

jobs in the hospitality industry or for craft work in construction or manufacturing.

I begrudge no one the desire to come to the United States to make a better life for themselves. My grandparents did that, and so did my wife's mother. I certainly hope the economy will grow fast enough that we will need additional workers, but our first responsibility is to our own people. We cannot sustain the American dream if we do not provide opportunity for all Americans, including those who do not or cannot go to college. I can think of nothing more likely to cause conflict and division, and raise the ugly specter of ethnic prejudice than making millions of Americans compete against foreign workers, sometimes in economic recessions, for the jobs their families need to make ends meet.

Congress should be willing to increase legal immigration where our employers have proven needs that our own workers cannot meet. I believe such shortage exists today in certain parts of the economy, such as agriculture, and I would be willing to consider increases in the current limits in those areas. But that decision should be made on the basis of evidence, not speculation, and Congress should make it carefully and for short periods of time rather than guessing what the labor situation will be 10 or 20 years from now.

These decisions we are considering today matter. They affect the lives of millions of our people who rightly expect that we will look out for their interests, not make them feel guilty about their legitimate concerns for themselves and their loved ones. Moreover, the legal immigration provisions in the bill will cost our taxpayers \$54 billion over the next 10 years. That fact is not disputed, even by the sponsors of the bill. Because of the deficit, our health care programs are under pressure. Congress is begrudging disaster relief to our farmers. The Nation's transportation infrastructure is underfunded, and some are proposing to reduce the defense budget or increase taxes. I simply cannot understand why, at a time like this, Congress would undertake an additional budgetary commitment of this magnitude to foreign workers our economy may not even need.

Finally, I oppose the bill because it does very little to fix the current legal immigration system. The great irony of this whole debate is that it has focused largely on the wrong problem. If we want to help the economy and provide justice to immigrants, we should concentrate first on making our current programs at least minimally workable.

As Senators are probably aware, there are significant backlogs in our current system due to the sheer volume of aliens eligible to legally immigrate to the United States. As of December 31, 2003, the U.S. Customs and Immigration Service, that is the

USCIS, reported 5.3 million immigrant petitions pending. USCIS decreased the number of immigrant petitions by 24 percent by the end of fiscal year 2004—that is a pretty good job—but they still had 4.1 million petitions pending. Every new applicant who is not an immediate relative of a U.S. citizen must go to the end of lines that vary in length according to country, the prospective immigrant's relationship to their American sponsor, and profession.

According to the State Department, experienced laborers from India face a 5-year wait for a visa, while Filipino siblings of Americans wait more than 22 years.

In my office, we live with this problem with the current immigration system every day. I have five caseworkers who spend parts of each day in response to constituent requests, assisting those who actually claim a legal right to enter our country. These prospective immigrants have respected our laws. They and their Missouri sponsors spend large amounts of time and money trying to navigate the existing system. We have almost 200 pending cases in our office alone.

They include Missourians who want to adopt children from abroad, foreign doctors who want to work in rural areas where they are desperately needed, and world renowned researchers who want to bring their knowledge to the United States. These people have a right to immigrate under the current laws. Yet the bill does nothing for them. In fact, the bill makes their situation worse because it puts them at the back of the line. The bill inevitably means that the time and attention of the Immigration Service will be spent processing the applications of undocumented workers and administering a vague new guest worker program for 70 million to 90 million people, rather than on the cases of legal immigrants which, in some cases, have been pending for years.

What I have just said is the answer to those who claim this bill is necessary because it is the only practical solution to our current situation. Mr. President, anybody even marginally familiar with our current legal immigration system knows that it is in disarray. I honor the work of our border agents, but the reality is that our existing border security system is in every respect inadequate. I recognize that many diligent government workers are trying to process the claims of legal immigrants, but here again, they and the system are overwhelmed, even in trying to administer the current complicated visa system. The idea that our current immigration infrastructure can take on the real job of border security, process a multitiered amnesty program for 10 million to 12 million illegal aliens, and administer the claims of 70 million to 90 million new immigrants, in addition to its current responsibilities, is sheer fantasy. And to argue in favor of this bill on the

grounds that it is a practical solution to anything shows how far from reality the proponents of this legislation have really traveled.

Mr. President, I suppose there are many in Missouri who support this bill, and I know many Senators have worked hard to come up with this legislation. But in the last month, I have received over 4,000 calls, e-mails, and letters urgently in opposition to this measure before us, and I think a word should be spoken on behalf of the concerns of those constituents. They are not paranoid because, in a world of terrorism, they want the border under control. They are not ungenerous because they worry about jobs for themselves and their children. And they are not less progressive than Washington opinionmakers because they believe in the sovereign right of a democratic people who decide who and who shouldn't become a resident of this country.

