

it and try to decide how you should handle this very important piece of legislation. We need to do something. We need to do something that is good. We need to pass a bill. I guess no bill will be perfect, but we do not need to pass bills with serious flaws in them, those that undermine the principles that any effective immigration system should be founded on.

I will have extra time. We will talk about that later and talk about some other things I have.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand under the order, Senator SESSIONS is to be recognized to speak for a period of time.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I have consulted with Senator SESSIONS. I asked if it was OK if I proceeded for 5 minutes preceding his remarks. Accordingly, I ask unanimous consent to proceed for 5 minutes.

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

PAY RAISE FOR SOLDIERS

Mr. BAUCUS. Mr. President, I rise in support of our troops. There are few things as important as the gift of one's labor, one's love, one's life. Our soldiers are asked to make generous sacrifices of these precious commodities every day. Our finest young soldiers work 19 hours a day in hot, dry, dangerous places such as Fallujah and Kabul. They do so because they have a deep love of country. Many of our soldiers make the ultimate sacrifice with their lives. Increasingly, we are asking more and more of our soldiers. In April, Secretary Gates announced he is extending the tours of duty for active-duty soldiers in Iraq and Afghanistan from 12 to 15 months. Our troops have already accomplished so much: deposed Saddam Hussein, toppled the Taliban, responded to the threats posed by vicious terrorists around the world. They have done everything we have asked of them. I was, therefore, disappointed when I came across a newspaper article this weekend noting that the administration opposes a modest pay raise for American soldiers.

The House Defense authorization bill includes a one-half of 1 percent increase in military pay above the Presi-

dent's request. For the average new enlistee, this will amount to roughly \$75 per year in extra pay—clearly, not enough to cover additional costs: school clothes for kids, a family trip to the ballpark, a few tanks of gas at the prices we are stuck paying.

The increase is aimed at reducing the gap in pay between comparable military and civilian jobs that stands at about 4 percent today. Even after the proposed increase, that gap will remain at least 1.4 percent, clearly not keeping up with civilian pay increases.

Of the billions of dollars we spend on the wars in Afghanistan and Iraq, it would seem absurd to oppose this small pay bump, but that is exactly what the administration is doing. In a May 17, 2007, letter to the House Armed Services Committee, the President's budget director announced the pay increase included in the House bill is "unnecessary." I believe it is necessary. I believe it is necessary to do anything we can to provide for the welfare of our fighting men and women. Salaries for newly minted enlistees start at about \$15,600 per year. To put this in perspective, new enlistees with three or more dependents are eligible for food stamps.

Among the sacrifices we ask of our men and women in harm's way, going hungry should not be one of them. In addition, the administration opposes a \$40 per month increase in allowances for the widows of slain soldiers. Again, this is a modest bump in benefits and pales in comparison to the sacrifice these families have made. Forty dollars a month extra won't make it any easier to face another day without a loved one who is lost, but it could help pay the rent, keep the heat on, and relieve a bit of stress for families facing a new world without their spouse. That is why I am urging the administration to reconsider their opposition to a pay increase and additional survivor benefit. Supporting our troops is something we all agree on, Republicans and Democrats alike.

I ask the President to reconsider his opposition to increased pay for our soldiers and aid for this war's widows. We may not all agree on what we should do in Iraq going forward, but I believe we can and should reach a simple accommodation on troop pay.

Mr. President, I see my friend getting prepared. I ask for 1 or 2 minutes' indulgence.

CHILDREN'S HEALTH

Mr. President, in the Catholic and Eastern Orthodox Bibles, the book of Ben Sirah counsels: "Observe the opportunity."

This year, the Senate has the opportunity to improve the health of millions of American children, for the next decade.

The Senate has the opportunity to renew and improve the State Children's Health Insurance Program, or CHIP.

Let us seize the opportunity.

There is no greater health care priority for me this year.

In a few short weeks, the Finance Committee will consider legislation to

reauthorize and strengthen this successful 10-year-old program.

Many of us were present in this Chamber when we created CHIP in 1997. Since then, this program has proven to be a true success.

Since its inception, CHIP has brought health insurance to more than 40 million low-income children.

It has saved the lives of many children, and it has improved the availability and quality of care for many more.

In my home State of Montana, Fawn Tuhy has some pretty active kids. Montana is a State full of active kids, and active kids get hurt.

Fawn's 2-year-old needed stitches after hitting her head. Fawn's 6-year-old broke his arm twice.

Fawn's medical bills could have sunk their family of six. But she credits CHIP with keeping her kids healthy, and her family afloat.

CHIP has made that kind of difference for millions of Americans, in the last 10 years.

Among families with incomes less than about \$34,000 a year—that is twice the poverty level—the share of uninsured children has dropped by a quarter.

CHIP has held the number of uninsured children down, even as the number of uninsured adult Americans has increased.

But Congress cannot rest on its laurels. We have to continue CHIP. We have to build on its success, and we have to do it before CHIP's funding expires, on September 30.

The Finance Committee is poised to act, with a markup early next month.

In this reauthorization, we will pursue five principles:

First, we must provide adequate funds to keep coverage for those who have it now.

Last week, the Congressional Budget Office reported that CHIP needs an additional \$13.4 billion, just to maintain current coverage.

Maintaining level funding is just not good enough. If funding stays flat, then 4 million American children could lose health coverage, over the next 10 years.

Second, we must also reach the 6 million uninsured children who are eligible for either CHIP or Medicaid coverage but not enrolled.

CBO says that the best opportunity to further reduce the number of uninsured children is to target CHIP enrollment toward more families whose incomes are below twice the poverty level.

Third, we must support State efforts to expand CHIP coverage to more kids. States have found innovative ways to reach as many uninsured kids as possible. States have acted according to their unique abilities and needs.

Fourth, we must improve the quality of health care that children receive.

We are making great strides to improve the quality of health care for adults through Medicare. Yet there is no comparable investment in quality

standards for children. We can and must do more.

Fifth, whatever we do, we must not add to the numbers of the uninsured.

Right now, Federal waivers let some States provide CHIP coverage to pregnant women, to parents of eligible children, and even to some adults without children.

Congress may not want CHIP to cover all those groups in the future, but we must not pull the rug out from under anyone who has health coverage today.

Too many CHIP recipients are already in imminent danger. Right now, 14 State programs are facing shortfalls for this year—even before CHIP's 10-year authorization expires.

I worked hard to include funds to cover funding shortfalls in the supplemental appropriations bill.

But even if we fix this year's shortfalls, many more States will face funding gaps in the coming years. We need to ensure greater predictability and stability of CHIP funding.

Ten years ago, we simply did not know how much funding CHIP would take. We know much more now, and we should make the appropriate financial commitment to keep kids healthy. We must take a forward-thinking approach.

We must consider the likelihood of continuing increases in health care costs, and we must consider likely population changes.

We must consider that a child born today may have a shorter life expectancy than his or her parents. But that is what we face, due to the threats of obesity and related illnesses. So reauthorization must strengthen prevention and early screening benefits.

As we tackle CHIP, we should keep in mind the deep need for broader health reform. There are still too many families whose health stories don't have happy endings. CHIP cannot help them all. But it should help more.

One morning last year, Kearstin Jacobson woke up in Whitefish, MT, with a severe headache. Tests showed that the high school senior had a clot, preventing the blood flow from her brain.

Kearstin got wonderful care. But it cost almost a quarter of a million dollars, and her family did not have health insurance.

So even as the hospital staff wheeled Kearstin out of the emergency room, this young lady with a life-threatening condition was worried about money.

She was telling her parents how concerned she was about the financial burdens that her care would cause.

Kearstin feared that her parents would be paying for her care for many years to come, and they are.

This year, Congress has a historic opportunity to help families like Kearstin's.

We have an opportunity to make a good health policy for children even better.

An overwhelming majority of Americans support CHIP.

I extend my hand to my colleagues on both sides of the aisle. Let's work together.

CHIP is not a Democratic priority or a Republican priority. It is an American priority.

America's kids are depending on us to do this right. We must not disappoint them.

Let us observe the opportunity to improve the health of millions of American children. Let us observe the opportunity to give peace of mind and financial security to millions of families. And let us renew and improve the Children's Health Insurance Program.

I thank the Senator from Alabama and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I was sharing with my colleagues before the leadership break a number of issues about the immigration bill. Perhaps it will cause some to think unless it is improved, it should not be passed. Some will be encouraged, hopefully, to support amendments that could make it better. To some, I am sure it will make no difference. They intend to vote for it, maybe, or against it, as it is today. But I am glad we will now have all week. The Democratic leader has changed his previously stated view that we would vote this week. We brought the bill up only last night. If it was written in formal bill language, it would be one of the longest pieces of legislation ever considered in the Senate, maybe the longest piece of legislation since I have been here, other than perhaps an omnibus bill, but not a legislative bill.

We need to be thinking about the basic principles that are important to immigration reform. That is what I wish to continue discussing. The Republican leader, MITCH MCCONNELL, said:

One thing's for sure, if this bill gives them any preferential treatment towards citizenship over people who came into the country in the proper way, that's a nonstarter.

I have made a number of points about some of the things that actually are in the bill that provide for a person who came into our country preferential treatment toward the process of being a citizen that are not given to somebody dutifully waiting outside the country to be called up when their time comes. I want to point that out in a number of ways.

For example, only illegal persons would be eligible for these Z visas, visas that would allow them to live and work here forever, as long as they are renewed every 4 years. That visa would not be available to anyone currently living in the United States who came here to work legally or someone who did not overstay their visa but went home when they were supposed to. So if you came here for a work visa and your work visa is 1 year, and you are complying with the law, and you don't want to go home at the end of your year, you still have to go home. But if

a person broke into the country illegally and they don't want to go home, they are given the Z visa, they get to stay, and they get to apply for a green card that leads to citizenship. Even if they entered the country last December 31, getting past our National Guard, the new fences and the Border Patrol, and got into the country as late as last December, a single person with no skills, that person is eligible for the Z visa and could be here forever.

A Z visa plan is a better plan than the plan we had last year, I have to say, but it still has some real problems with it. Namely, it still leads to citizenship.

My colleagues say: Well, nothing is perfect. Yes, there are things in it I don't like, but we have to do something.

Well, why don't we fix things such as that? If it is not right, why should it be in the bill? We don't have to let the Z visa be a pathway to citizenship, it could just be renewable forever.

Well, they say, we can't touch anything that affects the core of the bill. All of us—the senators in the secret room—have agreed.

Who agreed? This group that met for several months with one another and outside groups, and they wrote up this bill and plopped it down on the floor last night. Until last night, we were still on last year's fatally flawed bill that should never, ever have become law. Although it passed this Senate, it never had a dog's chance of passing in the House. That is where we are, and I am concerned about that.

A third example of preferential treatment is Z visa holders get legal status 24 hours after they apply, even if their background checks aren't complete. The bill says "No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner." Nobody else gets immigration status benefits if their background check is not complete. Fourth, visa holders are exempted from a long list of inadmissibility grounds, including fraud or misrepresentation to obtain an immigration benefit and false claims for U.S. citizenship, and their prior deportation or removal orders can be waived, even if they never left, if they can show extreme hardship to their illegal alien family members.

An illegal alien who applies to be a Z visa holder is exempted. That includes anyone that got here before January 1 of this year. They can walk in and they get a Z visa. They don't have to pass a background check to get the visa immediately—at the end of the next business day. Presumably, they will check pretty quickly. But what if we had hundreds and thousands of people showing up with convictions for crimes and that kind of thing that makes them ineligible, how are we going to find them? They will have the probationary z visa.

If they have participated in a scheme to obtain immigration benefits or have

falsely claimed with official documents to the U.S. Government that they are a citizen, this is a crime under Title 18, section 911, that does not bar them either. What would happen if an American citizen made a false claim to the Government? Title 18, section 1001, false claims to the Government is a Federal felony that can put you in jail for 2 years, 5 years. But if you made a false claim to be a citizen or some other benefit under immigration law and you are one of the people who came here illegally and not through a system, you get immunity from those cases, whereas a citizen does not. We have to be careful about what we do in legislation such as this. This is why amnesty deals are important. We should not be put in the position of ever having to do this. We said we would not do it again. After 1986, we said we were not going to ever do another amnesty again because it was so painful. It worked so poorly. All it did was encourage additional immigration, as those who opposed it in 1986 predicted.

It is very interesting. I looked back at the debates. You could see who was right and who was wrong. The people said: This is going to be a one-time thing. Don't worry about it. This will end the backlog and bring people out of the shadows, and we don't have to enforce the law on these people. Let them stay, and we will give them for one time amnesty. We won't do it again.

Others said: Wait a minute. This is a principle of importance. How can we say in the future we won't give amnesty if people come illegally, when we did this time? Doesn't this put us on the road to repeat amnesty in the future? Aren't we afraid it won't work?

What happened? After the 1986 bill, 3 million people claimed the benefits of amnesty. Twenty years later, we now have maybe 12 to 20 million that will be claiming amnesty. There are consequences to making these kinds of choices. That is a preference given to people who have come illegally over someone waiting outside the country to come legally.

Fifth, a Z visa holder will be able to get a green card through their own separate point system and without being subject to the regular annual numerical limits. This is a huge benefit to them. In other words, they will not have to compete with other persons around the world on a merit basis, as we are supposed to be moving to, but, in fact, they will have an inside track. They will not be in a line that has the standard numerical limit, instead they will have their own like, so that at most they will have to wait only 5 years for a green card after they are eligible for one.

That makes clear to me—I think it is clear to anyone—the way the bill is now written there is a preference given in quite a number of areas on the question of citizenship, as well as other questions, frankly, that they get benefits over persons who came here waiting to come legally or came locally.

In fact, another thing they have left out of the bill—and it was in last year's bill—they do not have to pay back taxes. So the illegal alien community that has been working here for half a dozen years—and we hear there are so many of them, and many of them have decent-paying jobs. I think that is true, quite a number do have decent-paying jobs and are supposed to be paying taxes, they don't have to pay them as a condition for getting a visa amnesty. American citizens have not been exempted from paying their taxes for those same years. That is just true.

You may say: Well, you are just harping and complaining, SESSIONS. Well, I pay my taxes. Most Americans pay their taxes. If somebody has come here illegally and makes \$50,000, \$80,000 a year—some do—and they did not pay taxes, we are just going to wipe that tax debt out? I do not think so. It is not a principle, to me, that I could adhere to, instead it is one I would dispute.

So what about the chain migration question? Are we eliminating that? And what should we do?

Let me say it this way—and this is accurate, and there are other ways to look at it—it is accurate to say that instead of eliminating chain migration, which was one of the principles in the talking points that circulated around as this new bill was drafted, the bill actually escalates chain migration two to three times over the next 8 years. That is an indisputable fact.

Not only are the current chain migration numbers maintained—the 140,000 that was eliminated is now used to adjust backlogged chain migration applications.

They did eliminate chain migration. No new applications will be accepted. Let's go back and be fair about the bill. The bill eliminates chain migration in the future. That is an important thing. Chain migration means collateral relatives; it does not mean your wife or your child. They would get to come with you. If you are a citizen or a permanent resident, your wife and children get to come with you. It is the question of the brothers and sisters, adult children that perhaps are married and have their own families, or aging parents that are part of chain migration.

If a person comes, then you can bring your brother and sister. If your brother is married, the wife comes with your brother. If they have three children, those come. If she moves forward to a green card or citizenship, she can also bring in her relatives. Then the wife can bring in her brothers and sisters. So that is how this system works. It is unrelated to skills and the productivity of the person intending to come. It is unrelated, therefore, to the national interests of the United States. It is unconnected to them. It is their interest they are concerned about and not the national interest, which is to make sure the persons who come are

honest, hard-working, decent people with skills and capabilities to be successful in America.

So how did all this work out in reality? Not only are the current chain migration numbers maintained—the 140,000 was eliminated, so to speak, but it will be applied during the 8-year period after the bill to provide more green cards, increase the numbers of green cards for family migration, most of which are for chain migration persons who are waiting to get green cards as a result of their applications over a period of time. So if a brother applies to come to the United States with a wife and child, because they have a brother here who is a citizen, they apply and they are put on a list. This is non-skill-based immigration. It is purely based on kinship. Those numbers have been set aside to allow the people who are backlogged to clear, and it is going to take 8 years, they estimate 8 years. As we look at the numbers, it looks as if it could well be longer than that. It looks as if the backlog will not be eliminated in 8 years but could be much more.

So what we will do then I am not able to say because we have not had a chance to read the bill sufficiently from last night. So I just would say we are concerned about that aspect of it. So the first 8 years we can expect, as we calculate it this way—hold your hat—in the first 8 years, there would be family-based green cards—not skill based—lots of them chain migration-based green cards—issued in numbers over 920,000 each year. That is almost a million each year who would come in under that program, unrelated to skill-based immigration that the bill purports to establish.

I will admit, after that 8 years, if the bill is unchanged—and who knows what would happen in that period—there would be a bigger shift to merit-based immigration and well over a million people will enter the country legally—probably closer to 2 million per year under this plan—whereas the current number of legal immigrants each year into America is about 1 million. So it is going to increase quite a bit the number of people entering the country with green cards, but it is not going to shift us to a merit-based system until at least 8 years go by. That is a serious defect, in my mind.

They say: Well, it is implemented for those who qualify. That is right. Out of a million, a million and a half, 2 million—closer to a million and a half to 2 million—who will be coming legally in the next 8 years, only 150,000 of those will enter based on the Canadian point system, merit-based system. That is not much. It is a disappointment to me that the hopes that were held out for a system like Canada's point-based system were not realized. I am disappointed in that.

I will read an example prepared by the Senate Republican Policy committee, which did a nice study on merit-based permanent immigration. It is a look at Canada's point system.

Remember now, there are a number of categories of issues we will deal with. One is a temporary worker program. We are going to have two votes on that, I understand, this afternoon. I intend to support Senator BINGAMAN's amendment, although I have not seen it. But based on what I know about it, it would reduce the number of people who would come in under the temporary worker program from 400,000 to 200,000.

Now, this is all, in my view—I do not want to be too cynical—a little bit of a put-up job. I talked to administration officials earlier in the year, and I asked: Well, how many would be expected to enter under the temporary worker program? They said: Well, about 200,000.

So the bill comes out, and it is 400,000 per year, and you stay for 2 years. There is an escalator clause in it that could take the cap to 600,000. So under the bill that was plopped in last night, you would have 400,000 the first year—and it could be fifteen percent more than that with the escalator clause—plus 400,000-plus the second year. Now, at that point, in the second year of the new program, you have about 900,000 temporary workers here competing for jobs in our economy—at one time, almost a million. That is a big number. That is bigger than I think anybody ever intended.

So we are going to have an amendment this afternoon, and it is going to allow the Senators to impact the agreement, and they are going to bring those numbers down, and we are all going to pat ourselves on the back, I guess, and go back to our working people in our communities and union people and say: See, we knocked that business bill down to a rational number that is much better. Now we may be able to vote for the bill. But I have to tell you, that was the number I was told some months ago was the appropriate number by an official in the Bush administration who certainly is not timid about asking for temporary workers in America.

So I am inclined to support the Bingaman amendment. I do, however, have concerns about the Dorgan amendment because it strikes me that a good temporary worker program is good for America; it just needs to work, it just needs to be effective. I can tell you one good example. A portion of my State and a large portion of Louisiana and Mississippi were devastated by Hurricane Katrina. There is tremendous construction work there. A lot of people moved out of the neighborhoods and no longer live or even work there. So immigrant labor in numbers larger than you would normally expect to be needed were needed and were helpful and remain helpful. So a good system of temporary workers would consider those kinds of things because those workers in New Orleans, right now, are not likely to be putting Americans out of work or even pulling their wages down any noticeable degree.

