

[Rollcall Vote No. 173 Leg.]

## YEAS—69

Akaka	Feingold	McCaskill
Alexander	Feinstein	McConnell
Bayh	Graham	Menendez
Bennett	Grassley	Mikulski
Bingaman	Gregg	Murkowski
Bond	Hagel	Murray
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Pryor
Brownback	Inouye	Reed
Burr	Isakson	Reid
Cantwell	Kennedy	Rockefeller
Cardin	Klobuchar	Salazar
Carper	Kohl	Schumer
Casey	Kyl	Smith
Chambliss	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Voinovich
Craig	Lincoln	Warner
Domenici	Lott	Webb
Durbin	Lugar	Whitehouse
Ensign	Martinez	Wyden

## NAYS—23

Allard	DeMint	Sessions
Baucus	Dole	Shelby
Bunning	Dorgan	Sununu
Byrd	Enzi	Tester
Coburn	Hutchison	Thomas
Corker	Inhofe	Thune
Cornyn	Roberts	Vitter
Crapo	Sanders	

## NOT VOTING—8

Biden	Johnson	Nelson (FL)
Clinton	Kerry	Obama
Dodd	McCaain	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, for all Senators, I have had a number of conversations with the distinguished Republican leader. I think it would be in the best interests of the Senate—I am confident that Senator MCCONNELL agrees because it was his suggestion—that we not try to finish this bill this week.

I think we could, but I am afraid that conclusion wouldn't be anything that anyone wanted. There simply is not enough time on this massive, massively important piece of legislation to do it all on Tuesday, Wednesday, Thursday, and Friday.

So, reluctantly; I kind of guard this schedule like my best friend, I think I am going to have to give my best friend 1 less week to do other things. When we come back the week after the Memorial Day break, we will spend that on immigration. I think the country deserves it. I think the Senate deserves it. We can come up with a better piece of legislation in that period of time.

I do appreciate the suggestion of my distinguished Republican counterpart. Also, Mr. President, as I have said, this is an imperfect piece of legislation. But what in the world would anyone expect? This is a tremendously important piece of legislation. The immigration system in our country is broken. It needs fixing. We have an obligation to fix it, as hard as it is, because it is required that we take positions on issues we would rather not.

So I would hope, during the next couple of weeks as we are working on this

matter, that people will legislate in a bipartisan manner. No one is trying to get an advantage over anyone else with this piece of legislation. We have blame for both Democrats and Republicans.

But whatever we do in the Senate is not the last word. After we complete the legislation, the House will have to do something on that. They will come up with what they feel is the best way to handle immigration. We will then go to conference.

During these entire three steps, we will be working with the White House to try to come up with something to fix a broken system. Now, are we going fix it perfectly? Probably not. But it is something that is badly in need of fixing. We are going to make it much better at the end of the process than it is now.

I yield the floor

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I appreciate the remarks of the majority leader. It reflects the conversation he and I had earlier this afternoon, where I indicated there was a strong feeling on this side of the aisle that this was a 2-week bill.

Last year when we took up this matter, there were 35 amendments voted on. Twenty-three amendments were voted on before cloture, 12 were voted on after cloture. Clearly, this is an extraordinarily complex and challenging piece of legislation.

So I wish to thank my friend, the majority leader, for realizing this is not going to go anywhere unless we have a full and thorough debate of at least 2 weeks.

I yield the floor.

#### COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order the motion to proceed is agreed to.

The Senate will proceed to the consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the chair for the effort he has taken. I hesitate very much to impose on the time of the Senate. But there ought to be a time now and then when one might impose on the time of the Senate.

Let me read from the Standing Orders of the Senate, Standing Order 105.

Hear this: "Resolved, That it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator."

I always try to do that, Mr. President. That was by S. Res. 480, 90th Congress, second session, October 11, 1984. I will tell you who authored that resolu-

tion. That was my former colleague, my former late colleague Jennings Randolph. I have never forgotten it. Once in a while, I vote from the well of the Senate, and sometimes I cast my vote from here. But that is what this book says: "Resolved, that it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator."

There was a reason for that. I won't take the time of the Senate this evening to talk about this further, but I will have something to say one day about that. "[E]ach Senator shall vote from the assigned desk of the Senator. S. Res. 480, 90th Congress, second session, October 11, 1984.

May God bless his name, Jennings Randolph.

I thank the Senate, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as always, we thank the Senator from West Virginia for insisting that Senate decorum be enforced. All of us understand his devotion to this institution and to its ability to function in an effective and efficient way. He reminds us, and we need to be reminded at times. We thank him. I remember Jennings Randolph making those points time and time again about standing at one's desk. That was back at another time, but I certainly remember his service to the country.

So we have some idea of the way we are going to proceed, I have been notified, although I haven't had an opportunity to talk either to Senator SPECTER or Senator KYL or others on the other side, that we have two amendments at least that are going to deal with the temporary worker provision, one which would effectively strike all of the temporary worker provisions that will be probably offered by the Senator from North Dakota, and another amendment which will be the amendment to reduce the number of temporary workers from 400,000 to 200,000. Those were amendments similar to the ones we had the last time we had the immigration bill. We had a good discussion, and we will have that debate, but we don't expect, obviously, that we will be voting this evening. We are prepared to involve or engage in the debate or discussion, if those Members want to, but it will be our hope that those amendments would be done in a timely way for tomorrow. It is a good way to get the debate started because it is an issue that is broad enough in scope that certainly those of us who were here during the last debate remember it quite clearly. Others can understand it quite well because it is a fairly obvious issue. It is about what is going to be the number, whether we are going to have a temporary worker program and whether we are going to have temporary workers at this dimension, 400,000 reduced to 200,000.

