

Calendar No. 165, H.R. 988; and Calendar No. 166, H.R. 1402.

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; that the motions to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the RECORD; and that any statements related to the measures be printed in the RECORD, without intervening action or debate.

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

DR. FRANCIS TOWNSEND POST OFFICE BUILDING

The bill (S. 1352) to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building," was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. FRANCIS TOWNSEND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, shall be known and designated as the "Dr. Francis Townsend Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Francis Townsend Post Office Building".

MIGUEL ANGEL GARCIA MENDEZ POST OFFICE

The bill (H.R. 414) to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building," was ordered to a third reading, read the third time, and passed.

LINO PEREZ, JR. POST OFFICE

The bill (H.R. 437) to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office," was ordered to a third reading, read the third time, and passed.

ATANACIO HARO-MARIN POST OFFICE

The bill (H.R. 625) to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office," was ordered to a third reading, read the third time, and passed.

LIEUTENANT TODD JASON BRYANT POST OFFICE

The bill (H.R. 988) to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office," was ordered to a third reading, read the third time, and passed.

SERGEANT DENNIS J. FLANAGAN LECANTO POST OFFICE BUILDING

The bill (H.R. 1402) to designate the facility of the United States Postal Service located at 320 South Lecanto way in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building," was ordered to a third reading, read the third time, and passed.

ORDERS FOR THURSDAY, MAY 24, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, May 24; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half; that at the close of morning business the Senate resume consideration of S. 1348, the immigration bill.

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

ORDER FOR ADJOURNMENT

Mr. SALAZAR. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned, following the remarks of Senator SESSIONS.

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

The Senator from Alabama is recognized.

COMPREHENSIVE IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I thank Senator SALAZAR for his courtesy. I want to share a few thoughts tonight. In particular, I wish to talk about the Grassley amendment that deals with the granting of visas, which, by error or inadvertence, could in fact involve individuals who are very dangerous, who would get into our country on a valid visa, and then it be determined that they should never have been issued that visa.

That happens quite often. The State Department is concerned about it. The

FBI is concerned about it. The Grassley amendment would help fix that in a significant way. In any comprehensive immigration reform, it is my view that should be a part of it.

We have talked about this for a number of years, but somehow we never got around to getting it done. I am glad he has offered it. If we are going to pass immigration reform, it certainly should be a part of it.

I think one of the problems we have had in our thinking throughout this process is an insufficient understanding that we as Senators should place our national interests first, and we should set policy that serves our laws, that serves our financial interests, and should validate those who follow the law properly and have consequences for those who do not follow the law.

In 1986, there was this discussion that led to immigration reform. It was admitted to be amnesty, and it was supposed to be the last amnesty of all time, a one-time amnesty, and we are going to enforce the law in the future. They promised.

Of course, the amnesty took place immediately and the promises of enforcement and funding and enough Border Patrol agents and all the things necessary to have enforcement never occurred for two main reasons. No President of the United States cared to do anything about lawlessness at the border, and the Congress didn't. Congress, every now and then, would rise up and suggest that something should be done, and some Congressman or Senator would talk about it, but nothing ever really got done.

Now we are at a point where we have perhaps 12, maybe 20 million people here illegally, and they desire amnesty. What will happen next? How many years will it be until the next time?

I have a simple view that goes to the core of what this bill fails to do, and that is to affirm the rule of law. My view is that a compassionate and kind and very generous thing to do for persons who came into our country illegally, who have not been forced to stay here but stay here because they choose to stay here—presumably the life and the pay and the benefits they have here are sufficient that they would choose to stay here rather than where they came from—that those persons, as a result of coming here illegally and of their own volition, should not be given every single benefit that we would give to persons who come to America legally. That is just it. We said that in 1986 and this will be a defining moment about whether we mean it.

We could take two positions. One is, this is not amnesty and maybe we can go on and the same thing would be prepared to happen a few years from now, 15 years from now. Or we can say: No, sir, nobody from 1986 and forever hereafter who comes to our country illegally will be given the full panoply of benefits we give to persons who come to our country legally.