I think a temporary worker program is good. I am not inclined to vote for the Dorgan amendment, as I understand it at this moment. But we do need to work to examine the temporary worker program that is in this bill because it still has defects.

Now, let's take an example of a would-be seeker of permanent residence as they apply to Canada according to the RPC paper. This is a made-up example of how the system works.

Stella, an individual from Cyprus, desires to reside permanently in Canada. She has a master's degree in computer science. For that, she would get 25 points. She has a job offer from Nortel. That would give her 10 points. She has 3 years of paid work experience in her home country. Canada gives her 19 points for that. She is 23 years old, and because she is younger and Canada prefers younger people—unfortunately, for some of us, she is younger—she gets extra points for being younger, an extra 10 points. She has a moderate to good proficiency in English. She gets 10 points for that. So she has a total of 74 points. She has met the minimum of points required to apply for permanent residency in Canada. But she previously studied in Canada, and that gives her another 7 points. And the fact that her sister resides in Toronto gives her another 5 points—for a total of 86 points. She can apply to be a permanent resident at the Canadian Embassy in Cyprus and would be eligible promptly—immediately. So that is the way the system works in Canada. It is something that I think without doubt should be a part of our immigration reform.

So we are a nation of immigrants. We are at a point in our history in which the influx of immigrants into America is as high as it has ever been. Once, I believe, in our country's history we peaked at this high of an immigration rate, but along came the Depression and World War II and we almost stopped immigration entirely. We went to very low immigration rates. Then we have gone back into a new cycle of very strong immigration.

It looks as if there is not any likelihood that this Nation will stop this current rate and go back to zero. Most of us believe immigration, properly handled, is good for America, but we do have to consider the actual numbers. The numbers cannot be too great, or it takes jobs from Americans and can, in fact, create cultural problems that wouldn't occur if it was a little slower. So we have a situation where we would like to see immigration continue.

Now, if we are going to maintain a very high level of immigration at historic highs for America, it only makes good sense and common sense, it seems to me, that we would look around the world and we would give points like Canada does to the persons who are most likely to be happy and prosperous in our country, who are most likely to not go on welfare, most likely to have good jobs and pay taxes, who will help

us balance the budget rather than causing a drain on the budget, and in fact attract people who really desire to be an American and who want to be a part of our society and deeply desire to make a permanent move, and who want to create a new allegiance from their prior country to their new home in the United States. That was the ideal of American immigration, and I certainly think that remains our ideal today. We ought to keep that in mind as we go forward.

Doing the right thing, creating the right number in the right categories with the right skill sets, while at the same time having a legal system that really works, is within our grasp.

Forgive me if I am disappointed that the framework which I thought had so much great potential has not been fleshed out with statutory language that meets the ideals of that framework. My concern is it is so far from the ideals of that framework that it is not a good choice for us at this moment. There will be time for us to fix it on the Senate floor. There will be time for us to pass amendments that could make it better, but it is troubling to me at this point.

I hope our colleagues who are involved in actually writing this bill will not be so hard-headed about their commitment to sticking together on the core principles that they all agreed to and pull out all the stops to make sure they have the votes to not allow any significant amendments. We do need some significant amendments to make this bill appropriate.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Madam President, I think there is a previous unanimous consent agreement by which I will be recognized for the purposes of offering an amendment. The Senator from Georgia has asked if he could be recognized in morning business for 10 minutes. I have no objection to that, providing that I be recognized following the presentation by the Senator from Georgia so that I might offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I thank the distinguished Senator from North Dakota for his graciousness in allowing me 10 minutes.

Two years and five months ago, I made my first speech as a United States Senator on the floor. It was a speech about the issue of immigration, both legal and illegal. A year ago today I made another speech about immigration on the day I offered an amendment

that has become known as the trigger amendment on immigration.

I rise for the third time in 2 years and 5 months to talk about the most significant issue facing the United States of America as far as domestic policy is concerned.

Our borders to the south have been leaking far too long and in too great of numbers. We have had an immigration policy that for the better part of 21 years has been to look the other way as people flowed across our southern border to calibrate on a low basis legal immigration to say we are doing something about it, while millions come into this country. It has to come to an end. It is the reason the controversy is so great over this issue today.

I, first of all, want to thank the Members who have worked with me over the last 6 weeks on the concept of putting a trigger in the underlying bill, to be the trigger upon which immigration reform either takes place or doesn't. There is so much misinformation out there right now about this issue, so I want to spend the remainder of my time talking about what trigger must be pulled in order for immigration to be reformed.

The underlying bill we are debating today says the following: No program granting status to anyone who enters the United States of America illegally may be granted until the Secretary of Homeland Security has certified that all the border security measures in section 1 are completed, funded, and in operation. There is no wiggle room. There is no Presidential waiver. There is no possibility of the Secretary saying: Well, maybe we are OK. This is absolute.

Let me tell my colleagues what those five are. No. 1 is 370 new miles of walls. Many of us got this in the mail last year. When Congress attempted to debate a flawed immigration bill that called for no border security, they mailed bricks because they wanted barriers. This bill calls for 370 miles. It calls for 200 miles of obstacles on those areas where vehicles might come across the border. That 200, plus the 370 miles of walls, is 570 miles.

It calls for four unmanned aerial vehicles, eyes in the sky, 24/7, each with a 150-mile radius. That 600 miles, added to the 570 miles, is 1,170 miles. Then it calls for 70 ground-positioning radar systems with a radius of 12 miles, or 1,680 miles of seamless security. That 1,680 on top of the 1,170 is almost 2,800 miles of seamless security. There are not 2,800 miles on the border. We have redundancy all along the border.

The next trigger is 27,500 detention beds on the border so when somebody is intercepted, they are held until their court date comes up. No more catch and release. Then, importantly as well, 18,000 Border Patrol agents have to be trained and in place and functioning. We have 14,500 right now. That is another 3,500. Those agents, by the way, are trained ostensibly in Georgia at FLETC, the Federal Law Enforcement

Training Center. They are trained on border security, on intervention, and on capture. Then, it requires the seamless border security. It requires the ID that is biometric and is secure. It ends the largest growth industry on the southern border, and that is the forged document industry.

When those five triggers are in place and when the Secretary of Homeland Security has certified them, then and only then is the immigration reform in place because we have stopped the bleeding.

There are a lot of people talking about this issue of immigration from a lot of different standpoints, but I know one thing: When you go to the doctor, you don't want him to treat the symptom. You want him to treat the cause. If you are cut, you want him to sew up the cut, not just put a Band-Aid on it. If you hurt and you hurt badly, you want him to x-ray and find out whatever that source is.

We know what the source is in America. The source is we have a 2,000-mile land contiguous border with a country that is less developed than ours and has less opportunity, and the United States of America is a magnet without obstacle for them to get in. We have to stop the source of the problem or we will never be able to reform it for the future.

I come to this debate as a second-generation American. My grandfather came here in 1903 from Sweden. In 1926, he became a naturalized citizen. It took him 23 years to follow what is the only right pathway to citizenship, and that is legal immigration.

I stand before my colleagues today to say the American people want border security. I want border security. If it is the trigger for immigration reform, it ensures that we will never have to repeat the mistakes of 1986 and that America once again will restore confidence in its borders, confidence in its immigration policy, and legitimacy with its people.

I am where I began. There is no wiggle room in this trigger. There is no waiver. There is no looking the other way. If we in Congress don't fund the money, it doesn't work. If the President doesn't do what he is supposed to do, it doesn't work. If the Secretary of Homeland Security doesn't do what he is supposed to do, it does not work.

The American people, for the first time, have an ironclad guarantee that our biggest problem, and that is an insecure border in the south, will be fixed and fixed forever.

I again thank the distinguished Senator from North Dakota for giving me the chance to make this presentation.

Madam President, I yield back the remainder of my time.

AMENDMENT NO. 1153 TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am going to offer an amendment. I believe by a previous unanimous consent agreement, I will be recognized for of-

fering an amendment. I don't know whether my amendment is at the desk.

I believe my amendment is at the desk, and I will offer that amendment on behalf of myself and Senator BOXER, who is a cosponsor of that amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. Dorgan], for himself, and Senator BOXER, proposes an amendment numbered 1153 to amendment No. 1150.

Mr. DORGAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 1153

(Purpose: To strike the Y nonimmigrant guestworker program)

Strike subtitle A of title IV.

Mr. DORGAN. Madam President, we will hear ample discussion today—and we heard it yesterday and we will hear it the rest of this week and perhaps another week going into the month of June—about this issue of immigration. It is not an insignificant issue; it is a very significant issue with great policy implications for our country. We will hear that it is a moral imperative that we deal with the issue of immigration.

We have a lot of moral imperatives in this country, and particularly in this Chamber of the Senate. I don't disagree that the issue of immigration is one of them. There are people living among us in this country who have been here 10, 20, 25 years who came across the border decades ago. They found work here, raised a family here. They were model citizens. I understand that we are not going to round up people who have been here for 2½ decades and deport them to say: You have come illegally and therefore you are not entitled to stay. That is a different sensitivity, however, than what is in the underlying bill that says: By the way, if you came here by December 31 of last year, we will deem you to be here legally.

I think there are serious problems with that approach. What about someone overseas who has been waiting to come to this country and they know that we have a legal method of coming to this country. There are quotas for each country, and we allow people to sign up and make application and then over a period of time their name comes to the top of the list and they are able to come to this country under their immigration quota. Some, perhaps, have waited 5 years, some 10 years and are now near the top of the list.

What they discover today is they would not have had to wait 5 or 10 years for a legal mechanism by which to come into this country. They could have come across the border at the end of last December, and by this legislation would have been deemed to be legal, would have been deemed to have been here legally.

I understand this country is a magnet for people from across the globe who would like to come to this country. I was flying via helicopter one day some time ago between Honduras, Nicaragua, and El Salvador. Regrettably, the helicopter I was flying in on ran out of gas. I learned one of the beautiful laws of the air that afternoon. That is, when you are in a flying machine and it runs out of fuel, you will be landing very quickly.

We landed, and we were safe, but, nonetheless, in the mountains and jungles, somewhere—we were not sure where—in an Army helicopter. We were there 4 or 5 hours before other helicopters found us and pulled us out. While there, the campesinos came walking to see who had come down in these helicopters. So I had a chance with some hours to talk to the campesinos, the poor people from around the area.

I recall visiting with one woman, a young woman in her early twenties. She told me she had only three children. She seemed disappointed by that fact. It was explained to me later that because they have no social security system in her country, you have as many children as you can in your childbearing years, hoping that enough of them will survive, and if you are lucky enough to grow old, you will have enough children to provide for your support. That was a form of family social security. Only three children, she said.

I said: What do you aspire for yourself and your children?

Oh, that is easy, she said through an interpreter. To come to America, to come to the United States of America.

I asked why.

She said: The United States of America, that is a country with opportunity and hope for me and my children. Standing there in the clearing near the helicopters, this young woman was telling me what people would tell you in many parts of the world. They would aspire to come to the United States because this is the land of opportunity.

Ask yourself what would happen were this country to have no immigration quotas, no immigration restrictions, no border security of any type, and instead a public policy that said the following: To those of you who live on this planet, let us say we welcome you. Come to America. See the United States. Stay here. Live here. Work here. We welcome you. We welcome any number.

I ask the question: How many people would migrate to the United States and from where? Before you answer, let me explain that this wonderful planet we live on circles the Sun, and on this planet there are, I believe, close to 6.5 billion neighbors, many of them living in very difficult conditions. Half of them have never made a telephone call, one-half of them live on less than \$2 a day, and 1.5 billion do not have access to clean, potable water on a daily basis. It is a challenging planet on which we live.

So if the United States of America, this great beacon of hope and opportunity, said to the rest of the world: Times have changed, we no longer have any immigration laws, come here, join us, live here, be a part of the American experience, we would, I venture to say, have tens and tens, perhaps hundreds of millions of people journeying to this great country. Why? Because many live in abject poverty. Many, if they can find work, are working for 10 cents or 20 cents an hour in unsafe plants, in unsafe working conditions, in circumstances where they would be put in prison if they decided to organize the workplace. That is a fact of life in many parts of the world. We would be overrun by those who wish to come to this country.

As a result, what we have done is understand that immigration is good for our country. It refreshes and nurtures a country such as ours. So we have a process by which legal immigration occurs, with quota systems from various countries around the world, and immigrants come to live in this country.

I venture to say that almost every Member of the Senate found their way to this country or found their way at least to this Senate by looking back in the rearview mirror and seeing some unbelievable ancestors—mine were the same—people who came to this country with nothing.

One of my ancestors was a woman named Caroline. She came to this country with her husband. Her husband died of a heart attack, and with six children—think of this, six children and virtually no assets at all—she got on a train and went to the southwest corner of North Dakota and pitched a tent on the prairie to homestead. She, from that tent, built a house, raised a family, and operated a family farm. Think of the strength and courage of that Norwegian woman who decided: I am going to do this.

All of us have that story in our backgrounds. So we understand the value of immigration, the value of immigrants, and we provide for it in a quota system by which we accept people from around the world.

Last year, nearly 1.5 million people came into this country through that system. In addition, there were other people who came in as agricultural workers. In addition to that, there were people who came in illegally. So here we are on the floor of the Senate saying: Now we have about 12 million people who have decided to come to this country, no, not through the process by which we accept immigration on a legal basis but come to this country in other ways—get a visitor's visa, come in, get dropped off by an airplane, never go home, stay here illegally, or they come across the border, walk across the border without a visitor's visa and decide they are going to stay here without legal authorization. So we have, some say, 12 million people who are in that status.

The underlying bill says: Let's decide, as a matter of course, we say to

all who came into this country or those who came to this country up until and through December 31 of last year: OK, you are no longer an illegal immigrant. You entered without legal authorization, but as of this day forward, when this legislation passes, you have legal authorization to stay. We will give you an opportunity to work and an opportunity to gain citizenship.

In addition to that, which is the ingredient of a compromise that was created in the last week, this legislation says we wish to add something called guest workers or temporary workers. I will talk at some length about those temporary workers. The issue of temporary workers is an important one because we live in a time in this country where there is downward pressure on income for American families.

This morning, Tuesday, a whole lot of people, millions of people got up this morning to put on clothes and go to work. When they got to work, they discovered, as they do every day these days, that there is no opportunity for upward mobility at their job. In fact, every day their employers are trying to find ways to push down wages, eliminate retirement, and eliminate health care.

What has happened in this country, with what is called the "new global economy," is dramatic downward pressure on income for American workers.

I couldn't help but notice a story recently—I mentioned this on the floor of the Senate a while back—that Circuit City, a corporation most people know about, decided they were going to fire 3,400 of their workers. Those folks got up in the morning, went to work that morning, probably kissed their spouse goodbye and said: Honey, I will see you this evening. I love my job. I do a good job. I have been there 8 years. I know my business. But they found out when they got there that the corporation that has a chief executive officer who makes \$10 million a year decided they are going to eliminate 3,400 of these people. We are going to fire them. Why? Because they make \$11 an hour, and we want to rehire people at a lower wage. So 3,400 people came home that night and said to their families: I lost my job. No, it wasn't because I did something wrong, it wasn't because I was a bad worker, it wasn't because of performance. My company told me that \$11 an hour was too much money, and they want to replace me with someone with less experience and someone to whom they can pay a lower wage.

There is dramatic downward pressure on income all across this country for American workers, and that is especially true for workers at the bottom of the economic ladder.

I don't need to go through all the data, but it is unbelievable when you take a look at what is happening in this country. Those at the very top are getting wealthier, much wealthier, and those at the very bottom are being squeezed with substantially less income.

Incidentally, the bill that has been offered—this document—has been put on all our desks a few minutes ago, or in the last hour or so. This is the immigration bill. I think I can speak with certainty that no Member of the Senate has read this. It just became available. So I assume everyone will have their evening reading going through a bill that size and a bill of such importance.

Earlier, I stated that if we had no immigration quotas and no restrictions, we would have massive numbers of people who live and work in poverty, who in many cases can't find a job at all in other parts of the world, who are experiencing famine and war, pestilence and disease, who would want to find their way to this country.

It is interesting. You can now go to your computer and Google "Earth." If you haven't done that, I encourage people to do that. Google "Earth," and you can, from the air, come down and find out what is happening on Earth—any spot on the Earth. So if you Google "Earth" and try to evaluate what is happening on this planet, the United States doesn't look so much different than anyplace else. It is just a piece of property on this planet of ours. But it is a very different piece of property, a very unusual piece of property. It was born and nurtured by those who wrote a Constitution starting with the words "We the people" that has created the most affluent country on Earth, with a dramatic expansion of the middle class and opportunity that is universal opportunity—universal education, saying that every child can become whatever their God-given talents allow them to become in this country of ours.

What a great place we have created. But given what is happening on this planet, we have had to at least provide some order and some limitation with respect to immigration into this country because so many would want to come. So we have a legal system of import quotas. That is a system that many have used. They have waited for years to be at the top of the list to come to this country. But it is a system that many have ignored, instead deciding they wanted to get a visiting visa, jump on an airplane, and when it lands, disappear into the populace, never to be seen again, and stay here illegally, or others have come across on foot, across the Rio Grande or from other areas, deciding to remain here without legal authorization.

Border security has become very important. It was something discussed at great length in the year 1986, when the Simpson-Mazzoli bill was passed by the Congress. That was a period of time when we had an immigration crisis. The Simpson-Mazzoli bill was designed to address the immigration crisis. It was going to shut down employment opportunities for illegal immigrants by providing employer sanctions. It was going to provide for border security, employer sanctions, and it was going to shut down this system and, there-

fore, we were going to solve the immigration problem. Even as that bill was passed, it provided for amnesty for 3 million people at that point who had come here illegally.

Well, we know that since 1986 that didn't work. All the promises that were offered then have been promises that were not kept. So we find ourselves, from 1986 to 2001, with Osama bin Laden, al-Zawahiri, and others associated with al-Qaida deciding to launch an attack on our country and murder a good number of Americans, thousands of Americans, on that fateful day of 9/11/2001. All of a sudden, we have another spurt of interest in border security. Not with respect to specifically the issue of immigration but border security with respect to keeping terrorists out of our country. Because if you don't control your border, if you don't know who is coming in and keep track of them, you have unbelievable security problems for this country.

So we, at various times, have had these spurts of interest with respect to border security. Now we come to the year 2007, and the issue again is a comprehensive immigration bill—but as a portion of it, border security. Of course, border security ought to be, should be, some say will be, but certainly must be the first and foremost important element of any immigration reform. If you can't provide for border security, let us not spend a lot of time thinking about how we are going to keep people out if you can't keep them out. Border security is first and foremost the responsibility of any immigration reform plan—border security that works.

Yes, it is important for terrorism; it is also important with respect to this bill dealing with immigration. If border security is important, and I believe it is the most important issue at this moment, then other issues—if you have solved the border security issue, and I don't believe this piece of legislation has—other issues are also important as well, one of which is the issue I came to talk about, and that is the issue of the guest worker amendment.

The guest worker amendment in this compromise on immigration provides that 400,000 people who are not in this country now, who are living outside of our country, will be able to come in to assume jobs in our country per year—400,000 a year. The bill says there are 12 million people who came here illegally who will be given status to stay here and to work here. That is what the bill says. So it gives us 12 million people who will have legal status. It says to someone who came across December 30, 2006: You are going to be deemed to be here legally, or at least have legal status to stay, and we will give you an opportunity to work. So we have 12 million in that circumstance.

In addition, there is a provision dealing with guest workers. My understanding is that provision comes at the request of the Chamber of Commerce and big business that want an oppor-

tunity to continue the flow of cheap labor. That is not the way they would describe it, that is the way I am describing it. This is a country in which we are seeing more and more jobs being outsourced in search of cheap labor overseas, particularly to China, Sri Lanka, Bangladesh, and Indonesia, and the same interests that wanted to move American jobs overseas in search of cheap labor, enjoy the opportunity to bring, through the back door, cheap labor from other countries.