I hope that will be the beginning of the debate. We will talk to those Members to try to give the membership as much notice as possible to address those issues in a timely way. They have indicated their desire to start with those. We would expect that to be done.

#### MORNING BUSINESS

Mr. KENNEDY. I ask unanimous consent that until 7 p.m., there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Arizona.

#### IMMIGRATION

Mr. KYL. Mr. President, let me comment a little bit on the same points Senator KENNEDY made.

This is an extraordinarily important piece of legislation. The American people—certainly our colleagues in the Senate—need plenty of time to digest and debate and discuss it. It is certainly nobody's intention that this would be rushed. That is why the majority leader made comments earlier this evening that assures all of the Members of this body that not only will we have this week to debate and perhaps amend the legislation, but that upon our return from the Memorial Day recess, we will take up the bill again and, as he indicated, would have another week, if we needed it, to continue work on the legislation.

While it is true the legislation did not go through the committee process, I assure my colleagues it was never anyone's intent that there not be the fullest opportunity for discussion and debate. That will in fact occur. We are now on the bill formally. It is also my understanding that technical changes from the draft legislation will be completed tonight and the first amendment will be the amendment of that substitute version. If the distinguished chairman of the committee has any other point on that, perhaps he could make it. But that would then put before the body the exact language we would begin the debate and discussion on.

I have about another 5 minutes of comments unless Senator KENNEDY wants to say anything else.

It would be in order to thank Secretary Chertoff and Secretary Gutierrez for their work in helping us in the Senate to craft this bipartisan consensus legislation. So much of the enforcement of the legislation will depend upon action by the administration. They had to help us ensure this was a bill that could be enforced in the future.

I know during the last election so many of my constituents asked the question: Why should we create a new law for you to enforce when the current law is not being enforced? That is

a good question. So one of the things we tried to do in drafting this legislation was to put together a bill that actually would and could be enforced, and the administration has helped us by providing expertise in what it would take for Homeland Security and other departments to actually provide the enforcement the American people so desperately want.

There was general agreement that return to the rule of law was the central component of any bipartisan compromise, starting with securing the border, working right up to more enforcement in the interior of the country, and especially at the workplace, to make sure nobody in the future would be hired unless it could be established they were entitled to be hired. That is one of the critical changes in this legislation from the previous law which was not enforceable and, as virtually everybody who knows this subject appreciates, the law is not being assiduously enforced particularly at the workplace. So that is a critical component of what we have talked about doing.

There are a great many other things that will be discussed as we proceed with the legislation. Referring back to my recent campaign, the voters in my State of Arizona, which is being overrun by illegal immigration, had one message loudly and clearly: Do something about this problem of illegal immigration. So I was returned to the Senate by my constituents with an obligation to do my best to get in and do as much as we could to secure the border, return to the rule of law, ensure that only people who are eligible to work here are permitted to do so, deal with the people who are here illegally in a humane and just way, and try to set up a temporary worker program for temporary workers only, rather than to recreate the problem we have today with a great deal of foreign-born workforce that isn't legal in the United States and is now demanding to become legal.

In order to get engaged in that process and do something about it, it was important to sit down with people of the other side as well as the administration. Of all the criticism I have received for being one of the sponsors of this legislation, the one I don't quite understand from my constituents is, why would I sit down with Senator KENNEDY? What I have tried to tell them is, I understand your anxiety about sitting down with Senator KENNEDY, but on the other hand, in a body of 100 Senators who are supposed to try to work together to find solutions to problems, do you not at least acknowledge that every now and then you have to sit down and talk to each other, even when you are on the other side of the aisle? Senator KENNEDY right now happens to be in the majority, in addition.

As a result, it is, in my position, important to sit down, articulate what the people of Arizona have told me

they would like in any immigration reform, and do my best to try to see that those principles, as much as possible, are included in this legislation. If I didn't sit down with Senator KENNEDY, I doubt he would include very much of what I wanted in the legislation he could otherwise draft. So what we have done, in a bipartisan fashion, is to get Senators on both sides of the aisle, with many different views, agreeing to try to put together something that can pass this body, pass the House of Representatives, and be signed into law. I know every one of us will stand up here and say: This is not the bill I would have drafted if I were king of the world or queen of the world. There is a lot in this bill I don't like very much. But I know that in order to get something, you have to give something. At the end of the day, in order to do something about the problem of illegal immigration that is hurting my own State of Arizona in ways I can't begin to describe, we have to try our very best to work together to get something that will actually pass the Senate. That means an agreement with the administration, with Democrats, and with Republicans.

I hope as my colleagues consider what we have put together, they will acknowledge you have to start somewhere, but that if there are amendments that go to the heart of this agreement and that break the agreement apart in substantial ways—not ways at the periphery or tangentially but that go to the guts of this agreement—that they can fully expect it will no longer enjoy the support of those of us who worked hard to put the agreement together. If you want to try to kill this legislation, go right to the heart of it and change any of the major pieces of it, you will find it will quickly lose support, including mine.

We fully expect Members to have a lot of amendments that deal with different aspects of the bill. There are a million different details, and that is all fine. But if we go to the guts of the legislation and that basic agreement is destroyed, then I think we will see support for it evaporate quickly, including mine.

I am looking forward to working with my colleagues and debating and discussing this legislation. But at the end of the day, I conclude there is no option of doing nothing, that our only option is to do something. That means sitting down, working together, and trying to get a good bill passed.

I appreciate the spirit in which all of my colleagues who have joined in this effort have worked toward this end.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Arizona for his comments and for his general assessment of the circumstances we find ourselves with. I can certainly give the assurance to the people of Arizona that Senator KYL is a person of extremely strong views, who has felt very deeply