men and women who are supposed to administer this system. Can you imagine how long it will take to make this happen? All this does is say let's do first things first, rather than put the cart before the horse.

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

Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my friend and colleague from Michigan has a special request. We know it is not completely consistent with the subject matter at hand, but we are willing to yield time, Senator SALAZAR and I, out of our time, so we are not going to delay the proceedings of the Senate. This is an important matter.

I yield 4 minutes, if that is sufficient time.

The PRESIDING OFFICER. The Senator from Michigan.

#### MEDICARE PRESCRIPTION PART-D BENEFIT

Ms. STABENOW. Mr. President, I thank my colleagues who are managing this very important bill and Senators KENNEDY and SALAZAR as well. We are engaged in an important debate right now, but there is another important debate going on around every kitchen table and in every senior citizen center right now, which is what is going to happen today after they can no longer sign up for the Medicare prescription Part D benefit.

We know that for about 3 million low-income seniors, they are going to be allowed to continue to sign up until the end of the year without penalty. But for the 3 million to 5 million seniors who are not in that category, they are not allowed to continue to sign up, and there will be a penalty between now and November when they can sign up again.

I ask unanimous consent that the Senate proceed to the immediate consideration of a bill which I will send to the desk now which extends the enrollment deadline for Medicare Part D, waives the late enrollment penalty, provides the option for a one-time change of plan during 2006, and provides increased funding for State health insurance counseling and assistance programs.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I am hearing this for the first time. I must

object until I take a look at it and consult with some people on this matter.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. For current purposes, I do object.

Ms. STABENOW. Mr. President, if I might just continue, there are three important pieces in this bill. They are certainly not new to us. I appreciate we are in the middle of another important discussion, but we have had an ongoing discussion with seniors all across America who are concerned about this issue. If not this entire bill, I ask unanimous consent to pass a bill that would at least extend the enrollment until the end of the year.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I am constrained to object again until I have had a chance to examine the specifics as to what the Senator from Michigan is offering.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. May I add that I have joined with other Senators in seeking to have an extension of the date. So I am in agreement with what I believe to be the thrust of what the Senator from Michigan seeks to accomplish. But speaking for myself, I would have to know more and examine the documents before I could refrain from objecting. And on behalf of others on this side, as the manager of the bill, it is incumbent upon me to give them an opportunity to examine what the Senator from Michigan wants to do. So I am constrained to object.

The PRESIDING OFFICER. Objection is heard. The Senator from Michigan has 1 minute remaining.

Ms. STABENOW. Mr. President, I then ask, because of the seriousness and sense of urgency, that we have unanimous consent at least to pass the bill containing only the part that waives the late enrollment penalty that starts today.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I again object for the reasons I said. I will be glad to have the effort of the Senator from Michigan renewed later today when I have had a chance to examine it and others have had a chance to examine it. But on this state of the record, hearing it for the first time and being surprised by it, we need time to study it and time for others to consider it.

The PRESIDING OFFICER. Objection is heard. The Senator has 10 seconds remaining.

Ms. STABENOW. Mr. President, I appreciate the position of the Senator from Pennsylvania, but I ask unanimous consent to pass the bill containing a provision which provides at least a one-time change of plan during 2006.

Mr. SPECTER. Objection, without restating all my reasons.

The PRESIDING OFFICER. Objection is heard. The time of the Senator has expired. Who yields time?

The Senator from Georgia.

Mr. ISAKSON. I yield 5 minutes to the distinguished Senator from Tennessee, Mr. ALEXANDER.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALEXANDER. Will the Chair please advise me when 60 seconds remains.

Mr. President, I thank the Senator from Georgia and congratulate him on his amendment.

The President talked last night about what we need to do to secure our borders. He took an important step forward. He committed to doubling the number of Border Patrol agents during his time as President. As that is ramped up, he said he would ask the National Guard to help us fill the gap. Guard members would help by operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building patrol roads, and providing training. As a former commander in chief of the Tennessee National Guard when I was Governor, the proposal sounded to me eminently sensible.

The President also talked about using high-technology verification cards, ways that employers could do a better job of making certain the people they hire are legally here. He talked about Federal-State cooperation being improved with State and local law enforcement.

All of this will take some time, but we need to do whatever we can in the Senate to ensure that the President's commitment to secure the border succeeds. That is why I joined with Senator GREGG and others last week to add \$1.9 billion to the Border Patrol during our debate on the emergency supplemental bill. That money will help replace outdated vehicles that are breaking down and purchase new boats and other equipment. That is why I am cosponsoring the amendment of Senator ISAKSON today. Senator ISAKSON's amendment says clearly: Border security must come first.