So we have what is called a guest worker or temporary worker provision. Here is how it works. I don't know how one can construct something this Byzantine, but it nonetheless got done. Here is how this system will work. A so-called guest or temporary worker will be able to come in, and 400,000 of them will come in the first year. They are able to stay for 2 years. They are able to bring their family, if they choose. Then they have to go home for 1 year, take their family home with them, and then they are able to come back 2 years later. So they are here 2 years working, then they go home for 1 year; then they can come back for 2 years, then they have to go home for 1 year; then they get to come back for 2 years. That is the case with 400,000 a year.

This grid shows you what it looks like and what it adds up to do. If you talk about the years of employment, you are talking about 18, 19 man-years of employment here with respect to this grid. It is a kind of Byzantine proposition. We say: Come here and work, bring your family and stay here 2 years. Then you all go back and stay where you came from for 1 year. Then everyone is welcome back for 2 more years, but you have to leave again and stay back 1 year and then come back for 2 more years.

I guess there is a provision that if you bring your family one of the first 2 years, which is your choice, then you only get to come back twice for 2 years. I don't know how you concoct something like that. It makes no sense at all. But aside from the merits of deciding that we don't have enough workers in this country so we need to import cheap labor, aside from that, how on Earth would you construct this approach to importing cheap labor?

I wish to make some comments about this suggestion that we don't have enough people in this country to assume jobs and, therefore, we must have a temporary worker or a guest worker program. There are plenty of big businesses, including the U.S. Chamber of Commerce, that take that position: We need to bring in people who aren't here now to assume American jobs. I mentioned earlier we are suggesting that is the case at a time when a whole lot of people at the bottom of the economic ladder in this country are trying to keep up and not doing well at all.

This chart shows from 1979 to 2003—and this is from the Congressional Budget Office—what has happened with

respect to income for the various income groups. Look at what has happened to the top 1 percent. A 129-percent increase in income in nearly a quarter of a century.

Look what has happened to the bottom fifth in a quarter of a century. In a quarter of a century, these folks who are going to work every day, the people you don't see very often, they are the people who pass the coffee to you across the counter or help out at the gas station and do those kinds of jobs, they get a 4-percent increase in 25 years. Unbelievable.

In that circumstance, in an economic circumstance where the people at the top are doing well, where there is substantial inequality of income with greater income going to the people at the top and much less income going to the people at the bottom, we are told we need to bring in additional workers from overseas.

We are told they are to be brought in because, for example, in the area of food preparation jobs, we just can't find enough American workers. There are just not enough people, we are told, in food service.

Let's look at food service jobs: 86 percent of the people working in food service in this country are legal citizens, U.S. citizens, or legal immigrants. We are told these are jobs Americans will not take, so let's bring in some guest workers. Explain this. Explain how it is that, at least in food preparation, 86 percent of the people working in those areas are Americans or people here legally.

If you want to bring in people at the bottom of the economic ladder, low-wage workers, you know what that does to the other 86 percent. It pushes down. It puts downward pressure on income. We don't have to debate about that. That debate is over. That is exactly what that does.

We are told we have other industries like that, such as the construction industry. We can't find enough people in the construction industry. But 88 percent of the people in the construction industry in this country are U.S. citizens or legal immigrants. Once again, we have people who would love to bring in low-wage workers at the bottom to put downward pressure on wages. But it is simply not true that we need low-wage workers to come in, more workers to come in because we cannot find Americans to do this job.

I understand those who support the temporary worker provisions by and large want lower incomes. I am talking about the interests outside of this Chamber. There are plenty of them who want to pay less income. Transportation jobs—93 percent of the workers in transportation are U.S. citizens or legal immigrants. Is someone going to debate this issue, that we cannot find Americans to work in these jobs? Clearly, that is not the case.

I understand there are those who have these jobs who do not want to pay a decent wage for them. There are a

whole lot of companies that do not want to pay a decent wage. They want to strip the retirement benefits away, they want to strip health care benefits if they ever gave them in the first place, and then they want to try to depress the income to the extent they can. I understand that. But it is not the right thing.

What is the moral imperative in this country? We have a moral imperative to stand up for all of the people in this country who get up in the morning and go to work and do a good job and hope at the end of the day they get a fair day's pay. Productivity is on the rise in this country. Productivity increases but workers' incomes do not increase. Why? Those who hire them do not have to increase those incomes even as workers become more productive because they have a supply of cheap labor coming in.

Transportation jobs—you can't find Americans to do them? Not true.

Manufacturing jobs—94 percent of manufacturing jobs are jobs that are performed by American citizens or legal immigrants.

I have made the point before that there is no one in this Chamber who has lost their job because of a job being outsourced. But there are so many Americans who understand this. There is a man named Blinder. He used to be the Vice Chairman of the Federal Reserve Board. He is a mainstream economist. With respect to the outsourcing of American jobs to China and other areas of low wages, he says there are 44 million to 52 million jobs that are able to be outsourced or tradable. He says not all of them will leave our country. But, he says, even those that stay will have downward pressure on their income because they will be competing with 1.5 billion people in the rest of the world, many of whom work for pennies an hour.

As American workers confront that issue, we are told we can't find enough workers in manufacturing and we need to bring in temporary workers who do not now live here. That is not true. Most of the workers in manufacturing are U.S. citizens and legal immigrants.

If someone wants more workers, I will tell you where you can get them. Go find the people who used to work for Levis. They don't make Levis in this country anymore. They got fired. Find the people who used to work for Fruit of the Loom underwear. They got fired, too. They must have some opportunity for some manufacturing jobs if you can find them. Find the people who used to work for Huffy bicycle. Their jobs went to China. They got fired. Go find the people who worked for Radio Flyer Little Red Wagon. They got fired. Go find the people who worked for Fig Newton cookies. They got fired. Their jobs went to Mexico.

I could talk at great length about where you might find American workers who lost their jobs because they couldn't compete with 20-cent-an-hour labor in China.

In my State of North Dakota, last week we received some pretty somber news. The Imation Corporation decided they were shutting down their plant in Wahpeton, ND, with 390 workers. After I pried it out of them, I discovered that slightly less than half of those people are going to lose their jobs because the product of their work is going to go to Juarez, Mexico, where you can pay 1/10 the wage. That is what is facing the American worker, that downward pressure on income.

Now we are told in this bill, let's ignore that. What we need is to bring in some more temporary workers to assume jobs Americans will not take. Again, how about paying a decent wage in this country? How about paying a decent wage? You will find plenty of people to take these jobs.

There is a study by Professor George Borjas at the John F. Kennedy School of Government, and he talks about the impact of immigration from 1980 to 2000, 20 years, on U.S. wages by ethnicity of workers. Over the last 20 years, as a result of immigration—that is low-wage workers coming into this country and putting downward pressure on wages—the average wage is down 3.7 percent; for the average Asian, 3.1; average White, 3.5; average Black, 4.5; Hispanic, minus 5 percent in wages. The fact is, it doesn't require a huge study to understand the consequences of that. We all understand that would be the result of bringing in a low-wage workforce. That is not unusual at all.

Let me be clear. None of the discussions we are having now have anything to do with agricultural workers. In addition to the temporary worker program, there is a separate program dealing with agricultural workers. So you have three things: You have legal immigration through import quotas and so on; then you have agricultural workers, well over 1 million of them, I believe 1.5 million in legal immigration; and then you have a temporary worker permit which, if you add up with the chart I have shown you, you are talking about millions of jobs. We are told, no, this doesn't matter much because, frankly, businesses say they just can't find Americans to take these jobs.

I believe that is not the case. I understand what is really at work. What is at work, in my judgment, is the handprints of those who want to bring in additional cheap labor. I do not support it.

The amendment I have offered is an amendment that is simple on its face. It addresses that provision, that title in this immigration bill that deals with temporary workers. I am not talking about the status of the 12 million people. I am talking about the creation of a status for people who are not in this country now, for people who live outside of this country who, as a result of this bill, are going to be told: You come on in to this country. We will give you a temporary worker status.

You can come for 2 years at a time, 3 times, a total of 6 years. I do not understand the urgency of putting a provision like this in this bill.

I am told again, as we are always told, if you offer an amendment that is successful, you will kill this bill because it is a fragile compromise. It is the old argument. It is about the loose thread on a cheap sweater. You pull the thread and the arm falls off. God forbid if you pass an amendment, it is going to destroy this compromise.

In my judgment, part of offering amendments and getting amendments agreed to to improve this legislation should be beneficial even to those who represented a part of this compromise.

I say clearly that I think immigration has, for as long as this country has existed, refreshed and nurtured this country. I support immigration through the legal means of immigration quotas each year. I also support, at this point, strong, assertive border enforcement, border security. Let me describe why we have failed so miserably.

Here is a chart. When you talk about the need for border security and employer sanctions, here is a chart that shows what has happened in the last 6 or 7 years with respect to enforcement. As you see, there is a decline in the worksite enforcement to almost zero. It has gone back up a little bit. I haven't put the last 2 years on there. But you will see enforcement with respect to employer sanctions and worksite enforcement has gone down to almost zero. This administration didn't do anything with respect to worksite enforcement.

Let me describe what has happened with respect to fines that have been levied. In 1986 they passed an immigration bill and said we are going to impose fines if someone would hire illegal workers. Here is what has happened with the fines. It was \$3.6 million nationally, across the whole country in 1999. It is down to \$118,000 in 2004. That is pathetic enforcement. That is not enforcement, that is just looking the other way.

Yet we come to this floor with an urgent problem with immigration, and the compromisers say: Let's put all these things together to legalize 12 million people, up to those who came across on December 31, and let's decide, as well, we are going to bring additional people in who do not now live here. That doesn't make any sense to me.

One of the moral imperatives, as I indicated, is to stand up for the interests of workers in this country yes, all workers in this country.

Let me conclude. There is so much to say, but let me conclude by telling a story about a piece I saw in the New York Times one day. It was just a small piece. It was a few years ago. It was about a New Yorker who died. I thought it was a curious piece, so I asked a staff person: Can you track down and see what this little news

item in the New York Times is? They did.

It was a man named Stanley Newberg who died in New York City. Stanley Newberg, my staff discovered, was a man who came to this country with his parents to flee the persecution of the Jews by the Nazis. Stanley Newberg and his parents landed in this country as new immigrants. Stanley was a little boy, and he followed his dad around the lower east side, apparently, peddling fish. This young boy walked with his dad peddling fish in New York City as a very young man.

As his parents made a living peddling fish, Stanley learned English. Then Stanley went off to school and Stanley became a pretty good student. Then Stanley graduated from school, he went to college, he graduated from college and then got a job in an aluminum company. He worked in this aluminum company, did really well, was a good worker, and he rose up to manage the aluminum company and then eventually he was able to buy the aluminum company.

So here was Stanley Newberg, this young boy who came with his father and mother to this new country and walked in the lower east side of New York peddling fish and now owns an aluminum company in this country. It is a very wonderful American success story.

Then Stanley Newberg died. They opened his will and that became the subject of a very small item in the New York Times. Stanley Newberg's will left \$5.7 million to the United States of America. He said "with deep gratitude for the privilege of living in this great country."

This little boy who followed his daddy peddling fish, who went to school, became a successful businessman and then died, wanted in his will to remember this country and left \$5.7 million to the United States of America "with deep gratitude for the privilege of living in this great country."

This country did not become this great country by accident. "We the people," the framework of our Government, a wonderful Constitution, a series of initiatives that created a body of law, initiatives in the private sector, the genius and the entrepreneurship of inventors and investors and business men and women—it is a wonderful place.

But we have obligations. As I indicated earlier, if we had no immigration quotas we would be overrun by millions, tens of millions of people who want to move from where they are on this planet to this spot because this is the land of opportunity.

We have a process of legal immigration. That process needs to work. First and foremost, we need border security. Second, it seems to me, we need to be sensitive to find a way to deal with the status of those who have been here a long while. Third, and most importantly, we ought not decide to bring legislation to the floor of the Senate

that says: On behalf of those big interests, big economic interests that want to hire cheap labor through the back door—even as they export good American jobs through the front door—we ought to say this provision needs to be stricken.

My amendment is very simple. On behalf of myself and Senator BOXER, I offer an amendment to say: Strike this provision.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Tester.) The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak briefly in opposition to the amendment of the Senator from North Dakota. I certainly concur with several of the comments he made, about the need to secure our borders, about the need to have a workable immigration system, and the need for reform that ensures the rule of law is restored in the United States.

Where I differ with him is in his belief that we can actually achieve these goals if we have no ability for temporary workers to come to the country. His amendment would eliminate the temporary worker program from this bill.

Now, there are several reasons why a temporary worker program, within certain constraints, is a good idea. The first reason is because it will help to relieve the magnet for illegal immigration. This is one of the things President Bush has talked about frequently.

The reason most of the people are crossing our border illegally is to get employment. There are jobs available for them. Some people say this is work Americans will not do. That is actually not true. In all of the different work areas, whether it be construction or landscaping or working in a hotel or motel, whatever it might be, roughly half the people working in those industries are American citizens. But there are not enough American citizens to do all of the work that needs to be done. So naturally the law of supply and demand sets in here. People come across the border illegally, and they take that work. What we want to do is both close the border, secure the border of the United States, but also eliminate the magnet for illegal employment here, because the reality is desperate people will always try to find some way to get into the country.

It would be nice if, instead of having to rely strictly on fences and Border Patrol agents, we also relieved the pressure so American employers would have the workers they need and there would be no opportunity for illegal workers to come into the United States. Another way we have done that, by the way, is to have a very good employee verification system put into this legislation.

But the key here is to, in effect, have a pressure cooker safety valve. When there is too much employment need here to match up with the number of workers, then we let off the pressure by allowing some visas or temporary

workers to come here temporarily. In the bill they either come 10 months out of the year—that is the seasonal workers—and then return home, or they can get a 2-year visa, which enables them to come here and work for 2 years, then go home for a year. They could reapply. They could reapply twice for a total time of 6 years. But in between each 2-year time period working in the United States, they would have to return to their home country for a year, in order to try to prevent the situation in which they put down a stake in the United States and believe after a period of time they are entitled to stay here, thus raising the same kind of problem we have had in the past where a group of people come here and then do not want to go home, and somehow America doesn't have the will to enforce its law, in this case to require them to go home.

That is why the program was set up the way it was. The concept here is if you relieve that pressure for employees, by having an opportunity for people to temporarily come here as the guests of the United States to work here under our conditions and our rules and then go back home, that will both serve our needs and serve their needs. That is the rationale for a temporary worker program.

Now, why wouldn't you want to immigrate all of the people here as legal permanent residents? Well, obviously you are talking about millions of people, as the Senator from North Dakota said, in addition to the quotas we currently have. But, secondly, you need to have some ability to adjust. Let me mention the construction industry in my home State of Arizona as a good example of this.

Two or three years ago we could not find enough workers to build homes in Arizona. The reality is, the Home Builders Association was candid in saying this, that if they had to guess, they would guess about half of the people building homes in Arizona were illegal immigrants. They had the legal papers, but we all know that is a joke. That is why we have to have a workable employee verification system, which we have put into the bill we are now debating. But the law currently is not good in terms of verifying employment documents.

So you have a construction boom that is occurring in Las Vegas, Phoenix, Tucson, and other cities in the Southwest, and we need workers desperately. About 6, 8 months ago, the market began to taper off, and today we are in a situation where we have an excess of workers for the jobs available. The market has not tanked completely, by any means, but there is clearly a downturn in the housing construction industry in Arizona. So we do not need nearly as many workers now. Now that is depressing wages.

The Senator from North Dakota is correct in one respect here with regard to wages. If you have a greater supply of labor than you have jobs available,

you will depress wages. That indeed has happened in some sectors of our economy, particularly in some low-skilled areas. But the reason is because you have a glut of workers. The workers who came here illegally find it very difficult to go home. Moreover, they will undercut the wages of American workers or depress those wages. They are here and they are depressing wages. Wouldn't it be better to have a temporary worker program, where everyone is working within the law so when we need the temporary workers to build houses, for example, we issue more of these 2-year visas, but when we don't need them, we stop issuing the visas? When those visas run out, we wait until we need more workers. Then we issue more visas. That is the way the temporary worker program is designed to work.

The alternative some people want—well, there are two alternatives. Either you allow the illegal situation to continue, which nobody wants—that is not a solution—or you adjust all of the quotas Senator DORGAN was talking about and let everyone come in as a permanent worker.

That totally upsets our immigration quotas, for one thing. Secondly, you do not have the flexibility of moving up or down depending upon what the labor requirements or demands are. Again, in housing, if we had let all of these workers come in as green card holders, as legal permanent residents, they are here and there is no ability to send them back where they came from. They have a legal right to be in the United States for the rest of their lives. That is why you do not want to try to deal with temporary, especially low-skilled worker categories, with extra green cards. That is why you have a temporary worker program, in addition to relieving the magnet for illegal employment.

Let me make a couple of other points here. The Senator from North Dakota says even the temporary worker program will depress wages. Well, there are two reasons why that is not true. The first is it is adjusted based on the labor needs. So at least ideally you never have a glut of workers, an oversupply of workers compared to the demand. The market works to set the wages at the proper rate.

If you have green cards, for example, you can easily get a depression in wages, because you never can adjust that downward once the workers are here. Secondly, in order to get a temporary worker under this bill, you have to advertise at a wage which, in effect, is the average wage that is being paid in that area in that industry. Now, you have to do that to be fair to American workers, because otherwise what would happen is you say: Hey, I have got a construction job; it pays \$8 an hour. Well, there are not very many Americans who would do heavy construction for \$8 an hour, so nobody shows up.

Then the employer goes to the Department of Labor and says: Well, gee,

I could not get an American to take the job. Let me have some temporary workers. You cannot do that. If it is a carpenter—I am not sure what the wage is; maybe it is \$18 an hour, maybe more. If he says I need 10 carpenters, he has got to say the wage I am paying is \$18 an hour. Then if American workers are out of work and want to work for that wage, that is the average wage in that industry in that place, and they can come in and work with the knowledge that they are not receiving a depressed wage.

If you have Americans willing to do the work, then there is no temporary worker. But if there is not an American to come do the work, the temporary worker comes in at the same wage that is paid to everyone else, so there is no wage depression under this temporary worker program. I think that argument is not an argument to eliminate this program.

Finally, the Senator from North Dakota began his argument with something that is absolutely true. He made the point that we cannot allow everybody in the world to come to a better place, to come to the United States. That is absolutely true. We have got a big heart, but we have only got so much room.

As a result, we have an immigration system that tries to establish quotas, and it establishes areas of immigration in which we will allow people to come here: countries from which they can come; some family immigration; some work visas; asylum, and all of the other categories we have. Then we draw a limit. We say that is it, except for certain categories, except for the nuclear family.

A temporary worker program allows us to remain true to that general immigration philosophy we have always had in this country. That is to say, when we need more workers temporarily, we will bring them into the country, but when we no longer need them here, they return home. That way you are not, as the Senator from North Dakota said, opening your doors to all of the people in the world who want to come here. I agree with him; we cannot do that. But when we have a need that is not being satisfied and we have advertised the job for the same wage Americans are earning, and we cannot get an American to do that work, then it is appropriate to say to a foreign national: If you want to come here and work under our conditions, abiding by our rules, we will allow you to do that and, of course, when you are done, you will return home.

That is the essence of the temporary worker program here. It is a good program. I hope my colleagues will appreciate that there are strong reasons for including it in this legislation, as I said, starting with the proposition that it will eliminate the magnet for illegal employment that exists today.