I just want to mention two or three things I think about that. One is citizenship. You don't get citizenship if you break into this country illegally. You don't receive some of the benefits we would give, such as the earned-income tax credit. The earned-income tax credit was designed to help people with families, who are poor, but who do work. It was an idea that went back to the Nixon days. The theory was there was not enough distinction between the income you could get staying home on welfare and actually going out and working. So they tried to incentivize and encourage poor people to see the advantage of work and would give them the earned-income tax credit, which a lot of people do not know is \$41 billion a year in expenditures, which is a lot of money designed to help poor people.

Conservatives talk about it, others talk about it, but fundamentally it was designed to incentivize work for American working poor, particularly if they had children. The average recipient of the earned-income tax credit in America receives from \$1,700 to \$2,000 a year. That is designed to help them work.

But if somebody comes to our country illegally, I see no reason they should be rewarded with the earned-income tax credit; nor should they get Social Security benefits if they paid benefits over a false Social Security number, working under a fraudulent name in a business where they were illegal. They should not get those benefits.

One cannot, in America today, go to court and enforce an illegal contract. If a person promises to pay a drug dealer money for dope and that person doesn't pay the drug dealer, the drug dealer can't sue that person in court. It is an illegal contract, a contract for dope.

It is an illegal contract. When a person comes here and pays money using a fake name or fake Social Security number, that person is not entitled to receive any benefits, in addition to the problems we would have in determining who paid what money under what number and where and when. Fraud would be rampant, so we should not do that.

I am worried about this legislation. I think it has some containment of the Social Security, a good bit better than last year, although I am not sure it is real tight. But there is no containment of the earned-income tax credit. Those are some things we need to think about as we analyze the cost of the legislation that is before us today.

With regard to the Grassley amendment, this amendment would revise the current law related to visa revocations for visa holders who are on U.S. soil. Under the current law, visas approved or denied by consular officers in foreign countries are nonreviewable. In other words, if you go into the consular office, as I did with Senator SPECTER last summer in the Dominican Republic, and happened to meet one and talked with him about how his day was and what it was like—they make deci-

sions. The consular officers ask for information. If they think somebody has a scheme to go into the United States with a visa and never to return back to the Dominican Republic, or whichever country is involved, they deny the visa. The alien whose visa was denied doesn't get to sue the consular officers. That alien doesn't get to complain. This is a discretionary act by a designated agent of the United States of America, a sovereign nation. A sovereign nation gets to decide who gets into its country, who does not get into its country, and under what conditions they come into their country. That is fundamental.

You don't get to sue over it, if you were denied by the consular official in Cyprus or Poland or the Dominican Republic. That's just it. OK.

However, if you are approved by a consular official, but that is later revoked and that individual has now landed on American soil already, the consular official's decision to revoke is turned into a big court case. The practice has made visa revocations ineffective, in fact, as an antiterrorism tool.

This amendment, the Grassley amendment, would treat visa revocations similar to visa denials because the right of a person to be in the United States would expire once the visa is revoked, regardless of whether that person is in the United States.

I think that is something the 9/11 Commission has suggested we should do. That is a very important issue that I will talk about in a little bit.

At a judiciary hearing in March of this year the Secretary of Homeland Security, Secretary Chertoff, said this:

The fact is that we can prevent someone who is coming in as a guest. We can say you can't come in from overseas. But once they come in, if they abuse the terms and conditions of their coming in, we have to go through a very cumbersome process. That strikes me as not particularly sensible. People who are admitted as guests, like guests in my house, if a guest misbehaves, I tell them to leave. They don't go to court over it.

In 2003, the General Accounting Office reported that suspected terrorists could stay in this country after their visas had been revoked because of a legal loophole in the wording of revocation papers. GAO found the FBI and the intelligence community suspected ties of terrorism in hundreds of visa applications but did not always share that information with consular officials properly so that the application could be rejected. So the consular officers granted the visa, not knowing that the applicant may have connections to terrorist organizations. Had the consular officials known that, they would not have granted the visa. Maybe the FBI was tardy in giving it to them; maybe it was a product of sensitive information they were not at liberty to reveal; maybe they did not discover the terrorist connections until the person got into our country. By the time they got the derogatory information, it was often too late; the visa had been issued.

Immigration officials could not do a thing about it if the person had already arrived here. We were handicapped from locating the visa holders and deporting them, even if they were terrorists or there were other serious reasons to deny the visa.