Under this amendment, we can still pass, I believe—and I will ask the Senator this question when my time has expired—we can still pass a comprehensive immigration bill, but we can't adjust the legal status of those illegally here until the border is secure. We have no business passing a comprehensive immigration bill without making sure first that the border will be secure. Upholding the rule of law on our border is as important as defending our freedom in Iraq. A nation that loses control of its own borders is a nation that will not likely exist for long.

Last year, more than half a million new citizens became Americans. They had waited 5 years, learned English, pledged allegiance to our country, had foresworn allegiance to the country from which they came, and learned about our Constitution and laws. They know the principles that unite us as Americans—not our race, not our ancestry, but principles. Among those

principles are equal opportunity and laissez-faire. We thrive on immigration in this country. But among those principles, too, is our unity. And first among those principles—at least none is more important—is the principle of the rule of law. Those half-million new citizens know that they are free to drive here across the country but not to run stop lights; that they are free to make contracts in this economy but not to break them; that they are free to own a gun under the second amendment but not to shoot someone.

We thrive on legal immigration, but we cannot tolerate illegal immigration.

I would like to ask through the Chair, if I may, a question of the Senator from Georgia.

The PRESIDING OFFICER. Without objection, the Senator has 30 seconds remaining.

Mr. ALEXANDER. Through the Chair, my question to the Senator from Georgia is this: I favor a comprehensive immigration bill. I would like to see border security. I would like to see legal status for students who study here, for skilled people who help win Nobel Prizes here and improve our economy. I would like to see a comprehensive immigration bill that includes help for people legally here to learn English and learn our history and unite us as Americans. But, Senator ISAKSON, am I correct that if we pass your amendment, it is still true, is it not, that we can pass a comprehensive immigration bill that includes all of these provisions I just described? The only difference is, as I understand it, that we may not adjust the legal status of those illegally here until the border is secure? Am I correct about that or am I wrong about that?

Mr. ISAKSON. The Senator is absolutely correct, and the premise is you don't want to create an attraction for more to come until the border is secure and we know we put an end to it.

Mr. LEAHY. Mr. President, The Isakson amendment is designed to tear apart the interwoven fabric of a bill that many of us have worked so hard in a bipartisan manner to pass in the Senate.

The Isakson amendment asserts that there can be no guest worker program and no legalization path for undocumented immigrants currently in the United States until security at the borders is guaranteed. Sounds good, until you realize that comprehensive immigration reform consists of several interrelated steps, each depending on the rest in order to maximize the prospects of the overall plan to get the job done. This amendment is a prescription for failure, by ripping a comprehensive plan apart. That is why this amendment has been described as a "poison pill" that would undermine the bipartisan bill before the Senate.

The Senate recently passed the Defense supplemental appropriations bill, a bill that included nearly \$2 billion for border security. It seems that what



Senator ISAKSON wants the Senate to do is to wait until all of those funds are expended, and then assess our security. Many of us have been fighting for years to improve border security by targeting more resources for technology on the borders and by adding additional Border Patrol agents. The Bush administration repeatedly failed to fulfill Congress's directives in recent years, but I was pleased to hear the President say last night that he now supports increasing the number of Border Patrol agents by 6,000. He made a statement last night that was stronger and displayed a stronger commitment than we have heard from him previously, and I hope he plans to follow through on his words.

The President also spoke about the need to simultaneously implement guest worker programs and a path to earned citizenship for the undocumented. This is similar to the comprehensive approach that those of us who supported the Judiciary Committee bill, and then the Hagel-Martinez compromise, still believe is necessary to reform our broken system and to secure our borders. Do Senator ISAKSON and the supporters of his amendment believe that the President is taking the Nation in the wrong direction? I find it troubling that with such strong bipartisan support for S. 2611 in the Senate, and the leadership of the White House on the core principles of the bill, these Senators refuse to join in constructive efforts to enact comprehensive reform. From the beginning, many voices outside of the Senate have been intent on bringing down this bill.

Senator SALAZAR has offered an alternative that supports the principles of S. 2611 and that reflects the goals laid out by the President in his statement last night. I urge all Members of the Senate to vote against the Isakson amendment and for the Salazar alternative. We must work toward comprehensive solutions that secure our borders and strengthen the Nation, not piecemeal gambits that undermine the efforts of bipartisan progress toward a Senate bill.

The PRESIDING OFFICER. The time of the Senator has expired. So 8½ minutes remain under the control of the Senator from Georgia, 12½ minutes under the control of the Senator from Massachusetts.

Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I yield 4 minutes to myself, 4 minutes to the Senator from Illinois, and 4 minutes to the Senator from Colorado.

I ask the Chair, when I have 30 seconds left, to be informed.

Mr. President, the amendment of the Senator from Georgia does nothing with regard to the National Guard. I have listened to the debate and discussion about the National Guard. Frankly, the way the President described it last night, the Guard would be very limited. They have mainly a supportive

kind of proposal. I have real concerns because in my State the Guard is very busy today with the flooding we have in part of Massachusetts. But we are open, at least I am open, on this issue. This amendment has nothing to do with that.

The fact is that those of us who oppose the amendment of the Senator and support Senator SALAZAR's amendment believe in strong border security. But we also read history. We know the record on the border. Twenty years ago, we had 40,000 people who were coming in here illegally; 10 years ago, it was 400,000. Do you know what we did? We spent \$20 billion over the last 10 years, we have increased border guards by 300 percent, and guess what: We have doubled the numbers to 800,000 today—to 800,000.

What is the answer to that? The answer to that is we need tough border security, but we need tough law enforcement here in the United States, and we have to deal with the legality or adjustment of status for those who are here, prepared to pay a penalty, work hard, play by the rules, participate in the armed services of our country, and then join the end of the line for those people waiting to come into the United States—at the end of the line, and 11 years from now be able to achieve citizenship.

The fact remains, if you only do one of the proposals—and this the President of the United States understands and spoke to very clearly. I have my differences with the President, but he is absolutely right. He understands history. He is a border State Governor, and he knows you can't do this by itself, only at the border. The fact is, in the bill that we support, we increased by 12,000 the border patrol. We create a virtual fence.

If the Senator from Georgia has additional national security matters that they think can be added, we are glad to consider them. But we are dealing with the recognition that you have to have a comprehensive approach if you are going to gain control of the borders. History teaches us that. We have had hours and days of hearings about that. All you have to do is look at what has happened to the border in the last years.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. Mr. President, as has been pointed out, it is a three-legged stool: tough border security, tough legal enforcement here in the United States, and a recognition of our humanity and decency and our immigration background. If people are prepared to pay a penalty, play by the rules, work hard, and stay free from any trouble with law enforcement, at the end of the line they can earn American citizenship. That is the way to go, and the Isakson amendment short circuits that process.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. ISAKSON. Mr. President, the Senator from Massachusetts has made

the most eloquent statement in favor of this amendment I have ever heard. He put on the record exactly what we raised in title I, section 133, to secure the border. I appreciate his comments.

I am happy to yield 4 minutes to the Senator from Georgia, Mr. CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise in strong support of the Isakson amendment and am proud to be a co-sponsor. The American people have heard Senators from both sides of the aisle and across the political spectrum come down to the floor of the Senate to talk about the 1986 Immigration Reform and Control Act and how it did not solve the problem of illegal immigration. This was the first attempt by Congress to address the issue of illegal immigration in a comprehensive way. The Immigration Reform and Control Act was the product of a number of compromises, the main one being legalizing the illegal population in exchange for stronger enforcement of our immigration laws both at the border and inside the country.

However, we all know now that the 1986 legislation, which closely mirrors S. 2611, did not work and, in fact, invited further illegal immigration, resulting in the critical situation we face regarding illegal immigration today.

As the Senate considers S. 2611 we are operating under the assumption that there are around 11 million illegal immigrants who will take advantage of an amnesty. But the fact is that we simply do not know how many illegal immigrants are in the U.S. some venture to guess that there are 20 million or more.

However, once again we find that many in the Senate are willing to make the same compromise that was made in 1986: legalize an unlimited amount of illegal aliens in exchange for increasing border security, interior enforcement, and worksite enforcement.

I personally do not agree with this approach. I do not believe that we should provide illegal immigrants with a new path to citizenship through this bill or any bill. I do not think it is the right way to address the presence of a large number of illegal immigrants.

While I do not believe in providing a new path to citizenship for illegal immigrants, the Judiciary Committee disagreed. As a result, the Senate is now considering a bill that will provide a pathway to citizenship for illegal immigrants. If we are willing to travel down the same path that proved not to work before, shouldn't we ask ourselves what didn't work with the 1986 amnesty that will work today? What has changed?

I think one of the main problems with the 1986 amnesty bill was that it ended up being one sided—the government adjusted the status of millions of illegal immigrants but the promise of greater border security, interior enforcement, and worksite enforcement never materialized.

