

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Grassley/DeMint amendment No. 1166 (to amendment No. 1150), to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez amendment No. 1194 (to amendment No. 1150), to modify the deadline for the family backlog reduction.

McConnell amendment No. 1170 (to amendment No. 1150), to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

Feingold amendment No. 1176 (to amendment No. 1150), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

Durbin/Grassley amendment No. 1231 (to amendment No. 1150), to ensure that employers make efforts to recruit American workers.

Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to \$24 billion in the 10 years after passage of this act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to \$24 billion in the 10 years after passage of this act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, as this bill has progressed through the week, there has been, in my view, significant progress made. It has truly been a tribute to the leadership on both sides, and I acknowledge the leadership of the majority leader, HARRY REID, in terms of holding people's feet to the fire to get us moving forward with immigration.

We hope to be able to bring this to a conclusion the week after we get back from the Memorial Day break. I understand that this morning we will have about four amendments, two on the Republican side, and two on the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 1189 TO AMENDMENT NO. 1150

Mr. CORNYN. Mr. President, on behalf of the Senator from Colorado, Senator ALLARD, I believe there is an amendment at the desk, No. 1189.

I ask unanimous consent that the pending amendments be set aside and ask for the immediate consideration of that amendment, No. 1189.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for Mr. ALLARD, proposes an amendment numbered 1189 to amendment No. 1150.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the preference given to people who entered the United States illegally over people seeking to enter the country legally in the merit-based evaluation system for visas)

In section 203(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)(A)), as amended by section 502, in the table in that section, strike the items relating to the Supplemental schedule for Zs.

AMENDMENT NO. 1250 TO AMENDMENT NO. 1150

Mr. CORNYN. Mr. President, at this time, I ask unanimous consent to set aside the pending amendment, No. 1189, and ask for the immediate consideration of my amendment No. 1250, which I believe is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The Senator from Texas (Mr. CORNYN) proposes an amendment numbered 1250 to amendment No. 1150.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address documentation of employment and to make an amendment with respect to mandatory disclosure of information)

In section 601(i)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period; and

(3) in clause (IV), add "and" at the end.

Strike section 604 (relating to mandatory disclosure of information) and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or

bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a

determination on any petition or application.

(g) CRIMINAL PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

MR. CORNYN. Mr. President, we have been on this immigration bill now, by some accounts, for 5 days. I will note that we started with a vote on cloture on the motion to proceed at, I believe, 5:30 Monday afternoon. We had Tuesday on the bill, we had Wednesday on the bill, we had Thursday on the bill; here we are on Friday.

My understanding is that the agreement between the parties is that I will be only allowed to offer one additional amendment, in addition to the one currently pending. I understand that limitation, but I want to make clear that I think it sends a bad signal in terms of where this bill is headed in the long run because, all along, while I applaud the majority leader and the minority leader for their willingness to give us an additional week on this bill after the recess, I am worried that because of the slow progress we are making on these amendments, particularly on getting an opportunity to vote on amendments—for example, the one I laid down early on this week—we are going to find ourselves in for a train wreck the week after the recess, when the amendments that have been filed will need to be considered. I am afraid there will be an effort to try to prevent important amendments from being considered.

Let me give you a little context for my concerns. As we all know, this bill was negotiated largely behind closed doors by a bipartisan group of Senators. I have to say that, in many respects, the product we have before us is better than the bill that passed last year, although I could not support it in the end because I have amendments I think are needed to improve it. To give you some context about the need for a robust debate and the freedom to offer amendments and to consider various points of view other than those reflected behind those closed doors, I went back to look at the Judiciary Committee last year, which considered the original McCain-Kennedy bill. There were 62 amendments filed in the Judiciary Committee. The present occupant of the chair knows, as a member of that Committee, it is a very hard-working Committee that considers a lot of important and contentious issues. That committee was by-

passed through the process by which this bill has come to the floor this year.

Just an observation. Last year, there were 62 amendments filed in the Judiciary Committee alone that went through a process that was not observed this year. So far, by my current count, there have been 107 amendments filed to the present bill. We have had seven—count them—rollcall votes on amendments so far this week. I don't see any way, short of an attempt to try to cut off debate and to cut off the offering of amendments the week we return, we are going to be able to get through 107 filed amendments.

I think it is important, for a variety of reasons, that we continue to have a robust debate and the freedom to offer amendments because, for the reasons I mentioned a moment ago, this product was largely negotiated behind closed doors by a bipartisan group of Senators. Most of the Members of the Senate have not had a chance to study this bill in great detail, until the final legislative text was prepared by legislative counsel a couple of days ago.