I urge my colleagues to oppose the amendment of the Senator from North Dakota.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the Comprehensive Immigration Reform Act we are debating right now is a long and complicated bill that touches on a number of important issues. It addresses the concerns I believe all of us have about securing our borders, something I strongly support, and that is long overdue. It addresses the need to hold employers accountable when they knowingly hire illegal immigrants, something which certainly under the Bush administration has not been the case.

This bill addresses the very contentious and difficult issue of how we respond to the reality that there are some 12 million illegal immigrants in this country today, and how we can carve out a path which eventually leads to citizenship, which is something I support.

But today I want to concentrate on one major aspect in this comprehensive bill, and that deals with the Dorgan amendment and the whole issue of guest laborers. That point centers around the state of the economy for working people in the United States and, in my view, my strong view, the negative impact this overall legislation will have for millions of Americans.

Let me begin by pointing to this quote, this quote right here, from Mr. Randel K. Johnson, the vice president of the U.S. Chamber of Commerce, which was reported in the New York Times on May 21, the other day. This is what Mr. Johnson said:

We do not have enough workers to support a growing economy. We have members who pay good wages but face worker shortages every day.

Mr. President, let me suggest that Mr. Johnson and many of the other big business organizations and multinational corporations that have helped craft this legislation are not being quite accurate when they make statements such as this. The major economic problem facing our country

today is not that we do not have enough workers to fill good-paying jobs. Rather, the problem is we do not have enough good-paying, livable wage jobs for the American people, and that situation is getting worse. Over the last 6 years, 5.4 million more Americans have slipped into poverty, with the national minimum wage remaining at a disgraceful \$5.15 an hour.

By the way, Mr. Johnson's organization, the U.S. Chamber of Commerce, opposes raising the minimum wage.

With over 5 million more Americans slipping into poverty, where are all those good-paying jobs these workers can't seem to find? Over the last 6 years, nearly 7 million more Americans have lost their health insurance. Where are all those good jobs that provide benefits such as a strong health insurance package? Where are all those good jobs Mr. Johnson talks about when millions of Americans are losing their health insurance completely or are asked to pay substantially more for inferior coverage?

In the last 6 years since President Bush has been in office, some 3 million American workers have lost their pensions. If all of these good jobs are out there, why are more and more Americans slipping into poverty, more and more Americans losing their health insurance, and more and more Americans losing their pensions?

From the year 2000 to 2005, median household income declined by \$1,273. For 5 consecutive years, median household income for working age families has gone down. In other words, despite Mr. Johnson's assertion about all of the good-wage, good-paying jobs that are out there waiting for the American worker, the reality is, all over our country people are desperately looking for jobs that pay a livable wage. The real income of the bottom 90 percent of American taxpayers has declined steadily from \$27,060 in 1979 to \$25,646 in 2005. While women have done somewhat better in recent years, real median weekly earnings for males has actually gone down since 1979. Despite Mr. Johnson's

assertion, the economic reality facing our country is that the middle class is shrinking, poverty is increasing, and the gap between the very rich and everybody else is growing wider and wider.

I am assuming most Members of the Senate took economics 101 in college. One of the major tenets of free market economics is the law of supply and demand. Under that basic economic proposition, if an employer is having a difficult time finding a worker—and Mr. Randel Johnson tells us that is the case—then the solution to that problem on the part of the employer is to provide higher wages and better benefits. That is what the free market economy is supposed to be about. That is what supply and demand is all about. If you are having a difficult time attracting workers, you pay them higher wages and better benefits, and they will come. I wonder how it could be that with a supposed scarcity of workers out there, wages and benefits are going down. That doesn't make a lot of sense to me. If Mr. Johnson were right, you would expect that wages would be going up, benefits would be going up. In fact, the opposite is true.

What this legislation is not about is addressing the real needs of American workers. It is not about raising wages or improving benefits. What it is about is bringing into this country over a period of years millions of low-wage temporary workers with the result that wages and benefits in this country, which are already going down, will go down even further.

Let's talk about what really is going on in our economy today. I ask unanimous consent to have printed in the RECORD a document entitled "May 2005 Occupational Wages and Estimates" which comes from the State of Vermont Department of Labor. That is the latest such report available.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 2005 VERMONT OCCUPATIONAL WAGE ESTIMATES

SOC	Occupation title	Reporting units	Employment	Mean
41-2011	Cashiers	399	9,950	8.71
41-2031	Retail Salespersons	537	9,910	11.88
25-9041	Teacher Assistants	183	5,840	n/a
43-3031	Bookkeeping, Accounting, and Auditing Clerks	1,660	5,710	14.14
29-1111	Registered Nurses	309	5,560	24.07
35-3031	Waiters and Waitresses	170	5,420	8.97
43-6014	Secretaries, Except Legal, Medical, and Executive	860	4,660	12.91
43-9061	Office Clerks, General	889	4,190	11.17
25-2021	Elementary School Teachers, Except Special Education	117	4,040	n/a
37-2011	Janitors and Cleaners, Except Maids and Housekeeping	640	4,020	10.51
53-3032	Truck Drivers, Heavy and Tractor-Trailer	315	4,000	15.64
43-6011	Executive Secretaries and Administrative Assistants	938	3,840	17.28
47-2031	Carpenters	182	3,550	16.20
49-9042	Maintenance and Repair Workers, General	600	3,280	15.06
43-5081	Stock Clerks and Order Fillers	333	3,240	10.19
43-4051	Customer Service Representatives	421	3,220	13.48
25-3099	Teachers and Instructors, All Other	132	3,070	n/a
31-1012	Nursing Aides, Orderlies, and Attendants	96	2,890	10.47
35-3021	Combined Food Preparation and Serving Workers, Incl	146	2,860	8.58
25-2031	Secondary School Teachers, Except Special and Vocati	75	2,770	n/a
21-1093	Social and Human Service Assistants	109	2,740	13.40
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	238	2,650	10.75
35-2021	Food Preparation Workers	257	2,570	9.04
37-2012	Maids and Housekeeping Cleaners	160	2,530	9.68
13-2011	Accountants and Auditors	730	2,490	26.10
17-3011	Landscaping and Groundskeeping Workers	229	2,440	11.32
43-4171	Receptionists and Information Clerks	542	2,400	11.22
41-1011	First-Line Supervisors/Managers of Retail Sales Workers	514	2,360	19.43
51-2092	Team Assemblers	70	2,330	12.71
43-1011	First-Line Supervisors/Managers of Office and Administr	743	2,230	22.36

MAY 2005 VERMONT OCCUPATIONAL WAGE ESTIMATES—Continued

SOC	Occupation title	Reporting units	Employment	Mean
41-4012	Sales Representatives, Wholesale and Manufacturing, E	408	2,210	24.81
53-3033	Truck Drivers, Light or Delivery Services	263	2,100	12.77
49-3023	Automotive Service Technicians and Mechanics	132	2,040	14.66
35-2014	Cooks, Restaurant	130	1,920	11.46
11-1021	General and Operations Managers	950	1,830	46.22
39-9011	Child Care Workers	79	1,810	9.97
35-9021	Dishwashers	164	1,760	8.06
51-1011	First-Line Supervisors/Managers of Production and Ope	464	1,650	24.46
35-3022	Counter Attendants, Cafeteria, Food Concession, and C	91	1,600	8.33
43-5071	Shipping, Receiving, and Traffic Clerks	428	1,590	12.96
25-2022	Middle School Teachers, Except Special and Vocational	88	1,580	n/a

Notes.—n/a = not available because employment or wage estimate was either not reliable or not calculated; + = indicates the top reportable wage, actual wage is at least this high and probably higher.

Source: Occupational Employment Statistics (OES) survey—released May 2006.

Mr. SANDERS. Let me discuss the 10 largest categories of employment in my State of Vermont and the wages workers earn who do that work. We will talk on some of them, not all 10. The occupation in Vermont with the most employment is that of being a cashier. Those are people who obviously work at retail stores and who take in money, make change. The average wage for this category of worker 2 years ago—these are the latest figures we have seen—was \$8.71 an hour. Many of those workers have inadequate or no health care at all. That is \$8.71 for that category of work in which more Vermonters perform than any other. Are these the good wages to which the Chamber of Commerce is referring?

In that same survey, the second largest job category in Vermont is that of retail salespersons. That mean hourly wage was, as of 2 years ago, \$11.88 an hour. That is better than cashiers earn but less than \$26,000 a year.

On and on it goes: bookkeepers in Vermont, \$14.14 an hour; waiters and waitresses, \$8.97; secretaries, \$12.91; office clerks, \$11.17 an hour; janitors and cleaners, \$10.51 an hour.

I ask unanimous consent to print in the RECORD a list of jobs available today in northern Vermont and in the Littleton, NH, area as posted by the Vermont Department of Labor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Vermontjoblink.com, May 22, 2007]

1. Flagger

City: Newport, VT
Order Number: 47463
Basic Job Information: \$10.00–\$10.00, Full-time
Required Education: No Educational Requirement
Required Experience: No Experience Requirement

Flaggers are needed to work throughout the state. Employer will train and certify—no experience is nec., however ALL applicants must have valid VT Driver's License, their own, reliable transportation, and a telephone in their home. Work hours will not be flexible—40+ per week. Applicants must also be 18 years old. Please have company application completed before coming to course—DOL to hold. Those planning on attending course (to be held on May 29th from 9 am to noon CCV-Newport) must . . .

2. Dispatcher/Scheduler

City: St. Johnsbury, VT
Order Number: 47466
Basic Job Information: \$11.00–\$11.00, Full-time
Required Education: High School Diploma or Equivalent

Required Experience: 1 Year 0 Months

The Dispatcher/Scheduler reports to the Executive Director. Primary responsibilities include carrying out all procedures in dispatch, verifying client eligibility for Medicaid and/or other program subsidy. Verifying and changing appointments, questioning necessity or nature of treatment to the closest available facility. Schedules the passenger with a driver, notifying driver of specific information regarding trip/passenger. Schedules all rides with taxi companies at clients requests for . . .

3. Web Designer

City: Saint Johnsbury, VT
Order Number: 47470
Basic Job Information: \$12.00–\$25.00, Full-time or Part-time
Required Education: Associates Degree
Required Experience: 2 Years 0 Months
Web Technician Responsibilities include, Basic Web HTML maintenance, creating and sending weekly newsletters to e-mail data base, Creative internet marketing, and understanding and set up of merchant account cart options.

4. Home Care Attendant

City: St Johnsbury, VT
Order Number: 45721
Basic Job Information: \$7.53–\$7.53, Part-time
Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 3 Months
Home Care Attendant opening offering flexible schedule, weekdays and every other weekend required. Duties include providing household management assistance and minimal personal care to clients in their homes. May include light meal preparation, doing errands, cleaning, laundry and some socialization skills. If you enjoy helping others, working independently and having flexible hours you should apply. There is a shift differential for weekends/evenings. Training and orientation are provided . . .

5. Operations Manager

City: Lyndonville, VT
Order Number: 46723
Basic Job Information: \$40,000.00–\$50,000.00, Full-time
Required Education: High School Diploma or Equivalent

Required Experience: 3 Years 0 Months
Earth Tech operates the Lyndon Wastewater Treatment Facility on behalf of the local community under an operation and maintenance contract. The Operations Manager will oversee the daily operations and maintenance of a .750 mgd extended aeration activated sludge secondary treatment plant with 3 employees. The plant has an ATAD system, Air Scrubber, and a Land Application program. Responsibilities include monthly reporting to the ANR, the client and Earth Tech. This position is responsible for . . .

6. Residential Crisis Counselors

City: Newport, VT
Order Number: 47441

Basic Job Information: \$0.00–\$0.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 6 Months

Dynamic new crisis program is looking for mature, responsible, empathic counselors to work with adults with complex issues who need brief crisis intervention. Counselors will work with a team of clinical professionals providing supervision, peer recovery support, crisis intervention and discharge planning. All shifts and weekend coverage available. (This is shift work and not live-in employment). Will provide training. Full time & part time positions available.

7. Assistant Director. Adult Outpatient Services

City: Newport, VT
Order Number: 47442
Basic Job Information: \$0.00–\$0.00, Full-time

Required Education: Masters Degree
Required Experience: 4 Years 0 Months
Administers, coordinates and manages programs and services for Adult Outpatient Services, Mental Health & Substance Abuse, for St. Johnsbury area. This includes clinical and administrative supervision, budgetary controls, initiation and review of policies and procedures, and participation in quality control, assurance and improvement. Takes an active role in the development and implementation of new programs and services. May be assigned to act as the division director.

8. Store Clerk

City: W Danville, VT
Order Number: 47452
Basic Job Information: \$8.00–\$8.00, Part-time
Required Education: No Educational Requirement

Required Experience: 1 Year 0 Months

Job is fast paced therefore you must be able to multi-task. Lifting, stacking, cooking and cleaning involved. Must be customer service oriented and be able to run a cash register. Waitstaff experience a plus. Employer is looking for a self motivated, independent, reliable person. This job has potential of moving into a management position. Serious applicants only please.

9. CNC Mill or Lathe Setup Operator

City: Bradford, VT
Order Number: 46876
Basic Job Information: \$11.00–\$16.00, Full-time
Required Education: High School Diploma or Equivalent

Required Experience: 3 Years 0 Months

3–5 years experience on CNC equipment. Experience editing programs and/or programming would be a plus. Learning to program could be included in this position. Candidates need good math skills and attention to detail. Knowledge of geometry and trigonometry highly desirable. Full time position 6:30–3PM Monday-Friday with some flexibility of schedule possible.

10. Teacher

City: Lyndonville, VT

Order Number: 47415

Basic Job Information: \$1,000.00-\$1,000.00, Full-time

Required Education: Bachelors Degree

Required Experience: 0 Years 6 Months

This is a teaching position for an alternative high school for 9th through 12th grades with teaching experience in Math and Social Studies. This position would most likely involve troubled youths. This is a salaried position for the academic school year of 2007-2008. There is also a possible one-on-one paraeducator position opening with experience relevant to the above. This one would be an hourly position. Applicants must pass a criminal background check.

11. Real Estate Title Abstractor/Searcher (Legal Secretary)

City: St Johnsbury, VT

Order Number: 47423

Basic Job Information: \$10.00-\$13.00, Full-time or Part-time

Required Education: Associates Degree

Required Experience: 0 Years 6 Months

Full or part time Real Estate Abstractor/Searcher (Legal Secretary) needed. Qualified applicants will have excellent computer and communication skills as well as good writing, grammar and compositions skills, willing to learn, dependable with valid drivers license and reliable vehicle. Employer prefers someone with an Associates Degree and 3-5 years office experience. Job duties will include travelling to Orleans, Essex and Caldonia counties to search for land records.

Construction Laborer/Bridge Carpenters

City: Concord, VT

Order Number: 47409

Basic Job Information: \$11.00-\$11.00, Full-time

Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 6 Months

Local construction company is seeking construction laborers and bridge carpenters to work in various sites throughout Vermont and Northern New Hampshire. Current jobs are located in Bradford, VT and West Lebanon, NH. Applicants must have a valid drivers license and employer would prefer someone with some construction experience. Job includes heavy physical work and occasionally work on Saturdays.

13. Loan Admin Support Staff

City: Littleton, NH

Order Number: 47359

Basic Job Information: \$0.00-\$0.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: No Experience Requirement

The successful candidate will perform a variety of clerical and administrative functions working within the Loan Administration department. Responsibilities include maintaining and updating loan files and insurance files, order supplies, reconcile loan checks, completing all loan files, and assisting the administration personnel when needed. This position is full time and comes with Career Opportunities and excellent benefit package.

14. Receptionist/Switchboard Operator

City: Littleton, NH

Order Number: 47360

Basic Job Information: \$8.00-\$10.00, Full-time or Part-time

Required Education: No Educational Requirement

Required Experience: No Experience Requirement

The successful candidate will greet and direct visitors in professional manner, sorts and distributes incoming mail, keeps current

information up to date on locations, absences, travel plans, and is responsible for all incoming calls. The right candidate must have excellent communications and computer skills. This position has career opportunities, and comes with an excellent benefit package.

15. Director of Operations

City: Littleton, NH

Order Number: 47362

Basic Job Information: \$0.00-\$0.00, Full-time or Part-time

Required Education: Some College

Required Experience: 5 Years 0 Months

The right candidate will have direct leadership to ensure high quality patient care, fiscal responsibility, and employee satisfaction. Responsibility includes the overall business management. In addition to strong technical skills, you should be comfortable working in a team environment and fostering cross-functional teamwork. The individual in this role needs to have business savvy and be able to take initiative to identify/communicate/resolve discrepancies and drive process improvements.

16. Soldering

City: Littleton, NH

Order Number: 47363

Basic Job Information: \$8.00-\$12.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 1 Year 0 Months

Previous experience in manufacturing as a machine operator is a plus.

Candidate will be responsible for soldering cables, working with hand tools, hand held machines, as well as assembling. On the job training is available.

17. Shipping / Order Processor

City: Littleton, NH

Order Number: 47365

Basic Job Information: \$11.00-\$11.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 1 Year 0 Months

Excellent opportunity to work for a small business with worldwide clientele. This position entails the following responsibilities: prepare product for shipping using various shipping methods, ability to lift 30 lbs on a frequent basis, all aspects of order processing including, but not limited to the following: quote/bid prices, customer service, invoicing, purchase orders to suppliers, and all accompanying paperwork. Experience in a manufacturing environment and a resume is required. Thi. . .

18. Machine Operator

City: Littleton, NH

Order Number: 47212

Basic Job Information: \$8.00-\$10.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: No Experience Requirement

Previous experience in a manufacturing environment as a machine operator is a plus.

19. Payroll Administrative Assistant

City: Littleton, NH

Order Number: 47215

Basic Job Information: \$10.00-\$14.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 2 Years 0 Months

This position is full time and is responsible for payroll, payroll taxes, general ledger, inventory, excellent follow through and communications skills.

20. Sales and Marketing Analyst

City: Littleton, NH

Order Number: 47217

Basic Job Information: \$8.00-\$12.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 2 Years 0 Months

This position requires a candidate who is detail oriented, multitasking, and can work in a fast pace environment. Excellent benefits come with this opportunity.

Mr. SANDERS. These are the jobs which are available today. If any Member of the Senate wanted to retire today and they wanted to run up to northern Vermont or to the Littleton, NH, area, these are the jobs which are available today, posted by the Vermont Department of Labor: If you wanted to be a flagger, you can make \$10 an hour; if you want to be a dispatcher, \$11 an hour; home care attendants, thousands of home care attendants taking care of the elderly and the frail make all of \$7.53; store clerk, \$8 an hour; construction laborer, \$11 an hour; receptionist, \$8 to \$10 an hour; shipping, \$11 an hour; machine operator, \$8 to \$10 an hour. On and on it goes. Those are the jobs available today in northern Vermont, what we call the Northeast Kingdom, and the Littleton, NH, area.

Over the years in Vermont and throughout this country, people have been trying to understand a very important concept: How much money does an individual and a family need in order to survive economically with dignity? That means having an adequate home, having a car that works, paying your electric bill on time, having some health insurance, having childcare for a child if that is what you need. That whole concept is called a livable wage—the means by which an American citizen can live in dignity.

For a single person living alone in the State of Vermont, that wage is \$14.26 an hour. That is substantially more than the wage being paid in Vermont for a cashier, which is what more people do than anything else. If you are a single parent with one child, that livable wage is \$21.40 an hour; single parent with two children, \$20.59 an hour; two parents, two children, and one wage-earner, \$24.89.