That is why Senator ISAKSON's amendment is so critical. It says that we cannot implement any program to grant legal status to an illegal immigrant provided in this bill until the Secretary of Homeland Security certifies in writing to the President and to Congress that the border security measures in this bill are complete and operational. This is a very simple amendment.

I do not see how any Senator who is serious about border security and enforcing our immigration laws can disagree with Senator ISAKSON's amendment. It is that we ensure, before we take the same path we did in 1986, a path I disagree with, that we remedy one of the fatal flaws of the 1986 Immigration Reform and Control Act.

Disagreeing with this amendment sends the message to the American people that we are more eager to give illegal immigrants a path to citizenship than we are to secure our borders from further illegal immigration and the smuggling of illegal drugs and weapons. I know that is not the message my constituents in Georgia want to hear.

Regardless of where Georgians stand on dealing with the current illegal population, the constant refrain I hear from folks back home is: secure the border. If we do not secure the border and have serious interior and worksite enforcement, then we have accomplished nothing. The American people demand no more and deserve no less.

I am proud to cosponsor this critical amendment, which will show the American people that providing an amnesty to millions of illegal immigrants is not more important than securing our borders. I urge my colleagues to support the Isakson amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 9 minutes, the Senator from Georgia controls 4 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 4 minutes.

Mr. DURBIN. Mr. President, I listened carefully to the President's speech last night. He gets it. As you listen to the debate on the floor from both sides the aisle, more and more Republican and Democratic Senators get it. They understand it now. It isn't just a matter of getting tough. It isn't just a matter of enforcement. It is a matter of enforcement and a process that results in comprehensive immigration reform.

If it were just a matter of making it tough to cross our borders, you would assume we would have moved toward solving the problem. But it hasn't happened. In the last decade, we have doubled the number of Border Patrol agents. They have spent eight times as

many hours patrolling the border in that 10-year period of time, and during that same period the number of undocumented immigrants coming into the United States has doubled—despite this dramatic increase in resources. Enforcement at the border is not stopping the flow.

The comprehensive bill says you need to do three things. You need border enforcement. I support what the President said last night. I think sending the National Guard, if we can get all the details, on an interim basis is a good thing to move toward enforcement. But you also need to have enforcement in the workplace so there is no magnet for these people to move into the United States. And you need to deal honestly with the 11 million or 12 million who are here and bring them out of the shadows so that we know who they are and where they are, whether they are working and whether they pose any threat to this country. It is a comprehensive approach.

Senator ISAKSON is stuck on the first issue—just enforce the borders and do nothing else until you have enforced the borders. But we have learned that is, in and of itself, not successful. You need to have a comprehensive approach—enforcement at borders, enforcement in the workplace, and a process that brings these people out of the shadows.

Senator SALAZAR has offered a reasonable alternative. He says leave it to the President of the United States to certify that it is in the best interest of our national security to move forward with this process. That puts a mind on the job that we need. It isn't just a simple certification of enforcement; it looks at the whole picture. Until you look at the whole picture on immigration, we will continue to have politicians debate it back and forth, with their 30-second ads flying in both directions, and nothing is going to happen.

This is a unique opportunity in our history to move forward with comprehensive immigration reform, something that will finally work.

Twenty years ago, when we granted amnesty, we thought it was the end of the issue. We were wrong. We have seen a dramatic increase in illegal immigration into the United States. Now, 20 years later, let us not repeat the mistake with a simpleminded, linear approach that says if we just get tough on the border, everything will be fine. You have to do the whole package. The President argued for that last night.

Part of that enforcement in the workplace is a tamper-proof ID card using biometrics so we know who that employee is, where they live, what their background may be, and finally a process—a long, tough process—where those who are here undocumented can earn their way into legal status. It may take them 10 years, it may take them 12 years, but in that period of time, they have to learn English, they have to work, they have to pay their taxes, they have to pay any fines they

owe this Government for coming into this country, and they have to show they have a demonstrated knowledge of our history and the way our Government works. They have to report every year so we know that they are keeping up with their requirements. And if they stick with it for 10 or 12 years, they will reach legal status. It is not amnesty, but it is a sensible part of comprehensive immigration reform.

I urge my colleagues to support Senator SALAZAR and oppose Senator ISAKSON's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 minutes 20 seconds.

Mr. SALAZAR. Mr. President, let me reiterate that the approach which was outlined by the President, which the bipartisan coalition of Senators has been working on, is a comprehensive approach. History has shown that when we take only one aspect of immigration reform, we fail. We failed in 1986. We failed at different efforts over the last 20 years. This time, we have to get it right.