The Senate had a chance to pass a good bill, a bill that secured the border, that fixed the system of legal immigration, that developed the biometrics our border security and immigration agents need to enforce the law that stops the coyotes and the fly-by-night employers from circumventing the law and paying cash to unlawful workers. The Senate has fumbled that chance. I suppose this bill will pass, based on the votes we have had in the last week or so. My hope is that in conference with the House, the Senate will agree to a commonsense bill that I can support, one that respects the balance which the American people want, are waiting for, and have the right to expect.

Mr. President, I yield the floor.

CHANGE OF VOTE

Mr. SMITH. Mr. President, on roll-call vote 140, I was recorded as voting nay. My intention was to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. CARPER. Mr. President, I want to follow up on the comments of my friend from Missouri as he leaves the Chamber and just to acknowledge and to second his comments. He said we are indebted to those who work so hard to try to piece together this compromise legislation, and I agree. We will attack a lot of difficult issues this year—we already have—and I think few of them are more difficult than the one that we have been working with this week, last week, last month, and we will probably be dealing with in the months to come to try to hammer out a final bill to send to the President for his consideration.

Let me just make a couple of observations. First of all, let me say I am

told that last week some 10,000 people came across our borders illegally. We understand that roughly 10,000 will come across our borders illegally this week. Roughly another 10,000 will enter this country illegally next week. Some people have suggested amnesty is the answer. I don't believe that it is.

We have heard it said on this floor today, and I will say it again tonight, simply providing amnesty sends the wrong signal to a lot of folks. It sends the wrong signal to people who live south of our country who, if they come in illegally, eventually we will let stay. It also sends the wrong signal, in my view, to people who are waiting—in some cases for years—to become legal residents or citizens of this country and who, even though they have been trying to play by the rules, we let other folks come in ahead of them who have not played by the rules. I think that is wrong.

What I think we need to do is to take an approach similar to that which we are taking here as we debate this legislation and amend this legislation and, I hope, improve on this legislation. We need a policy that is tough. We need an immigration policy that is smart. We need an immigration policy that is comprehensive.

I agree with many of my colleagues, including my friend from Missouri who has just spoken. I believe it begins with tougher borders, tougher border security. We have seen an increase in the number of Border Patrol who man our borders along the border of the United States and Mexico. I am told we have seen between 1995 and 2005 a doubling of the number of Border Patrol who patrol that area. Meanwhile, between 2001 and this year, we have seen a drop by almost a third of the folks who are apprehended coming into this country illegally. That makes no sense.

I think in terms of being on the border, we may need more Border Patrol. We are certainly voting for more Border Patrol, and I think that is the right step. But it is also important that the folks to whom we assign these responsibilities do a better job of tightening the borders and apprehending those who attempt to come through illegally.

The President proposed—and we have signed off on it—the deployment of National Guard troops along our border to work in conjunction with Border Patrol. I support that. As an old commander in chief of the Delaware National Guard for 8 years, I believe the National Guard can play a constructive role here.

One idea that I think makes sense is sort of a synergistic approach. We have a number of Air National Guard units around the country that have for their aircraft that they work with, they have pilotless drones. And I could see using several squadrons of those pilotless drones along our border to supplement the Border Patrol, to make them more effective, to put into the air these aircraft that can detect the movement of individuals, of vehicles moving toward

our border. They are effective in the daytime and at night with infrared technology. I think that is a smart use of our National Guard and provides the kind of synergy that I think we ought to be looking for in deploying along our border for maybe a 12-month period.

I know some people are uncomfortable with the notion of building a fence along any portion of our border with Mexico. I have traveled to Israel and seen a fence being built throughout that country, the intention of which is to protect the Israelis from terrorists. And I know some people are offended by the construction of that fence. Personally, I am not. I am not offended by the notion of a fence along portions of our border with Mexico. I don't know that it makes sense, dollars and cents, to construct a fence along the entire 2,000-mile border of the United States and Mexico. But there may be stretches, several hundreds of miles, maybe 300, 400 miles where a fence is cost effective, or where a fence can complement and enhance the ability of our Border Patrol, the ability of our Guard units to provide the kind of balance and deterrence that we need.

With respect to technology, technology can be a great help to us. Unmanned aircraft is just one example. Also, simply better identification that would be awarded to people when they come here legally, whether it is as a guest worker or on a more permanent working basis, to provide them with identification that is, as best we can make it, tamper-proof.

I am reminded every time I go through the security checkpoints at airports, waiting to get through the checkpoints to get on a plane, I see people, usually crew members, who simply go to the front of the line. They go through quickly, and in many cases they have their own identification. Maybe they have biometrics. It may involve fingerprints, eyes, retinal scans. They can get through quickly.