What is my point? My point is a simple one: Despite the Chamber of Commerce assertion that there are all these great-paying jobs out there and the major problem facing our economy is that we just can't find the workers to do them, I can tell you, in the Vermont-New Hampshire area, there are thousands and thousands of decent, hard-working people making 10 bucks an hour, 11 bucks an hour, 12 bucks an hour, less than that, and many of those workers have no health insurance. Many of those workers are having a hard time making ends meet.

Here is my concern about this legislation. At a time when millions of Americans are working longer hours for low wages and have seen real cuts in their wages and benefits, this legislation would, over a period of years, bring millions of low-wage workers from other countries into the United States. If wages are already this low in

Vermont and throughout the country, what happens when more and more people are forced to compete for these jobs? Sadly, in our country today—and this is a real tragedy—over 25 percent of our children drop out of high school. In some minority neighborhoods, that number is even higher. What kind of jobs will be available for those young people?

This is not legislation designed to create jobs, raise wages, and strengthen our economy. Quite the contrary. This immigration bill is legislation which will lower wages and is designed to increase corporate profits. That is wrong, and that is not an approach we should accept.

Today, corporate leaders are telling us why they want more and more foreign workers to come into this country to compete with American workers. I find it interesting that just a few years ago, during the debate over our trade policy, this is what these same people had to say. Let me quote. According to an Associated Press article of July 1, 2004, Thomas Donohue, president and CEO of the U.S. Chamber of Commerce, was quoted as saying that he “urged American companies to send jobs overseas” and that “Americans affected by off shoring should stop whining.” Then he told the Commonwealth Club of California that “one job sent overseas, if it happens to be my job, is one too many. But the benefits of [outsourcing] jobs outweigh the cost.” That was from an AP story, July 1, 2004.

Carly Fiorina, former CEO of Hewlett-Packard, said in January of 2004: “There’s no job that is America’s God-given right anymore,” as her company Hewlett-Packard has shipped over 5,000 jobs to India, outsourced almost all of their notebook PC designs, production, and logistics to Taiwan, and manufactures much of their product in China. Ms. Fiorina may have had a point. A few years ago, she lost her job as CEO due to poor performance. But unlike the thousands of jobs she was responsible for shipping overseas, Ms. Fiorina walked away with a \$21 million golden parachute.

I should add that Hewlett-Packard, among many other corporate leaders in outsourcing, just coincidentally happens to be one of those corporations most active in the immigration debate. In other words, if these large corporations are not shutting down plants in the United States, throwing American workers out on the streets, moving to China, where they pay people 50 cents an hour, what they are doing is developing and pushing legislation which displaces American workers and lowers wages in this country by bringing low-wage workers from abroad into America.

Mr. DORGAN. Mr. President, I wonder if the Senator from Vermont will yield for a question.

Mr. SANDERS. Mr. President, I yield.

Mr. DORGAN. Mr. President, on that point, I was thinking of something our

colleague from Arizona said a few minutes ago. He talked about the fact they are going to provide substantial border security, No. 1. Then later he said the reason we have to allow guest or temporary workers—400,000 of them—to come into this country is if we do not let them come in, there will be more tension for illegal immigration. Well, where is the illegal immigration going to come from if you have secured the border? If you have not secured the border, isn’t it the case that what you have simply done is said we are going to have 400,000 people come across the border or come into this country and assume jobs? Do you know what we will do? Let’s just call them legal. Isn’t there an inherent contradiction in what we just heard—and we will hear again, I am sure—the proposition that we have to have temporary workers because if we do not, people will come in illegally? How will they come in illegally if you have secured the border? And shouldn’t you first secure the border in a way that is credible?

Mr. SANDERS. Mr. President, I agree with my friend from North Dakota. But he will remember something else. Doesn’t this argument about passing legislation that will stop illegal immigration ring a bell in terms of the debate we had over NAFTA? Does my friend from North Dakota remember that one of the reasons we had to pass NAFTA was to improve the economy in Mexico so workers there would not be coming into this country?

It sounds to me as if it is the same old tired argument. It certainly has not worked with regard to NAFTA. Since NAFTA has passed, among many other things, there has been a huge increase in illegal immigration. The point the Senator makes is quite right.

Mr. DORGAN. Mr. President, if the Senator will yield further, this is another piece of evidence that in this kind of discussion in the Congress, you never have to be right; all you have to have is a new idea—and you just keep coming up with new ideas that are wrong.

The Senator is perfectly correct with respect to NAFTA. In fact, the same economists who were giving all this advice about NAFTA, who were fundamentally wrong, are now giving us advice on this issue and telling us how they are going to create new jobs and all of these related issues.

The fact is, at its roots, isn’t it the case that what this kind of temporary worker provision does is put downward pressure on the income for American workers and bring in low-wage workers to assume American jobs? Isn’t that the case?

Mr. SANDERS. Mr. President, that is exactly right.

I know the Senator from North Dakota has been very strong on this issue. We are looking at two sides of the same coin, with the result that the middle class gets squeezed and workers are forced to work for lower wages. That is, on one hand, a trade policy which

corporate America pushed through the House and the Senate that says we can shut down plants in America, run to China, pay people there pennies an hour, and bring those products back into America. They have laid off millions of American workers. On the other side of the economy, we still have service jobs in this country, some of which may pay a living wage. Many of them do not. American corporations and companies say: We need to be able to make more profits, so if we cannot shut down restaurants and McDonald’s in America and take them to China, well then, I guess what we have to do is bring those workers back into the United States. But as the Senator from North Dakota just indicated, the end result is the same: more and more workers experiencing cuts in their wages, poverty in America increasing, and the middle class shrinking.

Let’s not forget—I think a lot of people do not know this, and the media does not necessarily make this point—behind a lot of this immigration legislation stands the largest corporations in America, one of them being Microsoft, having played a very active role in this debate. Here is what the vice president of Microsoft said, as quoted in *BusinessWeek* in 2003:

It’s definitely a cultural change to use foreign workers, but if I can save a dollar, hal-lelujah.

Four years ago, Brian Valentine, Microsoft’s senior vice president, urged his managers to “pick something to move offshore today.”

The CEO of Microsoft has said—this is Steve Ballmer; this is relevant to this debate—“Lower the pay of U.S. professionals to \$50,000 and it won’t make sense for employers to put up with the hassle of doing business in developing countries.

Lower the pay of professionals in America.

What I find interesting about corporate America’s support for this type of legislation is their arguments now distinctly contradict the arguments they made when they told us how good outsourcing is for this country and how good our trade policies such as NAFTA and permanent normal trade relations with China would be. What hypocrisy. One day they shut down plants with high-skilled, well-paid American workers and move to China. That is one day. On the next day, after having shut down a plant with highly skilled workers, they have the nerve to come to the Congress and tell us they cannot find skilled workers to do the jobs they have. Give me a break.

I think we all know what is going on here. Greed rather than love of country has become the driving force behind corporate decisions. While corporate profits are at their highest share of gross domestic product since 1960—up more than 90 percent since President Bush took office—median earnings are at their lowest share since 1947. In other words, as a result of all of these policies, people on top—corporate

America—are doing very well. The middle class is struggling. While millions of workers are working longer hours for lower wages, the CEOs of major corporations are now earning 400 times what their employees make.

Today, in America, the top 300,000 Americans earn nearly as much income as the bottom 150 million Americans combined. Today, in America, the richest 1 percent own more wealth than the bottom 90 percent, and we now have the most uneven distribution of wealth and income of any major nation on Earth. That is the reality, and these immigration policies, these trade policies, are directly causing this disparity of wealth and income.

We hear over and over again from large multinational corporations that there are jobs Americans just will not do and that we need foreign workers to fill those jobs. Well, that is really not quite accurate. If you pay an American or any person good wages and good benefits, they will do the work.

In June 2005, Toyota, in San Antonio, TX, announced the opening of a plant. That plant received, in a 2-week period, 63,000 applications for 2,000 jobs. That story has been repeated all over this country. If you are going to pay decent wages, they will come and they will do the work. Yes, it will be difficult to attract an American worker to work in, say, a meatpacking house if the pay is 24 percent lower today than it was in 1983—24 percent lower. But guess what. In 1980, when the wages of meatpacking workers were 17 percent higher than the average manufacturing sector wage—because they had a strong union—American workers were prepared to do that difficult and dirty job. They did it because they were paid well. They had a union. They had dignity.

I have talked about the crisis in terms of low-wage jobs. Now let me say a few words about the problems facing our country in terms of higher wage jobs.

While our corporate friends bemoan the lack of skilled professionals and want to bring hundreds of thousands of more employees into this country with a bachelor's degree, an M.A., or a Ph.D., earnings—while this process goes on—of college graduates were 5 percent lower in 2004 than they were in 2000, according to White House economists. In other words, for college graduates, their earnings are also in decline. But what this legislation does is expand the opportunity for people with M.A.s and Ph.D.s and B.A.s and B.S.s to come into this country. When it comes to the H-1B visa, our corporate friends tell us Americans cannot do it. We cannot do that work. We are either too dumb or just not willing to do the following jobs.

Let me for a moment mention some of the eligible occupations for H-1B visas that Americans are, apparently, too dumb to be able to do: information technology/computer professionals, university professors, engineers, health

care workers, accountants, financial analysts, management consultants, lawyers—my God, if there is one thing in this country, one area where we have too many, it is lawyers; I am not sure there is a pressing need to bring more lawyers into this country—architects, nurses, physicians, surgeons, dentists, scientists, journalists and editors, foreign law advisers, psychologists, technical publication writers, market research analysts, fashion models—fashion models—and teachers in elementary or secondary schools. I just did not know we were incapable of providing teachers in our elementary or secondary schools.

Having said that, I do recognize we do have a serious problem in terms of labor shortages in some areas. That is true. But, in my view, our major strategy must be to educate our own students in these areas so they can benefit from these good-paying jobs. These are the jobs which are paying people good wages. Rather than bringing people from all over the world to fill them, I would rather our kids and grandchildren were able to do these kinds of jobs.

Let me give you one example. Right now, it is absolutely true that we have a major shortage of nurses in this country. That is true. But at the same time as we have a major shortage of nurses, some 50,000 Americans last year applied to nursing schools, and they could not get into those schools because we do not have the faculty to educate Americans to become nurses. How absurd is that? So it seems to me, before we deplete the Philippines and other countries of their stock of nurses—doing very serious harm to their health care systems—maybe, just maybe we might want to provide educators in this country for our nurses. The same thing is true of dentists. It is a very serious problem with regard to shortages of dentists. Yet in dental schools all over this country we lack faculty to educate people to become dentists. While there is a dispute as to whether we do have a shortage in information technology jobs, there is no doubt we should make sure that enough Americans—far more Americans—are better educated in math and computer science than we are currently doing.

The bottom line is we need to take a very hard look at our educational system and, among other things, make college education affordable to every American while we increase our focus on math and science. How absurd it is that hundreds of thousands of low-income kids no longer are able to go to college because they cannot afford it, and then we say: Well, we don't have the professionals we need in this country; we have to bring them in from abroad. So the long-term solution is making sure college is affordable and improving our public schools so our people can fill these jobs.

As this debate on this bill continues, I am going to do everything I can to

make sure any immigration reform legislation passed by this body has the result of lifting wages up and expanding the middle class, rather than doing the contrary.

Mr. President, thank you very much. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to cooperate with my friend from California. I have been here for the debate with the Senator from North Dakota, and I want to respond.

If the Senator needs 5 or 8 or 10 minutes—

Mrs. BOXER. Ten minutes.

Mr. KENNEDY. Then I will be glad to withhold and speak after that time.

Mrs. BOXER. I thank the Senator so much.

Mr. KENNEDY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, can the Chair tell me when I have gone about 9 minutes, and then I will wrap up.

Mr. KENNEDY. Madam President, if the Senator will permit me, I ask to be recognized at the conclusion of the remarks of the Senator from California.

Mrs. BOXER. Madam President, would the Chair inform me when I have 1 minute left of my 10 minutes so I can wrap up at that time?

The PRESIDING OFFICER (Mrs. MCCASKILL). She will.

Mrs. BOXER. Thank you very much.

Madam President, I come to the floor this afternoon—I wanted to be here for this entire debate, but I have been chairing a hearing over in the Environment and Public Works Committee, where our attorney general, Jerry Brown, is here to make a very strong and persuasive case for our State and 11 other States to begin to take on the issue of global warming in terms of emissions of movable sources, mobile sources—cars. I came over as soon as I could.

I am so grateful to Senator DORGAN for once again showing the leadership to offer us an amendment that I think has tremendous merit and that is to strip from the immigration bill this guest worker program. I wish to make it clear that this guest worker program has nothing to do with the agricultural jobs program that is in this bill that I support, a bill that has been vetted at hearings. We know there is a need. There seems to be very little, if any, disagreement on that portion of the bill.

But this is a generalized guest worker program. I did hear the comments of Senator SANDERS. I wish to associate myself with his remarks. Senator SANDERS makes a brilliant point. How many times have we seen workers huddled in a corner with tears in their eyes because they received a notice that they have been laid off—not by the tens, not by the twenties, not by

the hundreds but sometimes by the thousands. Big employers in this country seemingly with nowhere to turn tell us: Oh, my goodness, we have to compete, we have to pare down our employment, and they lay people off. Those same employers are now begging for a guest worker program. Why? You have to ask yourself why? I do have a degree in economics, but I would say that was a long time ago. You don't need a degree in economics to understand what is at stake. These large employers want a large, cheap labor pool that they can draw from. My colleagues on the other side say: Oh, we are protecting those workers. Oh, they will be fine.

No, they will not be fine. How many workers do you know ever in the history of America who have to leave after 2 years and wait a year to come back to a program, leave after the next 2 years, come back, and by the way, how powerless are these workers, these temporary guest workers? They know if they say one thing to criticize, perhaps, a manager or to complain or to beg for a sick day because they have a sick child at home, when they know they have no power, everything rides on their being able to come back into the country because the employer says they can come back in. We are setting up a system of exploitation. We are setting up a system with this generalized guest worker program, a system that will put downward pressure on the American worker. We are already worried about what is happening with trade.

Many of us have been saying for years: Where are the workers' rights in these trade agreements? Where are the environmental standards? Now they claim they are coming in with these agreements. I will believe it when I read the fine print. But the point is we are already in trouble, our workers are, competing with workers from around the world. Now we are bringing them in here, 400,000 a year, every single year, millions of workers.

Now, I know my dear friends who put this together tried their best to bring us a fair bill, but this is not fair. I know my friends who worked so hard to put this together said: Well, we have to give up something to get something. I know that, believe me. I just brought my first bill to the floor as a chairman. It was tough, very tough. I understand that. But there is a point at which you have to say: Time out; let's look at this. This isn't good. I say we make this bill so much better if we can strip out this generalized guest worker program. I think Senator SANDERS has shown us, by way of his research, that this whole thing is a phony request that we need these workers, when we already know that big business is laying off our workers.

I think we have to look at what we are about to do. The underlying bill takes 12 million undocumented immigrants, most of whom are in the workforce already, and they put them on a

path to legality. I support that. If they have worked hard and if they have played by the rules and if they are good people, I support that. It is not amnesty. I have seen what this bill does. They have to pay heavy-duty fines. They have to get in the back of the line. That is fine. But on top of the 12 million workers, we then have our regular program of green cards. Madam President, 1.1 million receive green cards; 1.5 million in 2005 were given temporary worker admission. So here we have a circumstance where we are legalizing 12 million people, most of whom are workers; we have another 3 million who come in every year, plus we have our regular immigration system, and now we are adding on top of that 400,000 workers a year.

Now, according to the Economic Policy Institute, nearly 30 million Americans make an average wage of \$7 an hour. The plight of these working poor is not getting better. In fact, real wages for the bottom 20 percent of American workers have declined from 2003 to 2005. Let me repeat that. Real wages between 2003 and 2005 have declined. People cannot live on \$7 an hour, to be honest with you. I was going through my son's old pay stubs when he worked his way through college in the 1980s. He worked as a clerk at a grocery store. He made \$7 an hour in the 1980s; \$11 on the weekend. A good job. That is what a lot of the workers still make. That is not right, to stagnate like that. It is not right.

Now, you add to the fact that our workers are losing ground; you say 400,000 guest workers. By the way, if we did this industry by industry, it might make a little more sense, but oh, no. These workers can come in and go anywhere. They can go anywhere. So it is a pool of cheap labor at the expense of the American workers. It is as simple as that. I don't think it takes an economics degree to understand it. Our colleagues say: Well, these are jobs that American workers would not take. Baloney. We heard the jobs. A lot of them are good jobs.

We are going to work on this. We may not make this amendment. I hope we win it. I think everyone who cares about American workers today should vote for the Dorgan-Boxer amendment and strip this guest worker program from the bill—leaving the AgJOBS in place, of course—but strip this from the bill. Get rid of this terrible program. If that doesn't work, there will be amendments to cut it in half and maybe more. Let's do that. I will have amendments to make sure there are some checks on this program, that if more than 15 or 16 percent of the workers don't obey the rules and stay here, even though they are supposed to go back, the program will be finished, over, done.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. BOXER. So there will be a series of amendments on this guest worker program.

I also will have an amendment that has the Department of Labor certifying that this guest worker program is good for America. It is good for the American worker. If they cannot so find, they will tell us, and we will have to reauthorize this program every single year. This is written in a way that no matter what the unemployment rate, no matter what is happening on the ground to our workers, 400,000 guest workers come in. Imagine that. Imagine that. Imagine a time in America where we could be up to 8 percent, 9 percent, 10 percent unemployment. I have lived through those days, and I know the Senator from North Dakota has as well. But there is no automatic change in this program. We will still have 400,000 workers a year coming in. We have to put a check and balance on that program.

So I want to be able to vote for an immigration bill that is fair and just. This program is unfair. It is unjust. It will place downward pressure on the American worker who is struggling as we speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I am going to address the Senate on a different but very important issue and ask that these remarks be placed in the appropriate place in the RECORD and then address the amendment that is before us.

I see my good friend from Florida wishes to address the amendment, and we have notified our leaders that we are hopeful we will be able to get a vote in the not-too-distant future, for the benefit of Members. I wanted to speak now briefly, if that is all right.

The Senator from Florida has been waiting a good deal of time, so if he would like to take 10 minutes and speak, I plan to be around here anyway, so if he would like to do that, I will be more than happy to do that.

Mr. MARTINEZ. That would be fine.

Mr. KENNEDY. I ask unanimous consent to be recognized after the Senator from Florida speaks.

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

The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Madam President, I wanted to speak on the subject of the Dorgan amendment and maybe try to set the record straight on some things.

It is obvious that there is a different point of view on the relative merits of this amendment and also on the situation our country faces today relative to labor. I come from a State where the unemployment rate is barely above 2.5 percent and where, frankly, there is a shortage of workers to do any number of jobs, from picking citrus to working in our hotels and many other tourist attractions. That is a fact of life. When you talk to the hospital administrators of our hospitals, they will tell us without a doubt there is a shortage of nurses. Our Governor very wisely has

created some programs to enhance the number of nurses in our State by providing expanded educational opportunities. But the fact remains, we do have a problem. From time to time, there are needs for workers that our Nation simply cannot meet. To say otherwise simply would be ignoring the reality we face today.

So as we speak to this issue, I wish to try to go through several aspects of the bill that I think are important to keep in mind as we talk about this guest worker program. The eligibility requirement for Y workers, this is what the workers must do. They have a valid labor certification issued within 180 days. They have to have eligibility to work. They must have a job offer from a U.S. petitioner employer, and they must also have the payment of a processing fee and the State impact fee. Whatever State they are going to be going to, there is going to be an impact on that State as it relates to health care and schools and whatever else, and that impact fee will be paid to the States. They have to have a medical examination and, very importantly for our national security, a complete criminal and terrorism-related background checks. They also must not be inadmissible or ineligible, meaning if we have deported you before, you need not apply.