This is an enormously complex issue. The bill has a lot of different moving parts. We bypassed the committee process. My hope is—and this is my plea to our leadership—that we continue to see the kind of expansive opportunities that have been provided so far, with 2 weeks set aside for the debate and to have an opportunity to offer amendments and to have votes on those amendments.

I will point out that on the last bill, which ended up being the Hagel-Martinez compromise, there were 30 roll-call votes, according to my notes. We have had seven so far on this bill, and here we find ourselves on Friday and we have one more week scheduled by the majority leader. I am very concerned that we will not be able to get due consideration of all of the various points of view, and an opportunity to freely offer amendments and get roll-call votes on those amendments that I believe are very important. It is even more important, if it is possible, in this particular legislation.

As my colleague from Colorado knows, he and I were both present during many of the negotiations that have led up to this bill, even though ultimately he agreed to the product, but I could not. That this is an enormously emotional and contentious issue. I bet Senators have gotten more phone calls, e-mails, and correspondence about this issue than virtually anything else that has come before the Senate. It is extraordinarily important to the democratic process and the legislative process to allow people to present their points of view.

We are here as 100 people representing 300 million people. We need to make sure that not only the opinions and points of view of the elites and people who can hire high-priced lobbyists are considered; we need to make sure the views of the American people

are considered, given an opportunity for airing and, ultimately, we all respect the process by which these matters are put to votes, and then we respect the right of the majority to make the decision and we move forward.

Anything that would even hint of cutting off the opportunity for the American people to have a full airing of their views, and limiting it to a handful of amendments that have been advocated by lobbyists and other people representing the elites in Washington, DC, I think would be a terrible mistake.

Mr. President, I want to advise my colleague from Colorado of this. There has been a previous agreement that we would be allowed to offer two amendments, and that other amendments would not be allowed to be pending.

At this time, I ask unanimous consent to set aside the pending amendment and send amendment No. 1238 to the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

MR. SALAZAR. Mr. President, reserving the right to object, and I will object, there was an agreement reached between the Republican leader and the majority leader that there would be two amendments offered on each side today. The Senator from Texas has offered one amendment on behalf of Senator ALLARD, and he has offered a second amendment on his behalf. If I may further comment in responding to some of his suggestions—

MR. CORNYN. Mr. President, I reclaim my time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

MR. SALAZAR. I want to place this in context. The fact is that there has been a tremendous amount of work that has already been going on in this Chamber during this last week. I inquire, without losing my place at the podium, of the parliamentary situation.

The ACTING PRESIDENT pro tempore. The Senator from Texas has the floor on his unanimous consent request.

MR. SALAZAR. I yield the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

MR. CORNYN. Mr. President, I expected the distinguished Senator from Colorado to lodge an objection to my amendment.

MR. SALAZAR. Mr. President, I did object to a third amendment that the Senator from Texas wanted to submit.

MR. CORNYN. Reclaiming my right to the floor, that is my understanding. I wish to make clear that he has objected, and I wish to make clear that I was not a party to any agreement that would limit us to the number of amendments we would offer today, but I respect that. I offer the amendment to make this point: There are at least 107 amendments that remain to be brought forward and considered. Here we are on Friday completing the first

week of what has been set aside as 2 weeks for the consideration of perhaps the most important domestic issue confronting our country today. There will be no votes today. Colleagues are returning either home or off on various travels around the world, and we are here with the most important domestic issue confronting our country today and really not proceeding at a pace that would give us any realistic expectation of getting this matter completed in the way I think this matter needs to be treated.

I understand and I respect the Senator from Colorado making an objection to my offering further amendments, but we all can see what is going on here, and I think it portends some very disconcerting things when we are not proceeding at a pace we need to in order to actually get the business of the American people taken care of on this important issue.

I expect if I offer other amendments that there likewise will be an objection, so I will not at this time make further offerings of amendments, but I do have in my hand further amendments—amendment No. 1208, which is an amendment I would offer if possible. I also have another amendment, amendment No. 1247, which deals with State impact assistance fees.

One of the reasons people are so upset about the Federal Government's complete failure to deal with border security and enforce our immigration laws is that most of the consequences fall on local taxpayers. In my State of Texas, the Federal Government has issued a mandate that says no matter who shows up in your schools, your communities, or in your hospitals, you have to treat them, you have to provide services to them, but the Federal Government doesn't pay for it. The Federal Government needs to pay for these unfunded mandates, and this State impact assistance fee amendment will provide that kind of relief to local taxpayers.