The President of the United States is right when he ultimately stated last night that we need comprehensive immigration reform. The proposed amendment by my colleague from the State of Georgia, and my good friend, essentially would take what are the 54 provisions of title I in this piece of legislation we are currently considering, going from section 101 all the way to section 154. It essentially would say that we are only going to be about a border enforcement bill without dealing with the other aspects of the legislation which is proposed. He would leave on the side what we do to bring the 11 million people who are here out of the shadows and get them registered in a system where we can monitor them, make sure if they are criminals they are deported, make sure if they are law-abiding citizens we put them in a kind of guest worker program that will work, and his provision essentially would gut this bill.

The proposal of my good friend from Georgia is no different in most respects from what came out of the House of Representatives. It is a border-enforcement-only bill. It has been said time and time again that if we are going to address the issue of immigration reform, we need to do it in a comprehensive manner. We need to move with border enforcement, and our legislation does that. The President's statement last night that in the meantime we will go ahead and have the National Guard assist us in making sure we are securing our borders needs to be followed.

Second, we need to make sure we are enforcing our immigration laws within the interior of our country. Our legislation proposes to do that.

Third, we need to deal with the reality of the bill and the elephant in the



room—the 11 million people who are living here in the United States today. We need to bring them out of the shadows. My friend from Georgia would propose to leave them in the shadows for an indefinite period of time, whether it be 5 years, 20 years, or 30 years, whatever it might be. That will not work. We need to move forward with comprehensive immigration reform today.

I urge my colleagues to oppose the Isakson amendment and to support the amendment which I have offered.

I yield my time back to the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. ISAKSON. Mr. President, I yield 1 minute 30 seconds to the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, I ask unanimous consent that my name be added as an original cosponsor of the Isakson amendment.

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

Mr. THUNE. Mr. President, I would like to speak in support of that amendment this morning.

This approach is a very sound concept. In fact, as we get to the debate about immigration, clearly the first and most important issue to deal with is the issue of border security, and the people across this country are asking us to deal with it. Frankly, until we deal with that issue, we can't move on to the next issue of dealing with the 12 million people who are here already. Until we give the American people the confidence that we are serious about enforcing the border, that becomes an irrelevant conversation. This is a very simple concept.

I have supported the Isakson amendment since he first introduced it. We discussed this issue several weeks ago when he had his amendment filed and pending. I am glad we will have an opportunity to vote on it. I believe it is a very sound approach. It simply says that until we do these things, we can't do these things. The first and foremost paramount responsibility here is border security.

We need to enforce our borders. The Isakson amendment makes that abundantly clear.

Again, before we can deal with the other issues in this debate, I believe the American people expect us to have a secure border and one that is enforced and one that we are serious about in getting our illegal immigration stopped.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will take the last minute 20 seconds.

We ought to learn from history. What we learn from history, from the studies on the border and listening to those hearings, is that just trying to build up the border and add the fence down there is not going to solve the problem. If you read from history, as has been pointed out by Republicans and Demo-

crats, if you just grant amnesty, it doesn't solve the problem.

We have crafted a balanced program which will have strong national security, strong border protection, and also have strong enforcement in terms of employers and recognize that those individuals who are here working hard, playing by the rules, and paying the fines, we will have the ability to adjust their status.

You have to have the three legs of the stool. History teaches us that. The Isakson amendment will take two of those important legs away. It doesn't make sense if we are interested in national security, and it doesn't make sense if we want to have real immigration reform. The President understands it. I hope the Senate will.

The President understands it. I hope the Senate will.

Mr. REID. Is all time expired?

The PRESIDING OFFICER (Mr. BURR). The Senate majority still has 2½ minutes.

Mr. ISAKSON. Facts are stubborn figures. Senator KENNEDY said we should learn from history. He served in 1986, when we passed a bill that promised border security that did not deliver and granted amnesty that did not deliver, and we ended up quadrupling the number of illegal aliens in the United States.

Facts are also stubborn because every word he said about the Isakson amendment is inaccurate. He did not discuss a single word of the 614 pages, except to say before you grant legal status to people here illegally, we must have border security so we do not repeat the tragedy of 1986.

In Deep South Georgia, we have an old saying: If you want to get the mud out of the spring, you have to get the hog out of the water. The hog in the water in this debate is those who have been trying to obfuscate everything we are trying to say.

Simply, we want the same thing. We want comprehensive reform. That begins with what the President said last night: Border security first. The President said last night that we can do it by 2008. Ask Congress for the money. This is an authorization. I want a commitment.