Here is something else. For the Y-3 visa, they must have a wage 150 percent above the poverty level for the household size, and if they come with their families, which Y-3s would be allowed to in very limited numbers, they also must have insurance for their family as they come.

Now, if a worker fails to timely depart at the time that his temporary worker status is up, they will be barred from any future immigration benefit except where the applicant is seeking asylum. So it means that when the time is up, if you don't leave, you have quit playing the game, you are not coming back.

Here are some of the requirements that are placed on the employer before they can bring in an employee to work under this program. The employer of the Y visa worker must file an application for labor certification and a copy of the job offer. They have to pay a processing fee, so that this is a pay-as-you-go program. They must also make efforts to recruit U.S. workers for the position for which the labor certification is sought. Now, they must start recruiting no later than 90 days before the filing day for the application to the Department of Labor, and they must also, as part of their requirements, advertise in the area where the job is sought to be filled.

They advertise with labor unions, other labor organizations, and the Department of Labor Web site saying: Please come work for me, we have a job available. Then and only then, if there is a certification that the job goes unfilled, could a guest worker come to work on our shores.

The Secretary of Labor and the employers must attest that it will not displace, nor adversely affect, the wages or working conditions of U.S. workers, and that the wages will be paid not less than the greater of the actual wage paid by the employer to all similarly situated workers or the prevailing competitive wage.

We are doing this because there is a need, not because we simply want to. It is obvious that all of us would love to see American workers flourish first and foremost, but the facts are such that this is a necessary thing that we must have in our economy.

As to the issue of whether it will help border security, I happen to believe if we have a legal means for people to come across the border to meet that same supply and demand we are talking about—there is a demand for workers, there is a ready and available supply—those two are going to meet one another, and we are going to enhance our border security.

But would it not help border security if we also had a legal means by which people could come and work in this country? Of course, it will. That will give us a safety valve. It will give us an opportunity for legal workers to come to work for a period of time to fulfill a need when necessary—after certification, after advertising, and for the prevailing wage in that area. I think it is a reasonable thing to do. It is part of what our economy needs.

I could get into all kinds of other issues, such as wage scale and foreign trade and issues such as that, but I don't know that they are relevant to the subject at hand.

I do hope my colleagues will support defeating the Dorgan amendment because I believe this amendment would not only do great harm to the bill, it would be the end of this very comprehensive immigration bill. At the same time, in this bill I think we have, negotiated through this process, carefully balanced the needs of our economy with the rights of workers, as well as made sure that we are keeping a good balance between the needs of the economy and also that which is necessary to be fulfilled by a foreign workforce.

I see the Senator from Massachusetts on the Senate floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank my friend from Florida for his comments and helpful statements.

Madam President, I ask unanimous consent that the time until 5:45 p.m. today be for debate with respect to Dorgan amendment No. 1153, prior to a vote in relation to the amendment, with no amendments in order prior to the vote, and that the time be divided as follows: 20 minutes under the control of Senator DORGAN and the remaining time equally divided and controlled between Senators KENNEDY and KYL or their designees; and that at 5:45 p.m., the Senate proceed to vote in relation to the amendment.

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

Mr. KENNEDY. Madam President, I yield myself 12 minutes.

Madam President, we have the Dorgan amendment that is before us and will be acted on at 5:45 pm. It effectively eliminates the temporary worker program that provides for 400,000 visas a year. Let's understand where we are. It is important to look at the total legislation to understand each part of it.

First of all, Madam President, we have very tough border security proposals. That has been talked about and will have a greater opportunity to talk about those enormously important provisions.

Secondly, it has very important interior enforcement proposals. That is very important. It does not exist today. It didn't exist in the 1986 Act. I opposed the 1986 Act. President Reagan signed the Act and amnesty was part of it. But, the 1986 Act was a different proposal and legislation and has no relevancy whatever with this. So, this legislation has tough border security and tough interior enforcement provisions.

The legislation does have an impact on chain migration, which will be an issue to debate and discuss later. The legislation does include a temporary worker program. There are provisions that many in this body felt were extremely important. They are included in this legislation. We've also included in this legislation assurance to the 12 million undocumented immigrants that are here that they will be safe and secure and not deported like a number of families were deported in my own state of Massachusetts in the city of New Bedford.

The legislation also eliminates the backlog. Some families have been waiting 20 years to be reunited with their families will now be reunited over eight years. That is enormously important. It has the AgJobs bill. I listened carefully to my good friend from California being opposed to temporary workers, with the exception of temporary workers in agriculture. We have an AgJobs bill for farmworkers who probably have the most difficult back-breaking job in America. This bill gives them the opportunity to emerge from the shadows and into the sunlight. This is enormously important. Many of us remember the extraordinary work of Cesar Chavez, who was a leader on the issue of farmworker rights. This bill gives the workers the respect they deserve. This amendment would deny many families the opportunity to see their children of undocumented workers get help and assistance after the children have worked hard, played by the rules, graduated from school but would be unable to continue their education.

This bill is a real sign of hope for many families. These are the concepts in the temporary worker program, which are the target of the Senator

from North Dakota. He wants to get rid of the temporary worker program. We believe, as the Senator from Florida pointed out, even if you have a secure border—we are hopeful of having secure borders—it won't stop illegal immigration.

As the Governor of Arizona who probably knows as much about this as any other member of the United States Senate, has pointed out, you can build the fence down there, but if it is 49 feet high, they will have a 50 foot ladder. Talk to the Arizona governor. The fact of the matter is, some workers will come here illegally, or legally, one way or the other they come in. That is where the temporary worker program comes in. We say if we close this down, if we eliminate this program, you will have those individuals that will crawl across the desert and continue to die as they do now. Or you can say, come through the front door and you will be given the opportunity to work for a period of time in the United States—two years—and return.

Who are these people we are talking about? If an employer wants a temporary worker, what does that employer have to do? First of all, that employer has to advertise at the local unemployment office. Second, they have to advertise at their workplace. Third, they have to advertise in the newspaper. Fourth, they have to offer the job at the prevailing wage to any American. All of that applies. Prevailing wage. Even if the employer is not paying the prevailing wage to the others, he still has to pay it to the new employee and if they do more they have to pay to the guest worker what they pay to the other workers. If they pay an average of \$10 at the facility, they have to pay \$10 here.

Also they cannot have guest workers in high unemployment areas as well. Now, that is the situation. Now, what do they get when they actually arrive in here? What kind of protections do they have? This is what they will have. If they are guest workers, they are treated equally under U.S. labor laws. They are not treated that way today.

They are not treated that way today, but under our legislation they will be. The employers provide workmen's compensation. So they are provided by protections under OSHA. If they have an accident they get workman's compensation. The employers with the history of worker abuse cannot participate in the program. And there are strict penalties for the employers that break the rules. Now, what is happening today? What is happening today?

We have listened to the Senator from North Dakota. Let's keep it as it is today. Let's look at the program today. Look what happens to undocumented workers that were exploited. This is what is happening today in America. This is what happens today. That is what the Senator from North Dakota wants. He wants to continue what we are doing today.

Here is the New Bedford example. Workers rights were trampled on. They were fined for going to the bathroom, denied overtime pay, docked 15 minutes pay for each minutes they were late, they would be fired for talking while on the clock, forced to ration on toilet paper.

Why? Because they were undocumented. Without this program, temporary workers will come here and be exploited. That is the history of immigration. Read history. It is sad. That is what has happened. There is exploitation. That is what we are trying to deal with. That is what we are trying to deal with.

One in 10 workers is injured every year by sharp hooks, knives, exhausting assembly line speeds or painful damage from repetitive motions. Workers are subject to chlorine mist, lead to bloody noses, vomiting and headache. Undocumented workers don't report their injuries because they live in fear they will lose their jobs and be deported. That is what the problem is. That is what we are attempting to eliminate. And the idea that you just write an amendment and eliminate that is reaching for the stars. It just ain't the way it is.

It isn't me that is saying this. But you take the Governor Napolitano and others who have studied it and lived it, they understand it. So that is what the alternative is. Either we are going to have a program that is limited. Might not be the program that I like but, it is the program that is in there. Those workers are going to come on in here. They are going to have protections. If you close and try and slam that door, it isn't going to work. It is not going to work. That is what we have seen over a period of time. They are going to come in as long as the magnet of the American economy is there. That is what is happening. And the idea that you just say, oh, we're offering an amendment and just going to eliminate this and then everything will be all set, everything will be all worked out, everything will just be fine. It just defies logic, understanding, experience and the history of this issue. Under this program, those that come in here will have the kind of worker protections that they should.

And finally, we won't have the situation that we have now where you have the undocumented workers come in here. They drive the wages down because they'll work for virtually nothing. And that drives American wages down.

You want more of that? I don't. You want more of that? I don't. I don't. So I would hope that this amendment will not pass.

Madam President, I reserve my time.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. GRAHAM. Madam President, I believe Senator KYL has 19 minutes?

The PRESIDING OFFICER. The Senator has 18 ½ minutes.

Mr. GRAHAM. Madam President, I ask unanimous consent to be recognized for 8 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 8 minutes.

Mr. GRAHAM. Madam President, we will put Senator KENNEDY down in the "undecided" column on this issue, but I was very much persuaded by his argument.

The goal is to create a balance that will allow this country to move forward and not replicate the problems of the past, allow us to move forward and learn from our mistakes of the past, allow us to move forward in the best traditions of this country, and allow us to move forward in order to be competitive in a global economy.

The temporary worker program is one of the key elements of this bill. Why do we have 12 million people, plus, probably, here illegally? I think most of them came, hopefully they all came, not to destroy America but to earn more money here than they could in their home area. The problem is they are doing it illegally. They are subject to being exploited. There are no controls over how these people are being treated. There is no control over how they are paying taxes. It is a lose-lose. It is a losing situation for the economy and it is a losing situation for the worker.

If we do away with the temporary worker program, the only thing I can promise you for sure is the next Congress and the next generation of political leaders will look back on our time in shame. They will be cursing us because we failed to rise to the occasion and to logically deal with a problem that is crying out for a solution.

Providing a temporary worker program allows people from other parts of the world to make their life better on our terms. They will pay taxes. They won't be exploited. And before they get one of these jobs, we will have to advertise it in the area in question to American citizens. Only when an American citizen refuses to do a job in question can the temporary worker be hired, and at a competitive wage in order to take care of our people and also to take care of our economy.

This is a win-win. People from other places in the world can come through in an orderly process, get a tamperproof card, so we will know who they are. They will have a visa where they will never have to worry about being afraid of the law while they are here, as long as they obey the law. They can do jobs American workers are not doing at a competitive wage. That is a blessing to this country.

Everybody in the world doesn't want to come here to get a green card. There are a lot of people who want to come for a temporary period of time and improve themselves and go back and improve the country from whence they came. If we want to be competitive, we need to have the workforce vis-a-vis the rest of the world to make us competitive. If you take the temporary

worker program out of the mix, then you are going to ensure in the future more illegal immigration. If you don't have a temporary worker program that is regulated, you are going to ensure exploitation.

From the economic side and the humanitarian side, we need to do this. If this amendment would somehow pass, then we will have repeated the fundamental mistake of the past. We will not have fixed a thing, and we will have ensured that more people will come here illegally, because the magnet will still attract them. We will ensure they get exploited, and we will hurt our economy because we can't regulate this workforce.

The Y card will be tamper proof. People will have to give a fingerprint; they will have to sign up; they will be regulated in terms of how they are treated; they will be paid a competitive wage, and we will know where they are and what they are up to; and we will allow them to work here and go back to where they came three different times, 6 out of 8 years, to better themselves. If they want to be a citizen, they can apply for a green card. The more points they earn during their temporary worker period, the more competitive they will be.

If they go to school at night, as my good friend KEN SALAZAR has suggested, if they get a certificate in an employment area and learn a skill, they will get points. If they get a GED, if they work hard during the day and improve themselves at night, then they get rewarded. Let me tell you about the individuals we are talking about. They work hard. Neither one of my parents graduated high school. They started a small business, a restaurant, where they opened before the sun was up and closed at 10 o'clock at night. They worked like dogs. When they were sick, they went to work, because there was nobody there to take their place.

The people we are talking about here are coming from other parts of the world and who are good workers. I am confident they will have a chance to prove their worth to our country, add to our economy, and make us a better nation. Some of them will want to become citizens, and they can. We need the Ph.Ds from India and other places, but we also need people like my parents, who will come and work hard, play by the rules, better themselves, and find a niche in our economy. Without a temporary worker program, we are going to ensure people come here in fear, live in fear, get exploited, and don't contribute to our economy.

This bill is as balanced as I know how to make it. I am always openminded to better ideas, but I am close-minded when it comes to destroying it. A temporary worker program is the key to not repeating the mistakes of the past, which is exploitation, not controlling who comes here, not having economic control over your workforce, and leaving people to be exploited. If it stays a

part of this bill, we all can hold our heads up high and say we created a win-win situation that says to the hard-working person, who looks to America as a place to start a new life, to learn a skill, to improve themselves, there will be a place for you. Those who want to stay after their temporary worker period is over, you can get points to stay, and the more you do, the more you better yourself, the better chance you will have.

To me, it is exactly what we have needed for years. My good friends, Senator KENNEDY and Senator SALAZAR, and so many others, have sat down and tried to make this temporary worker program meet our economic needs and be humanitarian in its application. I think we have done a darned good job. For the sake of this country and all we stand for, let us keep this bill moving forward.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, may I ask how much time we have on our side?

The PRESIDING OFFICER. There is 11½ minutes remaining.

Mr. DOMENICI. And on the other side?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 25 seconds, and the Senator from North Dakota has 20 minutes.

Mr. DOMENICI. Mr. President, I yield myself the 11½ minutes we have remaining.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOMENICI. Mr. President, might I first say how good it is to see the Senator from Colorado in the chair as debate on this first crucial vote on this bill winds down. Because while sitting in the chair and presiding is a functional part of the Senate's normal operation, in this debate, for the Senator from Colorado and this Senator from New Mexico, it means a little more than that. My neighboring Senator, the new Senator from Colorado, has indeed spent a great deal of time and effort and applied some very good common sense, when others were not applying it, to this bill. He has done more than his share to see to it that we arrived here today at this point and can move ahead with a very difficult bill, with some very difficult propositions being put forth, and I commend him for that.

Let me say to those who are listening, I still want, at some point before we close debate, probably within the next 5 or 6 or 8 days, to talk to the Senate about my family and the whole history of how we got here—how we survived the immigration laws, which were very complicated 50 or so years ago when I was a little kid. They were so complicated that my mother was arrested by the Federal Government because they said she was not a citizen. She was arrested right in front of all of us children, only to find out there were

some technical problems with her efforts to become a citizen. We had to sit there and watch her march off, as some people talk about happening to them today.

But today I want to talk about where we are with a complicated bill and what should happen tonight. First, many Members worked hard and long with two Cabinet members to weave together a very interesting bill to manage illegal aliens and aliens who want to come to this country to get ahead, as my folks did when they got on a boat and went to France and ended up in Albuquerque from the little town of Lucca in northern Italy. They came and followed the laws of that day. Others want the same thing.

The important thing to know is that relevant laws, and what has happened to immigrants, and how those laws have been applied to those people, is in shambles. Americans know that. Every day they tell us about something happening on the border, and then they remind us of those things because they are very upset and angry citizens. And what they are upset about is that we have a body of laws but those laws aren't being enforced because we are right up alongside some countries that are poor and whose people want to work and make more money than they can make at home by getting over here and getting a job.

Everybody should understand that the big problem here is the problem of economics. People from Mexico and other countries in or near this continent want to make a living and they can't make a living at home. Things are in disarray because that big force, that economic force, drives these people who have families they want to send money to, who are trying to get away from starvation. That is pushing everything into the ground and pushing people from what they should do to what they are doing, and lo and behold, there is a huge illegal immigration problem everywhere you turn.

In putting the pieces together, those who wrote the bill we have before us decided that, among all of the pieces, we needed to have a legalized temporary worker piece to this American fabric of a bill that will control guest workers henceforth. When we are finished, we will have a law that works against and in favor of, depending upon who you are and what you are doing, and will regulate the law applying to guest workers and undocumented aliens.

There is no question, according to those who worked so hard on this bill, that we need a temporary worker component in the bill. So they put it in there. It is a 2-year program. You get a special card, and you can work for 2 years as a temporary worker and then you must go home for a year. This is a temporary worker permit. It is different from anything else in the bill. Those who worked so hard to piece the bill together so that it would work said: Among the things we have, let's

make sure we have a temporary worker permit.

This is not for agricultural workers only, and anybody who thinks it is does not know what is happening in America. The illegal aliens are working in all kinds of jobs. It would shock you to know what industries. If this bill works and these undocumented workers turn themselves in, we are going to have a great big shock in America when we find out who these individuals are, what they do, where they work and how they make a living. When those 10 to 12 million Americans show up and agree that they want to take a chance on America, that will be one phase of this bill. But even after that is finished, we will decide tonight whether there will be room for the next 50 years, or until we change it, for new people to come here and take a place as temporary workers in the United States, as described and defined, for 2 years, and then they must go home. They must stay home a year and then come back. Do we want that?

Those who have worked hard on this bill say a resounding: Yes, we do. We need it. It is part of the entire panorama of the pieces of the bill, and taken all together, we ought to vote aye and this part of the bill ought to stay intact. That will be the first indication tonight that we understand that those who worked hard to put this bill together deserve our confidence regarding this very important piece of legislation for temporary workers.

I hope everybody who is interested in a good law will keep this piece in the bill tonight when they vote. With that, I understand there are others who might want to speak on our side. I had the remaining time because no one was here, but since Senator SPECTER is here, I am going to yield. Whatever that does for him, I am glad to do it. I yield back any time I have.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from North Dakota has 20 minutes; the Senator from Massachusetts, 4 minutes 25 seconds; the Senator from Pennsylvania, 3½ minutes.

Mr. DORGAN. Does the Senator from Pennsylvania wish to make his statement at this point?

Mr. SPECTER. Not now.

Mr. DORGAN. Let me be recognized and ask I be notified when I have 5 minutes remaining. It will be my intention to close debate on my amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is a Byzantine argument. This has been interesting to listen to. It reminded me, sitting here, of Will Rogers. He once said:

It's not what they know that bothers me, it's what they say they know for sure that just ain't so.

I am listening to this, and I am hearing, first of all, we have border security in this bill. We are going to beef up border security. We have it fixed.

Then I hear this: We have to have a guest worker provision. We have to have temporary workers come in because: One way or another those immigrants are coming across the border. You try to close that door, it is not going to work.

This from the people who wrote the bill. Two of them have said it. It seems to me what they are saying is we can't stop illegal immigration so let's try to figure out who is coming across and call them legal. That is what this looks like to me.

Let me say it again. Those who put this bill together say: One way or another, these people are coming in. We are not going to stop them. You can't close that door. It would not work. The solution? Make them legal.

What does that say to people across the world who have decided they want to come to the United States of America, and there is a quota by which their country can allow some people to come in, we will accept them. They put their name on the list 8 years ago and they have been waiting patiently to be able to come to our country legally. Now they discover that on the floor of the Senate some people put together a plan that says: It is true you waited for 8 years and you are still not here and you may be near the top of the list, but all those who came here through December 31 of last year, we will now declare that they are here legally.

What does that say to a lot of people around the world who thought this was on the level, that our immigration quotas were real quotas?

If this amendment fails, the one that says let's get rid of the temporary worker provision which will bring millions of additional people into this country at the bottom of the economic ladder—if this amendment fails, it doesn't mean we are not going to have immigrant workers. There will be a million and a half who come in legally with the quota system and the relatives and so on; and there will be over a million a year who come in working in agriculture, because this is not about agriculture. You are talking about over 2 million a year, even if my amendment fails.