I understand where we are, and I respect there has been this agreement between the leaders, and I understand the Senator needs to object, but I reiterate, we need to get moving. We need to have more amendments offered. We need to have more votes and less time off without votes, as we are obviously having today.

I will now return to the amendment that I offered this morning and that was allowed. Let me return now to my amendment No. 1250 and explain what this amendment does provide. My hope is that we can, when we return on Monday—actually, I guess it will be Tuesday, June 5—that we will have an opportunity for an early vote on this amendment as well as the pending amendment I have that will prevent rewarding those who have abused our laws and who have really thumbed their nose at our legal system, who have been ordered deported and who have simply gone on the lam, melted into the American landscape and defied

the lawful orders of our courts. These are people who have been ordered deported, have actually been deported, but then they returned to the United States in violation of our immigration laws, both of which constitute felonies. It is my hope that I can get a vote on that amendment, which has been pending now for several days, soon after we return.

It is my understanding our colleagues are working on some side-by-side agreement to provide some cover for those who don't vote for my amendment, but I think we will have to evaluate that when we see it. I regret the fact that we have not been able to get votes on our amendments because of objections primarily on the other side.

There is a major flaw in this legislation, and that flaw is that it will, unless corrected, repeat a fundamental mistake that was made by Congress when Congress last passed massive legalization of undocumented immigrants in 1986. The American people do not expect too much of us, but they do expect that we will not repeat past mistakes.

I remember the definition of "insanity" once offered was that you do the same thing over and over again expecting a different outcome. That is the definition of "insanity." This would be a terrible mistake if we pass this legislation without correcting a major flaw in the 1986 amnesty bill that was passed by Congress, after having learned from experience what the consequences of that flaw are.

Under this bill, anyone in the United States in violation of our immigration laws can come forward and apply for legal status with impunity. Quite simply, the Department of Homeland Security is prohibited from using internally all of the information from the Z applications as well as sharing information with relevant law enforcement authorities. For example, if an applicant comes forward and is denied legalization because of some disqualifying feature, this legislation, as currently written without my amendment, will prevent Immigration and Customs Enforcement, the immigration enforcement authorities, from using the information from that application to apprehend that person.

What we learned from the 1986 amnesty was what the New York Times said—that it created the largest immigration fraud in the history of the United States. That is the mistake my amendment will attempt to correct. As we know from the general counsel of the Immigration and Naturalization Service under President Clinton, the statutory restrictions on sharing information and providing confidentiality of the applications of those who apply for amnesty contributed enormously to that fraud.

The population that will benefit from this legislation should be treated with no more confidentiality than any other classes of immigrants. We don't afford

this robust confidentiality protection to other immigrant classes, such as asylees or battered women or those applying for temporary protected status, so I ask: Why the double standard?

When an asylum seeker applies for legal status, that asylum seeker must submit an application and return at a later date for a decision. If that asylum seeker is denied, he or she is taken into custody or provided a notice to appear on the spot based on the information provided by the applicant.

The proponents of this legislation will tell us that without these guarantees of confidentiality, those who are already in the United States in violation of our immigration laws will not come forward and seek legal status. But I must ask: Are we not granting the biggest benefit that can ever be conferred to an immigrant population; that is, legal status after they have violated our immigration laws? And to be clear, we are talking about those who cannot even establish that they meet the minimum requirements to get this valuable benefit and, even worse, have flouted our immigration and criminal laws. Why should we treat individuals who are denied a Z visa with broad privacy protections by the mere filing of an application for that status? Why should they be treated differently from everybody else?

The proponents will say they do exempt from confidentiality those individuals who commit fraud or who are part of some other scheme in connection with their application. Of course, this is the very least we should be doing. But this bill does not go nearly far enough to effectively enforce our immigration laws and protect the American people from criminals and others who might do us harm. For example, at page 311 of this bill, in section 604(b) labeled "Exceptions to Confidentiality," the drafters of the compromise have chosen to protect aliens who are criminal absconders who have not been removed from the United States. You may be asking: What is an absconder? Quite simply, an absconder is someone who has ignored a final court-ordered deportation and can be prosecuted for a separate felony offense which is punishable by up to 4 years in prison. So the drafters of this underlying bill have chosen to protect that class of people who have not been removed from the United States.