Revocation of a visa is not a thing done lightly, although as a matter of law, I cannot think there is any constitutional requirement they have any kind of extended procedure. But we have established strong procedures on revocation decisions. To revoke a visa is not done lightly. If a consular officer wants to revoke a visa, the case is thoroughly vetted. In fact, the final decision cannot be made by the consular official in the Dominican Republic or Cyprus or Poland; it must be made by a higher official in Washington.

Revocation cannot be based on suspicion. It must be based on an actual finding that the alien is ineligible for the visa; in other words, they should not have received the visa. They had the power to say no to begin with. Once the alien is in our country, without judicial review, you cannot revoke a visa.

The consular official gives the visa holder an opportunity to explain their case. They may have the visa holder come down to the embassy and defend their position. So when a visa is revoked, it is serious business. It takes a good bit of time. But current law handicaps our enforcement and makes it nearly impossible to deport the alien if they have already made it to the United States. Current law allows aliens to run to the steps of our country's courts to take advantage of the litigation system. There is no reason for special treatment of those whose visas we revoke simply because they happen to be on land here after we figured out that their permission to come should have been denied.

Allowing judicial review of revoked visas, especially on terrorism grounds, jeopardizes classified intelligence that led to the revocation. It can force agencies such as the FBI and CIA to be hesitant to share information.

Current law could be reversing this very process we set up after 9/11 so we could share information more readily among agencies. Our poor visa policies contributed to the events of September 11.

Nineteen hijackers used 364 aliases. Two of the hijackers may have obtained passports from family members working in the Saudi passport mission, in other words, fraudulent passports.

Nineteen hijackers applied for 23 visas and obtained 22 visas. The hijackers lied on their visa applications in detectable ways. The hijackers violated the terms of their visas. They came and went at their convenience. The 9/11 Commission pointed out the obvious by stating that:

Terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country.

The 9/11 Commission recommended that we intercept terrorists and constrain their mobility. This amendment

would do that. Allowing aliens to remain on U.S. soil with a revoked visa or petition is a national security concern. It is something we should do something about.

Think about it. An individual came into America, approved for a visa, and it is now discovered the individual had ties to terrorist organizations, may well be deeply connected in some dangerous way where they could threaten the security of the United States, and all we can do is revoke their visa, eventually ask the person to leave, and they file petitions and object and go to court and turn it into a big process.

It is this kind of thing that has the capacity to overwhelm and flood our courts and to create circumstances such that the immigration laws become unenforceable. It is a realistic concern. We have to go back to the basics of immigration and see what this process is all about.

A person who comes into any sovereign nation, the United States certainly being one, comes at the pleasure of the United States, at the sufferance of the United States. Without a right to stay here, but as a free gift that can be taken away or rejected at any time. An alien is not entitled to stay here. An alien does not have a constitutional right to stay here. An alien has no legal right to stay here if he or she is not in compliance with the rules and regulations of the United States. We have designated officials, agents, and officers with the procedures and plans to make those decisions about visas, and we can't have all of those revoked visas turning into lawsuits. I mean, there are not enough hours in the day. It can subject our Nation to threats in many different and terrible ways.

What I would suggest to my colleagues is, let's think about the basics of what immigration is about. It is not a matter of the right of somebody wants to come here. Nobody has a constitutional right, a legal right, or a moral right, for that matter, to enter the United States. It is a decision we make based on policies that presumably serve the national interests of the United States.

If a person is not in compliance after they get here, if a person did not meet the standards when they were admitted, if the person did not meet the standards when they first applied, they should be rejected without a court hearing or a lawsuit. If they get into this country and we find additional information that would have prohibited them from coming, they can be asked to leave without going through a big trial, because they do not have that property right or legal right that would justify such an action.

This is something I have dealt with for some time. I think we can do better about this area of the law. This was a request from the State Department which deals with this every day. We need to do better to support the State Department.

When I met with the consular official in the Dominican Republic, he talked about the fraud they see, and it is pretty common. Frequently people produce fraudulent marriage licenses. Sometimes people actually pretend to be married. Sometimes they just produce documents; they say they are married when they are not married. That makes people eligible to come.