If we do not commit to the people of the United States of America—our school systems that are overcrowded, our health care and emergency rooms that are challenged, our civil justice system is challenged—and see to it that we get a border that is secure so we can manage our legal immigration in the future, history will be the teacher that we had in 1986.

Facts are stubborn things. The fact is, the Isakson amendment on this comprehensive reform says what the President said last night, that securing the border first is job one. I submit anything that anyone says that is the opposite means they want to repeat the tragedy of 1986.

I ask my colleagues to sincerely search their heart and soul for their

constituents and vote in favor of this amendment. Let's have comprehensive reform that begins with a secure border.

The PRESIDING OFFICER. All time is expired.

Mr. REID. I will use my leader time.

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

10,000TH VOTE FOR SENATOR LEVIN

Mr. REID. Mr. President, on the next vote cast, we are going to vote on the Isakson amendment, and then we will vote on the Salazar amendment. On the Salazar vote, the distinguished senior Senator from the State of Michigan, CARL LEVIN, will cast his 10,000th vote.

It is very difficult in a short period of time, or a long period of time, to convey to the American people and to this Senate the personality of CARL LEVIN. I have had the good fortune of serving in Congress now for more than two decades. Prior to that, I had the good fortune of representing the State of Nevada in other positions in government. CARL LEVIN is a unique individual. I have never served with anyone whom I had greater respect for his ability to understand an issue.

There are so many instances. I can look at the last time we did the Defense authorization bill. We worked very hard to get 45 Democratic Senators to have an amendment that we could agree on that we would put forward our position on the intractable war in Iraq, led by CARL LEVIN. In numerous meetings we held in my office, we came up with an amendment. He would come back each time with his handwritten notes that this needed to be changed or that needed to be changed.

To show his integrity and how people feel about him on both sides of the aisle, when we finished our difficult work, he called me within an hour and said: Would you mind if I discussed this with Senator WARNER? I said: Of course, not. Within a few minutes, Senator WARNER was a cosponsor of that Democratic amendment. It was not a Democratic amendment, as we thought it was, it was an amendment for the Senate, and it passed overwhelmingly in the Senate.

With the Schiavo case that came before the Senate, a very difficult matter that came before the Senate, we were out of session. CARL LEVIN was in town. He worked on this, as many will recall, during the recess. We went back and looked at it some more. CARL LEVIN was changing parts of this. Changes were agreed upon by the Senate, and when this matter went to the Eleventh Circuit, the reason they decided the way they did is because of what LEVIN did to this matter before the Senate.

These are only two examples I came up with as I walked into the Senate. The instances are too numerous to mention, but it is not difficult to mention what a difference he has made in the Senate and in our country.

Here is a man who has an exemplary family. His wife Barbara is one of the

loveliest, kindest, finest people, with one of the best smiles I have ever seen on a person I have ever known. He has three daughters.

To try to convey the kind of man he is, I was thinking about running for the Senate. I was a Member of the House of Representatives. I came to visit CARL LEVIN. One of the first things I said to him after I said hello, I said: I served in Congress with your brother, Sandy. CARL LEVIN said to me, in the most positive, affectionate way about his brother, he said: Yes, he is my brother, but he is also my best friend.

That is CARL LEVIN, a man who was born in Detroit, MI, who has an outstanding educational background. He was a law professor. He practiced law. He now joins a distinguished group of Senators. CARL LEVIN will shortly cast his 10,000th vote. Senators SARBANES, LUGAR, and HATCH are in that category. Over 12,000 votes for Senators LEAHY, BIDEN, and DOMENICI. Over 14,000 votes for Senators STEVENS, INOUE, and KENNEDY; and Senator BYRD has over 17,000 votes. One, two, three, four, five, six, seven, eight, nine, he is in the top ten. And that is the same reason that Time magazine announced that CARL LEVIN was one of the best Senators in the United States. I agree with Time magazine. Congratulations, CARL.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent for 2 minutes.

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

Mr. LEVIN. Mr. President, first, let me thank the Democratic leader for everything he said and for everything he stands for and who he is.

This is a moment I have not looked forward to in terms of responding to what I knew was forthcoming. Basically, I don't feel 10,000 votes old. The Senate has changed a lot in the last 27 years. Some things have not changed. The trust and the affection and respect we feel for each other is still the basis of our operations. That has not changed.

This Senate is still, surely, the singular place in the world, where men and women can give their own lives and do so with respect for the rights of the minority to debate, to deliberate, and, yes, to delay, if that is important to making an issue clear.