We all know that hundreds of thousands of immigrants come across our borders each year, many legally, a lot more illegally. But what most Americans would be shocked to hear is that according to recent estimates, almost 700,000 of those who have been ordered deported have simply failed to comply with that court order. How many Americans think it is OK to ignore the lawful order of one of our courts? How many Americans, after receiving a subpoena from a court, ignore it and simply skip the court date?

As my colleagues know, I have offered a separate amendment that would

categorically bar fugitive aliens from receiving amnesty. I believe this is an issue of fundamental fairness and the integrity of the rule of law.

In exchange for the largest legalization program in our Nation's history, we should be able to say without any doubt that for any person who applies for and is denied a Z visa on any grounds, we will authorize Immigration and Customs Enforcement to take that application, arrest that individual, and to deport them as not qualifying under the laws of the land. But the bill the Senate is considering would turn a blind eye to those who would apply for this amnesty and are denied. This bill would allow them to slide back into the shadows—the very problem we are trying to solve by this bill.

Ask a random citizen on the street today to answer this simple question: Someone who has violated our immigration laws comes forward to apply for legal status under this bill. Because the applicant does not satisfy one of the criteria for being awarded legal status, the applicant is denied a Z visa. What happens to that individual under the present bill if my amendment is not adopted? I don't think we could find 1 out of 100 who would say something other than: Well, they should go home. And I suspect the majority would say they should be arrested on the spot and be deported. Yet the so-called confidentiality provisions in this bill will prevent law enforcement officials from using information on the application to locate and remove a significant population of those who cannot qualify for a Z visa because they are simply disqualified by law.

This is, in essence, providing an opportunity to significant categories of individuals whose applications are considered and rejected to slide back into the shadows and to defy our laws. This is the very problem we have been told this legislation was designed to fix. Yet it is designed in reality for failure unless this amendment is accepted.

The whole point of this exercise, we continue to be told, is to enhance U.S. security by bringing people out of the shadows and into the open, to allow people who want to cooperate with the law to do so, while allowing our law enforcement officials to focus their efforts on drug traffickers, on criminals, and others who may come here to do us harm. But this bill would draw those who have entered our country in violation of our immigration laws or who have overstayed in violation of those laws to do so and to slide back into the shadows without allowing the law to be enforced.

I would like to remind my colleagues of our Nation's recent history with a massive legalization program and the consequences of prohibitions of Federal agencies on information sharing. As I have stated, reasonable observers have concluded that the 1986 amnesty was rife with fraud. There was an article written in the New York Times, I be-

lieve it was 1989, and it called this one of the most massive frauds in American history.

We know, for example, from the 9/11 Commission staff statements that Mohammed and Abouhalima, conspirators in the 1993 World Trade Center bombing, were granted green cards, or legal permanent resident status, under the special agricultural worker program, which was an amnesty program created by the 1986 bill. Under this special agricultural worker program, a key component of that 1986 amnesty bill, applicants had to provide evidence that they had worked on perishable crops for at least 90 days between May 1, 1985, and May 1, 1986. Their residence did not have to be continuous or unlawful. Nearly 1 million of these individuals who applied received legal permanent resident status under this amnesty, twice the number of foreigners normally employed in agriculture at that time according to the 9/11 Commission and staff.

I would like to make one last significant point about the ill-conceived confidentiality protections contained in this compromise bill. Under this bill we are considering, Congress would even prohibit the use of information from the sworn third-party affidavits that are one of the documents that can prove eligibility. Let me say that again. Under this bill, you can get some third party—there is no requirement of who they might be: a friend, a family member, anybody—to sign an affidavit attesting that you were lawfully present—or that you were present, not lawfully but you were present—in the United States as of a certain date in order to qualify for benefits under this bill.

We already know from well-documented prosecutions of document vendors and other legalization cases that the type of documents submitted, especially these kinds of sworn affidavits, without limitation, were used to further fraud. At the very least, we should not repeat the mistakes of 1986 by allowing the continued use of sworn affidavits by those who have already shown their willingness to violate our laws in order to gain the benefits under this bill.

My amendment takes care of that concern because it will allow those sort of false documents to be investigated and, where necessary, prosecuted. Those who engage in cottage industries of massive fraud on a huge scale can be investigated by our authorities and prosecuted where warranted. My amendment takes care of that concern.