But we are told: No, this amendment has to fail. We have to keep this temporary worker provision in the bill because if it is not in the bill, we have this finely structured, crafted bill that is not perfect—everybody who worked on it said it is not perfect. We get that. We knew that when we saw it. But if you pass this amendment, that changes this bill and the whole stool collapses.

There has been no talk about American workers today. This is about immigration. I understand that. But we have a whole lot of folks at the bottom of the economic ladder who went to work this morning struggling, trying to make ends meet. It has been 9 years

since we increased the minimum wage in this country, 9 years for those American workers out there struggling at the bottom of the ladder.

I mentioned a while ago what is happening to American workers. You know it. Read the paper. Circuit City says: You know what, we have decided we are going to fire 3,400 of our workers. Because they are bad workers? Oh, no. They are making too much money. The chief executive officer of Circuit City makes \$10 million a year. The average worker was making \$11 an hour. So we decided we are going to get rid of them. They have too much experience and we don't want to pay \$11 an hour, so 3,400 people get fired.

Bo Anderson, the top executive agent for General Motors in purchasing, calls in all the companies making parts for General Motors. Here is what he said to them: You need to outsource your jobs to China to reduce costs. Get those American jobs moving to China right now.

Pennsylvania House Furniture—I have told this story before. Governor Rendell told me about that. Fine furniture made by Pennsylvania House, top-of-the-line furniture with Pennsylvania wood and craftsmen who made great pieces of furniture. La-Z-Boy bought it and said: You know what, we will move all those jobs to China. We will ship Pennsylvania wood to China, bring it back, and we will still call it Pennsylvania House Furniture.

On the last day of work, when all those craftsmen lost their jobs, the last piece of furniture to come off that line they turned upside down and all those workers, those craftsmen at Pennsylvania House Furniture, signed the bottom of that piece of furniture, knowing it was the last piece of furniture they were going to make as American workers, craftsmen who knew their jobs and made great furniture. The last piece—they all signed it.

Somebody in this country has a piece of fine furniture called Pennsylvania House, signed by all the craftsmen who got fired because those jobs went searching for 20-cent and 30-cent-an-hour labor.

I am telling you, the same economic interests, the same corporate interests that are finding ways and searching for ways to ship American jobs overseas in search of 20-cent and 30-cent-an-hour labor are the ones pushing this provision through the back door.

I have heard precious little discussion today about the plight of the American worker. They say we don't have enough workers, can't find workers. One of my colleagues said we have jobs in America that Americans will not do at a competitive wage.

Oh, really? Is that the case? Or is it the case they are not paying a competitive wage and don't want to have to pay a competitive wage? I thought maybe we would have some people here who studied economics 101, about supply and demand. You are having trouble finding workers? Maybe increase

the price of that job a little bit, increase the wage offer a little bit. You know these people who work in the hospital corridors keeping it clean at night, the people who make the motel beds, the people who are across the counter of the convenience store. You can't find workers? Maybe you better pay a little better wage. That is supply and demand, isn't it? But you don't have to do that if you can bring in people at the bottom of the economic ladder, bring in millions of them.

This Byzantine plan, let me tell you what it is: 40,000 temporary workers a year, they can stay for 2 years, they can bring their family for 2 years if they wish. Then they have to go home for a year and they have to take their family with them. Then they can come back for 2 years. Then they have to go home for a year, can come back for 2 additional years, but if they brought their family either during the first or second stay, they can only come back twice for 2 years. You think that is goofy? That is the plan. I am telling you, if you can read, open it up and read it and ask yourself whether that makes any sense at all.

Do American workers have a stake in this plan? You are damn right they do. American workers have a big stake in this issue, and I hear precious little attention to the plight of the American workers. People say they can't find them. I will tell you what, go read the newspaper and figure out who is throwing them out of work today. These jobs migrate to China. I can stand here for 15 minutes and tell you the name of companies that have laid off thousands, tens of thousands, in fact, 3 million and counting more jobs in search of cheap labor overseas. You want to go find somebody to do your work? Find the people who got laid off because their job got outsourced to cheap labor. You don't have to bring in millions of additional people—no, not 400,000 a year. Add that up over 10 years, 400,000 a year, plus an escalator, plus stay for 2 years, go home for a year, come back 2 years, go home for a year, come back for 2 years, do that every year and you are talking about millions of low-wage workers coming in to assume low-wage jobs in this country.

I wish to put in the record at this point letters from folks who run some of the labor organizations in our country: Terry O'Sullivan, Laborers International Union of North America; Joe Hansen, United Food and Commercial Workers, the presidents of those unions; James Hoffa, president, Brotherhood of Teamsters; Newton Jones, international president, Boilermakers Union; Bill Samuel, director of the AFL-CIO; Ed Sullivan, president of Building and Construction Trades—they all say exactly the same thing, support this amendment.

I ask unanimous consent the letters be printed in the RECORD and I reserve the remainder of my time and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 21, 2007.

DEAR SENATOR: On behalf of our more than 3 million members, our Unions write to urge your support for true immigration reform, but in opposition to immigrant worker abuse. That is why our Unions have joined together to support Senator Dorgan's effort to strip out the new guestworker provision of the compromise immigration legislation.

The compromise legislation has good and bad elements, but as the New York Times noted just yesterday, "The agreement fails most dismally in its temporary worker program . . . It offers a way in but no way up, a shameful repudiation of American tradition that will encourage exploitation—and more illegal immigration."

This is not a deal that we would have negotiated, nor one that our members—if they had an opportunity to ratify—would accept. Neither should the United States Senate.

Senator Dorgan's amendment to eliminate the new guestworker Y visa program is the right approach at this time. With a positive plan to provide earned legalization to as many of the 12 million undocumented workers as proposed, it is hard to justify the need for an additional 400,000–600,000 workers at the same time. This new visa program is a Bracero-type guestworker model, forcing workers to toil in a truly temporary status with a high risk of exploitation and abuse by those seeking cheap labor. In addition, we are all aware that the current guestworker programs are badly in need of reform. Those reforms should be addressed before any broad new expansion takes place.

We appreciate the difficulties in brokering a compromise on this critical issue, as well as the conflicting perspectives that need to be addressed. However, on this critical issue, we have made it clear from the very beginning that an agreement which forced future immigrant workers to be obligated into indentured servitude would be anathema to us. We are disappointed that such a provision was included in the legislation, but are gratified that Senator Dorgan will be offering an amendment which will permit Senators who oppose this provision a positive vote to improve the legislation, and take a stand in support of worker's rights—both domestic workers and immigrant workers.

We strongly support Senator Dorgan's amendment to strike the guestworker provision and urge your support for it as well.

Thank you for your consideration of this request. If you have questions or need more information, please feel free to contact Yvette Pena Lopes of the International Brotherhood of Teamsters at 202-624-6805, Bevin Albertani of the Laborers' International Union of North America at 202-942-2272, or Michael J. Wilson of the United Food and Commercial Workers International Union at 202-728-4796.

Sincerely,

JAMES P. HOFFA,
General President,
International Brotherhood of Teamsters.

TERENCE M. O'SULLIVAN,
General President, Laborers' International Union of North America.

JOSEPH T. HANSEN,
International President, United Food and Commercial Workers International Union.

INTERNATIONAL BROTHERHOOD OF
BOILMAKERS, IRON SHIP BUILDERS,
BLACKSMITHS, FORGERS & HELPERS,

Fairfax, VA, May 22, 2007.

DEAR SENATOR: On behalf of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, I write to express our concern over the pending immigration legislation, which includes an enormous guestworker program that would allow employers to import hundreds of thousands of temporary workers every year to perform permanent jobs throughout the U.S. economy.

This new Y visa program will force workers to labor in a truly temporary status with a high risk of exploitation and abuse by those seeking a cheap workforce. In addition, the current guestworker programs are badly in need of reform. Those reforms should be addressed before any broad new expansion takes place.

For this reason, we urge your support for the Dorgan-Boxer Amendment to strip out the Y guestworker provision of the compromise immigration legislation. The Y visa would lock millions of new workers into a life of virtual servitude. This is not a deal that we would have negotiated, nor one that our members—if they had an opportunity to ratify—would accept. Neither should the United States Senate.

If the Dorgan-Boxer Amendment fails, the Senate will then have an opportunity to curtail the size, scope and potential negative impacts of this new program. The Bingaman Amendment would cap the Y guest worker program at 200,000 each year and eliminate the escalator that allows it to grow as much as 600,000 guestworkers a year.

Certainly, our Union understands the difficulties in brokering a compromise on this crucial issue, as well as the conflicting viewpoints that need to be addressed. However, on this issue, any agreement which forces future immigrant workers to be obligated into a virtual indentured servitude would be deplorable to us.

The Boilermakers urge you to support the Dorgan-Boxer Amendment and the Bingaman Amendment, which will permit Senators who oppose this provision a positive vote to improve the legislation, and take a stand in support of worker's rights—both domestic workers and immigrant workers.

Thank you for your consideration of this request. If you have questions or need more information, please contact Bridget Martin.

Sincerely,

NEWTON B. JONES,
International President.

AMERICAN FEDERATION OF LABOR,
CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, May 22, 2007.

DEAR SENATOR: The pending immigration bill includes a massive guestworker program that would allow employers to import hundreds of thousands of truly temporary workers every year to perform permanent jobs throughout the U.S. economy. Without a real path to legalization, the program will ensure that America has two classes of workers, only one of which can exercise even the most basic workplace rights. For this reason, we urge you to support the Dorgan-Boxer Amendment to eliminate the Y guestworker visa program from the bill.

If the Dorgan-Boxer Amendment fails, the Senate will then have an opportunity to curtail the size, scope and potential negative impacts of the poorly crafted Y guest worker program. The Bingaman Amendment would cap the Y guest worker program at 200,000 each year and eliminate the escalator that allows it to grow to as much as 600,000 guestworkers a year.

The Y visa would lock millions of new workers into a life of virtual servitude. It does not belong in a bill whose alleged purpose is to relieve 12 million currently undocumented workers of the very same exploitations. The AFL-CIO urges you to vote for the Dorgan-Boxer and Bingaman Amendments.

Sincerely,

WILLIAM SAMUEL,
Director,
Department of Legislation.

AMERICAN FEDERATION OF LABOR,
CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, May 22, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the twelve international unions of the Building and Construction Trades Department, AFL-CIO, I urge you to support the Dorgan/Boxer Amendment to strike the guest worker provision from the compromise immigration legislation.

Throughout the debate on comprehensive immigration reform the Building Trades have opposed the creation of a new guest worker program. We feel that American workers have enough downward pressure on their wages and the last thing they need is to have an influx of hundreds of thousands of temporary workers every year competing for their jobs at substandard wages.

If the Dorgan/Boxer Amendment fails, we ask for your support to curtail the size and scope of the guest worker program by supporting the Bingaman Amendment. The Bingaman Amendment would cap the guest worker program at 200,000 each year and eliminate the escalator that allows it to grow as much as 600,000 guest workers a year.

On behalf of America's construction workers and all the workers that would be negatively impacted by the implementation of the proposed guest worker program, we urge you to vote for the Dorgan/Boxer and Bingaman Amendments.

Sincerely,

EDWARD C. SULLIVAN,
President.

The PRESIDING OFFICER. Who yields time?

Mr. WEBB. Will the Senator from North Dakota yield 5 minutes of his time?

Mr. DORGAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has used 9 minutes. He has 11 minutes remaining.

Mr. DORGAN. Mr. President, I will be happy to yield 4 minutes to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I thank the Senator from North Dakota. I did not come to the floor to speak on this amendment. I have long admired the Senator from North Dakota in his sometimes lonely attempts to preserve the well-being of the American worker. But I couldn't sit and listen to his comments without saying a few words in support of this amendment.

There seems to be a trend running through the Congress that disturbs me. It is a trend of omission. I do not see enough people who are willing to stand up and speak on behalf of the people who are doing the hard jobs in this so-

ciety. We can talk about all the benefits of different portions of this bill, but at the same time we are faced with a set of realities, not only with respect to the American workers but, in a broader sense, with respect to people in this country who are having to do the hard work of our society. Who is speaking for them? This used to be the function of the Democratic Party, to speak for them.

We are in a situation in this country right now where corporate profits are at an all-time high as a percentage of our national wealth. Yet wages and salaries as a percentage of our national wealth are at an all-time low. How does this happen? One of the ways that it happens is exactly what the Senator from North Dakota is talking about. We have these programs that benefit Wall Street, and they are not necessarily benefiting the people who are doing the hard work of our society, the wage earners who are getting cut out because of an underground economy.

I support, in many ways, the move toward giving permanent status to people who have come to this country illegally at one point and who have put down roots and who want to move into the mainstream of our society. But this particular portion of this bill is not designed to do that. It is designed to increase the difficulties that we already have. It is not a compromise, it is a fabrication.

I have that concern also when it comes to what we are doing on the Iraq bill. We are sending a supplemental back right now that is not in any way going to support the troops who are having to do the hard work in Iraq. We are going to be talking about benchmarks.

There is nobody in the Pentagon, there is nobody in the administration, there are precious few people in the United States Congress who are aware, in a measurable way, of what we are doing to the well-being of the ground troops who are having to go back to Iraq again and again.

If this is a conflict that is requiring that sort of commitment on the ground, then why isn't the administration talking differently about the number of troops it needs? Because the people who volunteered to go in the military are supposed to go again and again and do their duty.

Well, they are probably on their third and their fourth tours. I put in a bill, along with Senator HAGEL, that said you cannot send anybody back to Iraq unless they have been home as long as they have been gone. That, to me, is common sense if you have ever been deployed. I have had a father who was deployed. I have been deployed. I have had a son who has been deployed. I know what it is like. There are a lot of people who know what it is like. Unfortunately, they do not seem to be forcing the administration on that end.

We see it in areas such as what has happened to our gas prices here. We are going to get a vote on the Attorney

General, apparently, a no-confidence vote. How about getting a vote on how the American people are getting ripped off at the pump? Those things can be documented. You can have all of the economic theories in the world about why these gas prices are going up. Gas was \$24 a barrel when we went into Iraq. It is now close to \$70. The people who are making money off of that are making money largely off of foreign policy.

The PRESIDING OFFICER. The Senator will suspend. The Senator has used 4 minutes.

Mr. WEBB. Fifteen seconds, Mr. President. There is a theme in this. The theme is that this is the party that is supposed to be taking care of the people who are doing the hard work of our society. There is no shame to stand up and say that what the Senator from North Dakota is proposing is for the good of the people who are doing the hard work of our society.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. There is 3½ minutes remaining.

Mr. SPECTER. Mr. President, I yield that time to myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I urge my colleagues to reject the amendment by the Senator from North Dakota. This identical issue was considered by the Senate a little more than a year ago, on May 16 of last year, when Senator DORGAN made a similar motion, and I, in my capacity at that time as chairman of the Judiciary Committee, moved to table. The tabling motion was agreed to 69 to 28.

I submit that the same reasons which justified the rejection of the Dorgan amendment last year are applicable here. We have a situation in the United States where according to the Bureau of Labor Statics, the national unemployment rate for April, last month, 2007, is 4.5 percent, which constitutes virtual full employment. So there is a need for extra workers.

In structuring the bill, we have provided for flexibility so that the number can be raised or lowered depending upon what circumstances exist. We have taken steps to protect American workers who are available to fill the jobs with a statutory requirement that there will have to be extensive advertising before the guest worker program can be utilized and workers can be employed.

Last year, the bill was considered by the Judiciary Committee. This year we did not follow that process. Perhaps it was an error. Instead, we had very extended meetings over the course of the past 3 months, hour upon hour, customarily with as many as 12 Senators sitting to work out the issues.

This issue was considered at some length. But last year when the matter

was before the Judiciary Committee, we had very persuasive, really compelling testimony by a number of prominent economists in support of the guest worker program.

On April 25, 2006, we had Harry Holzer, professor of public policy, Georgetown University, April 25, 2006, before the Senate Judiciary Committee testifying that most economists believe immigration is a good thing for the overall economy, that it lowers costs, lowers prices, and enables us to produce more goods and services and to produce them more efficiently.

We had testimony of a similar nature from Dan Siciliano, executive director of the program in law, economics and business at Stanford Law School on April 25 of last year. Similarly, Richard Freedman, professor of economics at Harvard University, testified on April 25, expressed his view:

I think all economists believe from evidence that immigration raises not only the GDP of the United States because we have more people now to do useful activities, but it also raises the part of the GDP that goes to current residents in our country.

This year, on May 3, earlier this month, the Assistant Secretary of Policy at the U.S. Department of Labor, Leon Segeuir, testified that there were three fundamental reasons the United States needs immigration.

The PRESIDING OFFICER. The Senator will suspend. The time for the Senator from Pennsylvania has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent for an additional minute.

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

Mr. SPECTER. The three reasons were the aging workforce we have, the necessity to maintain a higher ratio of workers to retirees, and, third, that immigrants contribute to innovation and entrepreneurship.

So I think we have a record basis that this guest worker program is useful, helpful to the economy, and that it is very important to the economy to have an adequate workforce.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, as I indicated, as the sponsor of the amendment, I would prefer to conclude the debate. So if Senator KENNEDY has additional time remaining, my hope is that he would take that time so I may conclude.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 20 seconds.

Mr. KENNEDY. Would the Chair let me know when I have 20 seconds left?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. Mr. President, what we are trying to do in this legislation

is have secure borders. Secure borders, not open borders. Secure borders.

Part of having a secure border is making sure the people who are going to come in are going to come in legally. The idea that you can have a secure border and close it completely is something that has never happened before and will not happen now.

The idea that you eliminate completely the guest worker program means what? It means you are going to have border guards who are going to be chasing after landscapers out in the middle of the desert and racing after people who might be working in gardens or as bartenders in the future.

You want your border guards to be going after terrorists and smugglers. How do you do that? You give a pathway for people to come here legally. When they come here legally they get the protections of the labor laws. If you do not do that, you think you can eliminate this program? You are going to have people who are going to come in illegally and they are going to be exploited day in and day out. When they are exploited day in and day out, it is going to depress wages. That is the way it has been. That is the way it is today.

That is the difference. Maybe you don't like this particular guest worker program. It is better than many others. Maybe you would like to shape it somewhat differently. That is the issue plain and square, plain and square. We are trying to take illegality out of this system: illegality at the border, illegality at the workplace, illegality in exploiting the undocumented, and illegality from the people who are here, if they are going to pay their fines, work hard, go to end of the line. We are trying to reduce illegality.

If there is anybody in this Senate who believes you can just say, no, we are going to close that border, 1,800 miles, and that is it—I would like the chicken pluckers to pay \$10 or \$15 an hour. They do not do it. They are not going to do it. Who are you trying to kid? Who is the Senator from North Dakota trying to fool?

These are the realities, the economic realities. No one has fought for increasing the minimum wage more than I have. But you have got realities that employers are not going to pay it. They are going to exploit people if you can get them here undocumented.

So that is the issue, Mr. President. I believe we have a reasonable program that makes sense. I think it makes sense from a law enforcement point of view. I think it makes sense in terms of protecting the wages of American workers under this program.

We are going to make sure that all of those who are coming here with the guest worker program are going to get the prevailing wage, they are going to be protected by OSHA, if they get hurt on the job they are going to get the workers' compensation. They are going to get those worker protections. If they are working on construction sites, they are going to be covered by Davis-Bacon.

You can either do it legally, or you can do it with the undocumented. That is not just the Senator from Massachusetts, that is Governor Napolitano who knows something as the Governor of a border State who has pointed this out time in and time out, Mr. President.

So I would hope this amendment would not be accepted.

I yield the floor, and I reserve whatever time I have.