The resilient strength of this Senate makes it almost impossible for someone to serve without sensing the majesty of this place and the special responsibility we all have as caretakers of the Senate.

In addition to my leader, I thank all the leaders of this Senate for making it what it is and keeping it what it is so be. I thank all my colleagues for all of the courtesies they have shown me over the years.

Let me thank my family for the constancy with which they have supported me and thank my staff for all the help they have provided to me. We all know

we cannot function without family and staff giving us the total support.

I thank our leader for mentioning my wife Barbara and our three children. I would only add four grandchildren to that. Other than that, he did cover the waterfront so well for us, and I am grateful for that.

Finally, let me thank the people of Michigan who have honored me for all these years with their trust and what is the responsibility that we all bear to our State and to our people.

I look forward to working with each of you, my colleagues, in the future as we have in the past. And a special thanks, again, to you Senator REID for the feeling and passion with which you do your work and in speaking those words.

The PRESIDING OFFICER. The question is on the Isakson amendment No. 3961.

Mr. KENNEDY. 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.

Mr. KENNEDY. And I ask for the yeas and nays on the following amendment, on the Salazar amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SALAZAR. I ask unanimous consent Senator MARTINEZ be added as a cosponsor to amendment No. 3994, which is my amendment.

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

The question is on agreeing to the amendment numbered 3961. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—40

Alexander	Dole	Nelson (NE)
Allard	Domenici	Roberts
Allen	Dorgan	Santorum
Bond	Ensign	Sessions
Bunning	Enzi	Smith
Burns	Frist	Stabenow
Burr	Grassley	Sununu
Byrd	Hatch	Talent
Chambliss	Hutchison	Thomas
Coburn	Inhofe	Thune
Conrad	Isakson	Vitter
Cornyn	Kyl	Wyden
Crapo	Landrieu	
DeMint	McConnell	

NAYS—55

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Graham	Murray
Bennett	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Brownback	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Lautenberg	Shelby
Coleman	Leahy	Snowe
Collins	Levin	Specter
Craig	Lieberman	Stevens
Dayton	Lincoln	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	
Durbin	Menendez	

NOT VOTING—5

Cochran	Lott	Rockefeller
Gregg	McCain	

The amendment (No. 3961) was rejected.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I voted to support the Isakson amendment which would have delayed the implementation of the amnesty provisions of this bill until the Secretary of Homeland Security had certified that the bill's security measures are fully operational.

I oppose amnesty for illegal aliens—absolutely and unequivocally. Therefore, I support those measures, such as the Isakson amendment, that would prevent the amnesty provisions of this bill from taking effect.

The PRESIDING OFFICER. The Senator from Michigan.

CONGRATULATING SENATOR LEVIN

Ms. STABENOW. Mr. President, before we proceed to the next vote, I want to acknowledge that this is a historic vote for us in Michigan because our senior Senator CARL LEVIN will be casting his 10,000th vote. We are so proud of him in Michigan. He stands for all that we believe in and serves with dignity and is respected by everyone here. I want to mention he is the 25th Senator in the history of our Senate to cast 10,000 votes.

I went back to research his very first vote. I thought this was an example of a historic moment. He cast his first vote on February 22, 1979. It was in favor of a Byrd motion to table a Stevens amendment to S. Res. 61 which was a postclosure rules change resolution. It was very profound, and he has been profound ever since.

Congratulations to Senator LEVIN.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I join the minority leader in congratulating our colleague, Senator LEVIN, on his 10,000th vote. His 28-year tenure has been marked by vote after vote. It represents his integrity, his character, his leadership. He cast his vote in some of the most significant consequential debates of this country.

Senator LEVIN has been that tireless advocate for our military, our military

families. His work with Chairman WARNER on our annual defense authorization bill provides that critical support for our troops in the form of both equipment and readiness. In 2004, the National Guard Association of the United States presented him with the Harry S. Truman Award for distinguished service in support of national defense. The awards go on and on and on. This is only one of the many awards he has received for his unflagging support of our military. I commend and thank Senator LEVIN for his tremendous contributions to this country and for his long and distinguished service to the people of Michigan. (Applause, Senators rising.)