You know what he said? In all of the time he has been working on it, nobody has ever prosecuted someone for a fake marriage license to get entry into the United States.

When I was U.S. attorney, I prosecuted one or two, anyway. I remember people who created fraudulent marriages to set up to get in the country. For one reason or another it came to our attention and we prosecuted the case. It is a violation of Federal law.

What we have got, our guess is, there are so many that people do not have time to do it. But if a person says they are married and they come here to the country, and you find out they are not married, they should be able to depart without having a big trial. You can try them, as I did, and convict them and send them to jail, or give them a probationary sentence for filing a false claim to the Government or false document to the Government or false claim for entry into the United States. All that would be criminal, but it takes a tremendous amount of time, effort, and money to prosecute a case like that, more than probably we can afford to do today. So the better thing is to give our people the power to make that decision and move people out if they are here on a visa.

Now, if they have legal permanent residence or citizenship, of course, that is not so. If you get a legal permanent resident status, then you have certain rights that go beyond what I described.

Mr. President, I thank Senator GRASSLEY for his leadership and for working on this amendment. I think it would be a critically important aspect of any comprehensive reform. I thank the Chair for his patience late into the evening.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR.) Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Thereupon, the Senate, at 8:26 p.m., adjourned until Thursday, May 24, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2007:

DEPARTMENT OF JUSTICE

ONDRAY T. HARRIS, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS, VICE SHARÉE M. FREEMAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DOUGLAS E. LUTE, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL AUGUSTUS L. COLLINS, 0000
BRIGADIER GENERAL JAMES B. GASTON, JR., 0000
BRIGADIER GENERAL JOE L. HARKEY, 0000
BRIGADIER GENERAL JOHN S. HARREL, 0000
BRIGADIER GENERAL EDWARD A. LEACOCK, 0000
BRIGADIER GENERAL JOSE S. MAYORGA, JR., 0000
BRIGADIER GENERAL KING E. SIDWELL, 0000
BRIGADIER GENERAL JON L. TROST, 0000

To be brigadier general

COLONEL ROBERT K. BALSTER, 0000
COLONEL JULIO R. BANEZ, 0000
COLONEL WILLIAM A. BANKHEAD, JR., 0000
COLONEL ROOSEVELT BARFIELD, 0000
COLONEL GREGORY W. BATTS, 0000
COLONEL THOMAS E. BERON, 0000
COLONEL DAVID L. BOWMAN, 0000
COLONEL GEORGE A. BRINEGAR, 0000
COLONEL JEFFERSON S. BURTON, 0000
COLONEL GLENN H. CURTIS, 0000
COLONEL LARRY W. CURTIS, 0000
COLONEL SANDRA W. DITTI, 0000
COLONEL ALAN S. DOHRMANN, 0000
COLONEL ALEXANDER E. DUCKWORTH, 0000
COLONEL FRANK W. DULFER, 0000
COLONEL ROBERT W. ENZENAUER, 0000
COLONEL LYNN D. FISHER, 0000
COLONEL BURTON K. FRANCISCO, 0000
COLONEL HELEN L. GANT, 0000
COLONEL TERRY M. HASTON, 0000
COLONEL BRYAN J. HULT, 0000
COLONEL GEORGE E. IRVIN, SR., 0000
COLONEL LENWOOD A. LANDRUM, 0000
COLONEL ROGER L. MCCLELLAN, 0000
COLONEL RONALD O. MORROW, 0000
COLONEL JOHN M. NUNN, 0000
COLONEL ISAAC G. OSBORNE, JR., 0000
COLONEL ROBERT J. PRATT, 0000
COLONEL JERRY E. REEVES, 0000
COLONEL TIMOTHY A. REISCH, 0000
COLONEL JAMES M. ROBINSON, 0000
COLONEL MARK D. SCRABA, 0000
COLONEL DONALD P. WALKER, 0000
COLONEL CHARLES F. WALSH, 0000

WITHDRAWALS

Executive Message transmitted by the President to the Senate on May 23, 2007 withdrawing from further Senate consideration the following nominations:

MICHAEL E. BAROODY, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 5, 2007.

MICHAEL E. BAROODY, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 5, 2007.