I read recently, I think it was in *Business Week*, of that kind of identification that may become available commercially to folks who are willing to put out \$100 or so, maybe less than that, in order to get identification that is pretty much tamper-proof, that would really say that whoever possesses this identification is indeed the person they profess to be. That is the kind of technology I think we need.

We need more detention beds. The idea that somebody shows up from Mexico, and we simply take them back to Mexico, that is fine. But if they happen to be from Guatemala or Honduras or Peru or Chile, we simply take them to a detention center. We have beds, we put them in that detention center to await an arraignment hearing. If we don't have beds, we say: Come back in a week or a month or two or three. We release them on their own recognition, and we shouldn't be surprised that a lot of times they don't come back. I don't think we should expect them to come back.

We need more detention beds, and rather than simply turning people loose, knowing that they are unlikely to show up, we ought to be—we ought to be—smarter than that. Part of the solution is more detention beds.

Another aspect of a comprehensive law is to better enforce, to rigorously enforce the laws that we have on the books and to strengthen them with respect to employers who knowingly hire folks who are here illegally. If you look at the number of prosecutions over the last half dozen or so years, it is pitiful in terms of the employers we know are doing something illegal, that they are not doing the right work in making sure that the folks who are working for them are here lawfully. The employers aren't doing it, and, frankly, we haven't been doing much about it. We need to be tougher on that. This bill calls for that. But the best laws, the toughest penalties on the books are no better than the enforcement. In fact, we need much better enforcement.

The President has been a big advocate of a guest worker program. I think he was calling for 400,000 guest workers this year, next year, the year after that. I think we have significantly scaled back the scope of that guest worker program. I think it is acceptable that it be a small portion of a comprehensive bill, but not as the President earlier suggested as really the centerpiece.

Let me say a word or two about the 10 million or 12 million people who are here illegally, what to do with them. I know we have some who say just send them all back, line them up, put them on a bus or an airplane and send them back where they came from. I don't understand how practical that is. I understand the sentiment some feel in wanting to do that. What we are suggesting in this bill is we take an approach for people who have been here illegally, violated our laws, done so repeatedly, either committed a felony or multiple misdemeanors—that is it. They don't have a chance to stay here, no chance to be on a probationary period for 6 years or six decades and work their way toward citizenship. That is how it should be.

On the other hand, folks who have been here for 5 years or more, they worked, essentially they abided by the laws as a citizen here, they paid taxes—if those people are willing to serve an additional probationary period for 6 years or more, continue to work, continue to pay taxes, stay out of trouble with the law, to learn English, to pay a substantial fine—and frankly the size of that fine continues to grow; we grew it further tonight to be somewhere in excess of \$3,000—folks who are willing to abide by the conditions of that kind of probation and do so religiously, year after year for half a dozen years or more, they have a chance to work their way toward citizenship.

Similarly, for those who have been here from 2 to 5 years, they would have a chance if they are willing to go back

and come into this country through a couple of dozen entry points along the border, to get valid identification so we know who they are and we know they are here, that they, too, after a period of time would have a chance to enter the same kind of 6-year probationary period, abide by the law, pay taxes, work, pay a fine, learn English—those kinds of things. If they do those things, they, too, would have a chance to work toward citizenship.

For people who have been here less than 2 years or people who violated our laws, violated our laws repeatedly, they are out of luck. They will go back to where they came from, and ultimately, if they have not been lawbreakers, they would have a chance to reapply. I don't think their chances of getting back here any time soon would be good.

The last thing, I say it is not in this bill and I think it is unfortunate that it is not—they talked about it in our caucus, and there has been some serious discussion about whether we ought to raise the minimum wage in our country. We raised the minimum wage when I was Governor. I think 20 or so States have done so, ahead of the Nation. It has been 20 years or more since we raised it. To the extent we actually pay people a better wage in this country, we encourage more Americans to do these jobs which allegedly Americans will not do, which only foreigners are willing to do. Unfortunately, that increase in the minimum wage is not going to be part of this bill. I think that is probably a mistake, but it is what it is.

In closing, at least with respect to immigration tonight, I again want to say it is not good when 10,000 people are coming across our borders last week, this week, next week. Amnesty is not the answer. I believe the answer is legislation that is tough, that is smart, that is comprehensive, that begins with a heavy focus on making our borders more secure, enforcing the laws that are supposed to be in effect with respect to employers who knowingly hire illegal aliens, trying to make sure the identification folks bring to this country to demonstrate to employers—that we better ensure it is tamper-proof and we use technology to do that sort of thing.