VOTE ON AMENDMENT NO. 3994

The PRESIDING OFFICER. The question is on agreeing to the Salazar amendment No. 3994.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—79

Akaka	Ensign	Menendez
Alexander	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Frist	Murray
Bennett	Graham	Nelson (FL)
Biden	Grassley	Obama
Bingaman	Hagel	Pryor
Boxer	Harkin	Reed
Brownback	Hatch	Reid
Cantwell	Hutchison	Roberts
Carper	Inhofe	Salazar
Chafee	Inouye	Santorum
Chambliss	Isakson	Sarbanes
Clinton	Jeffords	Schumer
Coburn	Johnson	Smith
Coleman	Kennedy	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stabenow
Craig	Kyl	Stevens
Crapo	Landrieu	Sununu
Dayton	Lautenberg	Thune
DeMint	Leahy	Vitter
DeWine	Levin	Voivovich
Dodd	Lieberman	Warner
Dole	Lincoln	Wyden
Domenici	Lugar	
Durbin	Martinez	

NAYS—16

Allard	Byrd	Sessions
Allen	Cornyn	Shelby
Bond	Dorgan	Talent
Bunning	Enzi	Thomas
Burns	McConnell	
Burr	Nelson (NE)	

NOT VOTING—5

Cochran	Lott	Rockefeller
Gregg	McCain	

The amendment (No. 3994) was agreed to.

Mr. KENNEDY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I believe when we return at 2:1 p.m., we will go to Senator DORGAN's amendment, followed, hopefully, shortly thereafter by the Bingaman amendment, depending on the outcome, for the notification of the Members.

I thank all of our colleagues for their cooperation for a good morning's debate and discussion.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 1:02 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is 2:15. We are reconvening. We are about ready to proceed with the bill. We have quite a number of Senators who have stated an interest in filing amendments. We urge them to come to the floor so we can get a queue and proceed to consider the amendments and dispose of the bill.

Mr. DORGAN. Mr. President, is the Senator asking an inquiry at this point? I did not hear the inquiry.

Mr. SPECTER. We are ready for your amendment, Senator DORGAN, if you are prepared to offer it.

Mr. DORGAN. I will be laying the amendment down in just about a minute. I am reviewing one piece of it. I will be laying the amendment down in about a minute.

Mr. SPECTER. While you are undertaking those last-minute preparations, would you give some consideration to a time agreement, an hour equally divided?

Mr. DORGAN. Mr. President, I will do that, but I will not do it at the moment. I want to perfect the amendment and begin discussions, see how many on my side and perhaps your side wish to speak on it before we would make an agreement with respect to the time.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from North Dakota.

AMENDMENT NO. 4017

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes amendment numbered 4017.

Mr. DORGAN. 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:

(Purpose: To prohibit aliens who are currently outside the United States from participating in the H-2C guestworker visa program)

On page 250, between lines 13 and 14, insert the following:

“(1) ELIGIBILITY FOR DEFERRED MANDATORY DEPARTURE STATUS.—The alien shall establish that the alien is eligible for Deferred Mandatory Departure status under section 245C.

Mr. DORGAN. Mr. President, I have offered an amendment. I will describe very briefly what it does. It essentially strikes the guest worker provision, as it is now known. Guest worker is described in other ways—future flow, guest worker. It strikes that provision, but it does it in a way that would not interrupt the underlying bill's decision to have those who are here for 2 to 5 years to step outside this country and step back in. It would not affect those folks, but it would prevent the guest worker provision from being operative in a way that would allow those who are now living outside of our country, who are not in this country, living outside of the country, to come in in future years under this guest worker provision.

The guest worker, future flow—all these titles that are used by the President and by people in the Senate, it is kind of like Mr. Roger's Neighborhood. These are wonderful-sounding terms—future flow. I didn't know what that was until I learned or heard some of the descriptions of future flow. What that means is we are going to provide a circumstance where we try to get control of immigration but at the same time allow others who are now outside of our country to come into our country under a guest worker provision.

Let me describe the circumstances, especially on the southern border, for the moment. Last year, we believe there were 1.1 to 1.2 million people who tried to come into this country but were apprehended and stopped and prevented from coming in illegally. We also believe that in addition to the 1.1 million or so who were stopped and not allowed to come into this country illegally, there were another probably three-quarters of a million people who came illegally across the southern border.

In addition to that, about 175,000 people came in legally across the southern border—those who had children here under the quotas or other circumstances and came into our country legally. So 1.1 million were apprehended and stopped, about three-quarters of a million came illegally, and about another 175,000 came legally into this country.

We are at a time where, if you read the paper every single day, what you see is the new corporate economic strategy. In fact, Tom Friedman wrote a book, “The World Is Flat.” Of course, the world isn't flat. That sells a lot of books, but the world isn't flat. The proposition of “The World Is Flat” is that there are now 1 billion to 1.5 billion people around the rest of the world