The PRESIDING OFFICER. The Senator from North Dakota.

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

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes 52 seconds.

Mr. DORGAN. Mr. President, would the Chair advise me when I have 30 seconds remaining?

Mr. DORGAN. Mr. President, let me stand up and say a word on behalf of chicken pluckers. I had no idea that was the debate. But they will never get \$15 an hour as long as we bring in cheap labor through the back door to pluck chickens.

I am more interested in the issue of manufacturing. I am interested in people who got up this morning and packed a lunch pail and they are going to have to shower after work because they work hard and they sweat and they do not get paid very much. They have waited for 9 years for an increased minimum wage; it has not come. They are worried about whether they are going to be there. They are worried whether they are going to be called into a meeting someday and be told: Your job is gone. We are either moving your job to China or we are bringing in someone from the back door to take your job at much lower pay.

That is what workers face now. No one in this Chamber will face it. Nobody. We all get up and put on a white shirt and a blue suit. We come here and talk. No one is going to lose their job. None of it is going to be outsourced, and no one who comes through the back door is going to jeopardize a job in this Chamber. It is not going to happen on an editorial board in a newspaper. It is just the folks this morning who got up and had an aspiration of going to their job and working hard and providing for their families. They are the ones who are wondering: What is my future?

Now, let me make a very important point. The assumption is that if we defeat the temporary worker program we are not going to have immigration. The fact is, we are going to have a million and a half people coming into this country under legal immigration having nothing to do with this program. We are going to have over a million people coming into this country for agricultural jobs having nothing to do with this program. Oh, we will have immigration. It is just that those who wrote this said: That is not enough. We want more.

Now, my colleagues keep saying: Well, if we dump this thing called temporary workers, they are just going to

come here anyway. They are going to be illegal.

Wait a second. I thought you were going to provide border security. Now you are telling me there is no border security because if you do not decide to call them legal, they are going to come anyway. If that is the case, point to the area of this bill that says that you provided border security. You know, this is like Groundhog Day. We have been here once before, 1986. We are going to secure the border. Twenty years later, 12 million people are here without legal authorization. Now we are going to secure the border.

But now we are told at this hour, just before the vote on my amendment: Oh, by the way, if we don't provide for temporary workers to call those coming in legal, if we do not do that, they will come in illegally anyway. So, then, where is the border security? Is that a false promise? One of these two options is the case. You either have border security, and people are not going to come here by the hundreds and thousands because they can't, or you have no border security so you have decided we will just name them all legal and call them temporary workers.

My colleague cited a Harvard economist. Many of these economists cannot remember their home phone number, and they are giving us their thoughts on what is going to happen 5 years from now.

This one, Professor George Borjas from the John F. Kennedy School of Government at Harvard, said: Here is what has happened to U.S. workers. U.S. workers have lost income in the 20 years as a result of immigration. That is not disputable. Is anybody here disputing that? I don't think so. We have had downward pressure on U.S. income as a result.

This proposition in this bill says: You know what. That may be the experience, but we have not had enough of it. We want more. We want more of it.

Again, finally, if you decide to vote against my amendment, I want you to have a town meeting and explain it.

We allow 400,000 workers in the first year. They can come for 2 years. They can bring their family, if they wish. Then they have to go home for a year and take their family with them. They can come back after going home for a year, for 2 more years. Then they have to go home for another year. Then they can come back for 2 more years unless they decided to bring their family with them in the first place. In that case, they get two stays for 2 years, with 1 year back home in between. We will do that cumulatively, and what you have here in 10 years is roughly 12 million man-years of work by people who come in, leave, come in, leave. By the way, how many of you think these people are going to leave?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. DORGAN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to put in the record the extraordinary story that was in the Washington Post today, "First Called to Duty, Then Citizenship," about green card workers, members of the Armed Forces. We have 70,000 who are in Iraq and Afghanistan. So many of them are working toward earning their citizenship and defending America. It is a great story. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, May 22, 2007]

FIRST CALLED TO DUTY, THEN CITIZENSHIP

(By Brigid Schulte)

In a crowd of nearly 100 eager faces of newly sworn-in citizens on the grounds of Mount Vernon yesterday, three men in the front row stood out. Their black shoes shone to glossy perfection. Their backs were ramrod straight. One wore the crisp white uniform of the Navy. Another, the drab khaki of the Marines and a third, the dress uniform of the Army. Two had campaign ribbons from serving in Iraq or Afghanistan.

Until yesterday, the sailor, the Marine and the soldier were among more than 40,000 "green card" service members—non-citizens serving in the U.S. military. After swearing to defend the Constitution, Petty Officer Reginald Cherubin, 30, Marine Sgt. Brian Joseph, 38, and Army Sgt. Jeremy Tatttrie, 24, joined another group: the more than 26,000 service members who have become U.S. citizens since the Iraq war began and the Bush administration expedited the citizenship process for military members. Seventy-five service members have received their citizenship posthumously since then.

It was the sight of Iraqis pulling down Saddam Hussein's statue in 2003 that led Tatttrie, a Canadian by birth who was then in college in Florida, to join the military.

"I felt the call to duty," he said, clutching one of the small American flags that immigration officials had just passed out. "I just felt the urge to serve my country." Even though when he enlisted, the United States wasn't, technically, it.

The three were sworn in as the military and the country are engaged in a vigorous, divisive debate about what place immigrants should have in the armed forces and society at large.

The ceremony at George Washington's home took place as lawmakers on the other side of the Potomac River began debating a controversial immigration bill that would, among other provisions, grant legal status to virtually all undocumented workers, create a temporary worker program and tighten border controls.

The bill also calls for allowing the military to be a path to citizenship for a limited number of undocumented immigrants—those who were brought to the United States when they were younger than 16 and have been living here for at least five years.

The ceremony also came as some military experts want to open the armed forces to undocumented immigrants and foreign recruits to fill the ranks as the Army and Marines plan troop increases.

Critics fear a flood of recruits lured solely by the promise of legal status. "A very large number of non-citizens could change the purpose of the military from the defense of the country to a job and a way to get a foot in the door of the United States," said Mark Krikorian, executive director of the Center for Immigration Studies, which advocates restrictions on immigration. "It becomes a kind of mercenary thing."

Others argue that a liberalized policy could improve the armed forces. Margaret Stock, an immigration lawyer, Army officer and law professor at West Point, noted that during wartime, military brass can already sign up undocumented immigrants, some of whom have received citizenship.

"I think that it's great for the military to allow people to enlist who are qualified to be in the military," Stock said. "Having papers doesn't tell me whether someone's qualified or not."

Official military policy is to accept legal permanent residents with green cards, although Congress in January 2006 gave military leaders wartime powers to enlist anyone they deem "vital to the national interest."

At Mount Vernon yesterday, the three military men remained stoic as they were swarmed by photographers and TV cameras and held out by federal officials as the best that immigration has to offer.

"There's too much immigrant-bashing going on," said Dan Kane, a spokesman for the U.S. Citizenship and Immigration Service. Featuring the three military personnel "sends a powerful message that immigrants make a meaningful contribution to the United States."

Legal permanent residents serving in the military were given the right to apply for citizenship immediately by a wartime executive order signed by President Bush in 2002. In peacetime, permanent residents in the military are required to wait three years.

Nonetheless, there has not been a rush to obtain citizenship, according to Emilio Gonzalez, USCIS director. "After the executive order, we have not seen hordes of people joining the military," he said. "These people don't join the military just to become citizens. These people joined the military because they wanted to serve."

Cherubin, who immigrated in May 1999, joined the Navy a few months later and is based at Anacostia Naval Station, was the first to be called to receive his citizenship papers yesterday.

After high school in Haiti, there was nothing for him. He just waited for the day when his father, already in the United States, would call and say his visa had come through.

"When you live in a country like Haiti, you don't think about your future," Cherubin said. "You live day by day. The biggest dream you could possibly have is coming to the United States."

Cherubin joined the military so he could go to college. It wasn't until the attacks of Sept. 11, 2001, that he found a sense of purpose to his life in the Navy. An aviation planner, he was deployed to an aircraft carrier and readied F-18 Hornets for bombing runs over Afghanistan.

"To be part of that, to be among the first people over there fighting back, it was a beautiful feeling," he said.

During the ceremony, Glenda Joseph slipped to the front row to snap a photo of her husband. She'd been after him to get his citizenship for the 14 years they'd been married. He'd always wanted to but procrastinated. Then he was deployed for 10 months, running convoys throughout Iraq, and there was no time.

Based in Quantico, Joseph is an aviation assignments monitor and is charged with moving 10,000 Marines around the globe. He moved from St. Vincent to Brooklyn, N.Y., with his family when he was 6. He's been in the Marines for 16 years, has earned two bachelor's degrees and is working on a master's degree.

It was time to make it official.

"At least," he said, "now I'll be able to vote."

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this amendment is very simple. It strikes the temporary worker provision. It does not mean there won't be immigration coming into this country. We will have 2.5 million people coming in under legal channels, agricultural work, so on. This is extra. We are told that 2.5 million is not enough. When you cast this vote, cast this vote on behalf of American workers who want American jobs that pay well, and that has been all too hard to find recently.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1153.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—31

Baucus	Durbin	Reed
Bayh	Feingold	Reid
Biden	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown	Landrieu	Stabenow
Byrd	Lautenberg	Tester
Casey	Leahy	Vitter
Clinton	Levin	Webb
Coburn	McCaskey	Whitehouse
Conrad	Murray	
Dorgan	Nelson (NE)	

NAYS—64

Akaka	Domenici	McConnell
Alexander	Ensign	Menendez
Allard	Enzi	Mikulski
Bennett	Feinstein	Murkowski
Bingaman	Graham	Nelson (FL)
Bond	Grassley	Pryor
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burr	Hatch	Sessions
Cantwell	Hutchison	Shelby
Cardin	Inhofe	Smith
Carper	Isakson	Snowe
Chambliss	Kennedy	Specter
Cochran	Kerry	Stevens
Coleman	Klobuchar	Sununu
Collins	Kohl	Thomas
Corker	Kyl	Thune
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Wyden
DeMint	Lugar	
Dole	Martinez	

NOT VOTING—5

Dodd	McCain	Schumer
Johnson	Obama	

The amendment (No. 1153) was rejected.

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.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank all of the Members.

If we could have your attention, please. We are lining up the amendments for tomorrow. I think Senator GRAHAM has an amendment. Senator BINGAMAN also has an amendment that is going to reduce these numbers down to some 200,000. We had that issue that was raised before. So we are trying to line up some amendments, trying to go back and forth during the morning. We would like those who have amendments and who are prepared to go, if they would talk with Senator KYL or myself, and we will try to do the best we can to both give the Members the information and to work out a process.

We thank all of our colleagues for their cooperation.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. CORNYN. Mr. President, I inquire whether we are going to bring up an amendment one at a time and that has to be voted on and disposed of or whether there will be an opportunity to offer multiple amendments and then work with the managers of the bill to try to queue those up for a vote at the appropriate time?

Mr. KENNEDY. Well, I thank the Senator. I think for the start of this debate we ought to try to do them individually. I think that is what the leaders had decided. We can see. As we make progress with the legislation, we can consult. But it does seem to me we ought to just take these. We have had a good debate, an extensive one on this issue, and it is enormously important. I think at the start of this we would like to do them individually. We will do the best we can to cooperate with people and their schedules, but I think we ought to try to at least follow that. Then we can see, as we make progress on the legislation, whether the leaders will decide on a different strategy to move them.

Mr. CORNYN. Mr. President, if the Senator will yield for one more question.

The PRESIDING OFFICER. Does the Senator yield?

Mr. KENNEDY. Yes, Mr. President, I am glad to yield.

Mr. CORNYN. Mr. President, I appreciate the response, and certainly we want to do this in an orderly fashion. But I think the majority leader and the Republican leader were very farsighted in extending the time beyond this week where we could actually consider amendments on the bill because I think there is a real need to have a full and fair debate and a free opportunity to offer amendments because, frankly, there are a lot of people who do not know what is in this bill yet. The final bill text was, I guess, filed last night, laid down at 9 o'clock. So it is very

hard to fashion those amendments until we have bill text back from legislative counsel and the opportunity to craft those amendments.

So my only point is I hope we are going to continue to have the opportunity to offer those amendments, to have the debate, to have those votes, and not get into a time crunch. Two weeks seems like a long time, but with the kind of amendments, the number of amendments I know are going to be offered, I think we need to have this opportunity for a full airing of the issues and an opportunity to vote on those amendments.

The PRESIDING OFFICER (Mr. MENENDEZ). The majority leader is recognized.

Mr. REID. Mr. President, we want to have a full and complete debate on this bill. But my experience has been that if we do not follow having one amendment—if the managers do not like it, they can move to table it, or there are a lot of things you can do. But where we run into trouble is where you stack up a bunch of amendments that are pending because that is when the managers lose control of the bill. The people who have offered all the amendments control what goes on with the legislation.

So unless something untoward happens, I think we are so much better off having people offer amendments. If they are dilatory, the managers can move to table. If that does not work, then we can try something else. But for the foreseeable future, why don't we try to move through this one at a time.

I think the debate today has been excellent. There have been no surprises to what Senator DORGAN was going to do. I thought what would be the right thing to do is have—we have had a Democratic amendment. If the Republicans want to offer an amendment, let them offer the next one, and go back and forth. The next Democratic amendment, as far as I understand it, is the Bingaman amendment; is that right?

Mr. KENNEDY. Well, we are working that out. Senator GRAHAM may offer his amendment. Then, there would be an amendment—I expect the Bingaman amendment will be in the morning, some time in the mid, late morning.

Mr. REID. My only point is—

Mr. KENNEDY. Yes. We are trying to go back and forth. We are working together, Senator KYL and ourselves. If there seems to be two amendments on the same subject, we are trying to deal with those issues.

Mr. REID. Even tonight—there is an event for the spouses—if people want to stay and work, that is fine, they can do that, too. There are no time limits on how late we can work. I want people to feel they can work as late as they want. And we can have some late votes. I don't think there is anything wrong with that.

Mr. MCCONNELL. Mr. President, let me just make the point that the key is how many votes are allowed. We were on this measure for 2 weeks last Congress; there were 32 votes. This process

will work fine provided we get votes and move along and follow in an orderly process. But if that breaks down, the Senator from Texas has a point, that we need to get some amendments in the queue and try to handle them as rapidly as we can.

Mr. KENNEDY. Mr. President, the Senator from Texas raised probably four or five points that I know of in the course of these discussions. We are familiar with the general subject matter.

If I could have the attention of my colleagues, he had raised probably four or five issues that related to the title II. I listened to him this morning at the breakfast, and he raised a point on title II. So if he wants to, we are prepared to move ahead with the Senator's amendments. We are familiar with the general area. I know there are going to be drafting issues, but we are glad to accommodate that. We don't want the technical aspects to slow the process.

So we are familiar with those subject matters. The Senator could get a hard look maybe over tonight about the particular areas and then talk with us tomorrow, and we will make sure we have the time and that we are prepared to go ahead. We are more than ready to be here. We had a good afternoon. We enjoyed it. We started on it at a quarter to 3 and worked until 6:15. We are prepared to go this evening or tomorrow or tomorrow night or the following night. We are not trying to rush anybody, but we are prepared to do business.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. SCHUMER. Mr. President, I enter this statement in the RECORD in support of the Dorgan-Boxer amendment to strike the temporary worker program from S. 1348. While we certainly should fill jobs for which there is a shortage of American workers, it should be done on specific needs and based on traditional visas. I believe that the introduction of a large stream of low-skilled foreign workers would have a negative impact on the wages of American workers. Finally, I fear that the inherent flaws in this proposed system will, in time, recreate the very same undocumented worker crisis this bill seeks to eliminate. A graduation event for my daughter requires me to be away from Washington, D. C. on the afternoon of May 22, 2007, and regretably prevents me from officially registering my support of the Dorgan-Boxer amendment.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, unfortunately, I had to miss today's vote on the Dorgan amendment to strike the new Y visa worker program in the bill. As currently designed, the temporary worker program in this bill is designed to fail.

The program in the bill proposes to create a new 400,000 person annual tem-

porary worker program that could grow to 600,000 without congressional approval. It expands the existing seasonal guestworker programs from 66,000 up to 100,000 in the first year and 200,000 after that. At the end of their temporary status, almost all of these workers would have to go home. That means at the end of the first 3 years, we would have at least 1.2 million of these new guestworkers in the country with only 30,000 having any real hope of getting to stay.

As we have learned with misguided immigration policies in the past, it is naïve to think that people who do not have a way to stay legally will just abide by the system and leave. They won't. The current group of undocumented immigrants will be replaced by a new group of second-class workers who will place downward pressure on American wages and working conditions. And when their time is up, they will go into the shadows where our current system exploits the undocumented today.●

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The minority leader.

HONORING OUR ARMED FORCES

CORPORAL NICHOLAS J. DIERUF

Mr. MCCONNELL. Mr. President, 2 days ago, family and friends gathered at the Dieruf family farm near Lexington to celebrate a birthday and continue an annual tradition.

If this year was similar to years past, they played games and shared stories around a bonfire. But unlike years past, one man was missing. That man is CPL Nicholas J. Dieruf, a U.S. marine.

Corporal Dieruf was taken from us on April 8, 2004. It is his birthday that brings so many people together, a tradition that started when he was in high school.

Corporal Dieruf was mortally wounded in the Al Anbar Province of Iraq. As the gunner of a light armored vehicle, his vehicle was in the lead of a convey when terrorists attacked with rocket-propelled grenades and small arms. He was 21 years old.

For his valorous service, Corporal Dieruf received numerous medals and awards, including the Purple Heart.

As the youngest of four brothers—where the eldest and youngest are separated by only 4 years—Nich learned quickly how to get along with others.

His mother Barbara sheltered him from the youthful pranks that his brothers, Charlie, Matthew, and Paul, tried to play on him, like when they almost convinced him to swallow an earthworm fresh from their mother's rose bed.

But Charles Dieruf, their father, instilled confidence and self-respect in his sons and reminded them that the only thing you will ever have in life is your brothers. By the time the boys reached grade school, they had developed a respect and admiration for one another that persists to this day.

Nich became especially close to Matthew, the second oldest brother, with a spirit and a temperament much like Nich's. In high school, Matt and Nich would take what they called "fun runs," jogging through the bluegrass countryside. Runs that started as training for the cross-country team soon became what Matt calls "a chance to get out and talk about stuff." Barbara says Nich always looked up to Matthew and valued his advice.

After graduating from Paul Laurence Dunbar High School, in his hometown of Lexington in 2000, Nich enrolled in classes at Lexington Community College that fall. That October, however, he joined the Marines.

That decision was an important step in Nich's transformation, as his older brothers watched the youngest brother who looked to them for advice become the man they themselves would turn to for counsel.

"When Nich was in town, everyone would come around," says his brother, Matthew. "People just gravitated to my brother."

Nich deployed to Iraq for the first time in early 2003 and quickly acclimated to the 14-hour workdays. His commanding officers noted his leadership qualities, and when his platoon commander had to break in a new staff sergeant, he assigned the sergeant to Corporal Dieruf's vehicle, to learn from the best.

The trust Corporal Dieruf's commanders placed in him with this decision became clear when you realize that a staff sergeant is two full ranks above a corporal. Another marine who worked with Nich, SGT Joseph Leurs, had this to say:

Corporal Dieruf was extremely tactful. If he saw me doing something differently than how it was normally done, he would suggest we get a drink, and only then would he propose that I try it another way.

Sergeant Leurs went on to say that Corporal Dieruf earned the respect of those he served with, and never soured on his duties to the Corps.

Shortly before his first deployment, Nich gave a young woman named Emily Duncan a pearl ring—a promise