There are a couple of outcomes that could come out of our work here. We are going to take up this bill tomorrow with some final amendments, and we will vote on whether to pass it and to go to conference with the House, which has a somewhat different bill, as we know. It is not a comprehensive bill but a bill not without some virtue.

I think we will have a chance to pass this bill tomorrow and go to conference. There are some people saying today in our own cloakroom there is no way we are ever going to get a compromise out of a conference with the House. We may pass this bill, but that will be pretty much the end of it. They may be right. I hope they are wrong.

Maybe among the outcomes here, maybe the worst would be to pass a bad bill and send the President a bad bill he might sign. That would be a mistake.

Almost as great a mistake as that would be, I believe, would be to do nothing and to leave here this year having not addressed our problems and to know that people are going to continue to stream into this country illegally. In most cases, they are just folks who want to come to work. In some cases, they are people who are criminals. Maybe in some cases, they are people who would come here as terrorists. That is just unacceptable.

I am, frankly, proud of the Senate and the work we have done. I think in a way the center has sort of come together and held. The center has held with respect to this bill and sort of rejecting extreme views on either side. I find that encouraging.

I don't have to say complimentary things about the President. I think in this case, in this instance, he has shown leadership and willingness to use some of that political capital he earned back in 2004 and I think to put it to pretty good use.

HONORING OUR ARMED FORCES

CORPORAL CORY PALMER

MARINE CORPORAL SEAN BARNEY

STEPHEN SNOWBERGER

Mr. CARPER. I would like to change gears, if I could. I would like to talk about a place in southern Delaware, a place called Seaford. Most people in this Chamber—my guess is most people around the world—have never heard about Seaford, DE, but almost everybody in this country and around the world has heard about a product called nylon. The first nylon plant in the world was built in Seaford, DE, by the DuPont Company, I think roughly 60 years or so ago. It is a plant that is still in operation, though run by a different firm today. There are still close to 1,000 people who work there. So Seaford is really known in our State, and to the extent they are known around the country, as the home of the first nylon plant ever built in the world.

Seaford is a small town. I don't know exactly how many people live there now, but it is less than 10,000 people—maybe 5,000 or so. There is a lot of pride there, about their heritage with DuPont and a number of other reasons as well. It is in the southwestern part of our State, Sussex County. A number of people in Seaford have gone on to serve in the Armed Forces of our country. This month, two of our young Seaford natives who had gone on to serve in Iraq have given their lives, have lost their lives. A young man named Cory Palmer, earlier in his life, maybe 10 years ago, came up to the Governor's house. I was hosting the Governors Fall Festival. We kicked off the Governors Fall Festival every year with a 5-kilometer race. I remember

Cory and other members of his family running in that race with the rest of us.

Earlier this month, Cory was in a humvee in Fallujah, with his teammates and the humvee exploded. It hit an IED, a big one, and Cory and his team, I think now maybe all six of them, at least five, have lost their lives.

I had the privilege of visiting with Cory Palmer's parents about 12 days ago. As I sat there in the living room of that home with Cory's mom and dad, with his grandparents, siblings, I talked about another young man, a fellow who came to my attention—gosh, 6 years ago.

I got a phone call from Bill Bradley, Senator Bill Bradley, who was running for President. Bill Bradley called me to talk about a couple of guys who had worked in his Presidential campaign. He said: I am pulling out of the Presidential campaign. I have several people in my Presidential campaign whom you ought to talk to as you consider your run for the Senate.

One of the names he shared with me that day was that of Sean Barney. Sean Barney came to work for us and ended up being my research director in our campaign for 2001. One of the smartest people I have ever met, he was also one of the hardest working people I have ever met. Sean worked as a research director in our campaign. In the campaign, he came early, he worked late. He didn't just do it once in a while, he did it every day and every night. I think one of the reasons we were successful in that campaign was because of his hard work and sort of never-say-die attitude.

I got elected, came to the Senate, and I asked Sean if he would join us on my Senate staff and he said that he would be pleased to do that. He came to work in January of 2001, one of the first people we hired. He came on board as a senior legislative aide.

I will not soon forget the day he came into my office and said to me, after 9/11, that he felt the need to do something more to serve our country. He knew that I had served in the Navy. He said he had always respected the service that I had to my country during the Vietnam war and later on in the Cold War. He said he felt the need to do that kind of thing as well.

Sean was then in his mid- to late 20s. I said: Sean, you served your country already. You do a great job of serving Delaware, you serve your country, you do it right here in the Senate, and we are lucky that you do. Why don't you just stay here with us and continue the service you perform and perform so well?

Just like in the campaign where he came early, worked late, in the Senate he was just the same. He had a whole range of issues, from tax policy, budget policy, Social Security, Medicare—he didn't take the easy issues, he took the tough issues. He came early, worked late. He had a great sense of humor,