We know one thing, criminals and terrorists have abused and will continue to seek ways to abuse our immigration system in order to enter and remain in our country. I regret to say that the bill we are debating today fails to give law enforcement the commonsense tools that would prevent terrorists and others who seek to do us harm from exploiting the vulnerabilities inherent in any massive

legalization program. My colleagues may say there is a confidentiality exception for national security and for fraud, but to rely solely on these narrow exceptions is to engage in wishful thinking and, as far as I am concerned, ignores history and hard experience and the terrorist and criminal threats that we face.

Why would we leave any of this to chance? Why would we turn a blind eye to the type of abuses that we have seen happen in the past and risk it happening again in this bill? I submit that any rejected application not only will provide valuable information to assist in deporting a person that is not entitled under our own laws to the benefits under this bill but may provide law enforcement with a valuable lead that they were previously unaware of, a lead that could—and this is not too much of a stretch—potentially save lives and, at the very least, improve public safety.

Failure to allow law enforcement to connect the dots is a deadly mistake. I have heard many of my colleagues promise never would that happen again. So I urge those who are truly serious about their commitment to make sure the mistakes of the past don't occur again, and that we don't expose the American people to an unnecessary risk and ultimately lose their confidence by enacting a law that cannot be enforced. If we do that, I think we will not have done our job. So I urge all of us who are serious about this commitment to support my amendment to make this crucial improvement to this legislation.

Mr. President, I have to make one correction. Apparently, affidavits are not allowed from relatives but are from nonrelatives. So you can't get your brother-in-law, I guess, to sign an affidavit saying when you were in the United States, but you can get a stranger on the street or someone else to sign an affidavit saying, yes, JOHN CORNYN was present in the United States as of this date. What we want to do is bring a little sunshine to this process to allow our law enforcement officials to do what they have sworn to do, and which they do so nobly and so valiantly day in and day out, and that is investigate crime, bring those who break our laws to justice, to root out fraud, and to make sure our laws do work.

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

Mr. CORNYN. I will be glad to yield.

Mr. SESSIONS. Mr. President, I thank Senator CORNYN for his tireless effort and his great knowledge of the complexities of the issues involved in any comprehensive immigration reform. I know he has worked hard to try to craft a comprehensive bill but one that will actually work. That is the question.

I know the Senator has developed great concerns about that and has offered a number of amendments, some

excellent law enforcement amendments, drawn, I know, from his experience as a former attorney general in Texas and a member of the supreme court in Texas. I believe, as a former Federal prosecutor, those amendments are essential to having a successful immigration program.

I would like to hear why it is that now 3 days into this bill he has not been able to get a vote on those amendments and about other amendments that he has offered this morning, whether he has been successful in even calling them up for consideration.

Mr. CORNYN. Well, Mr. President, I appreciate the question from the distinguished Senator from Alabama, who was a former U.S. attorney, former attorney general of his State, as the occupant of the chair was of his State, as was, as a matter of fact, Senator SALAZAR. It seems as if we have a former attorneys general convention right here on the floor of the Senate, all of us engaged in law enforcement actions most of our professional lives.

To answer the Senator's question, I am simply at a loss to understand why, on the single most important domestic issue facing our country today—our broken borders and our immigration system. This is designed to fail because of these barriers of information sharing that have been erected and because of the confidentiality provisions that have been slapped on affidavits and other evidence of fraud that might help us root out and investigate wrongdoers and bring them to justice. I think this is the main reason people are so profoundly skeptical of what we are doing today.

I don't think any of us should be under any illusion that if we erect this nice, pretty superstructure that we talk about, that the elements of the bill that are meritorious—things such as triggers, things such as enhanced border security, effective worksite verification—if we undermine it, if we simply cut the legs out from under the ability of law enforcement officials to enforce this law in a way that will see it collapse again, like the 1986 amnesty bill did, and we don't learn from that hard experience and improve this bill and eliminate those errors and those flaws, I think we will have failed the essential purpose for which we were sent here—to represent the American people, to see that the laws are respected, to see that law and order are reestablished.

I really do believe the reason people are so upset about this issue is because they see rampant lawlessness and disregard for the law in our immigration system. They recognize that in a post-9/11 world that our broken borders can allow economic migrants to come across.

We all understand why people want to come to America. It is the same reason they always have: they want a better life. We understand that. But we have to know who is coming into our country and the reasons they come here. We have offered generous temporary worker programs under this bill

so they could come legally, so they could be screened, so law enforcement could focus on the criminals, potential terrorists, and others who want to do us harm. But why in the world, I would ask my colleagues, would we want to leave these flaws in the bill which prohibit our law enforcement officials from doing their job, from investigating and rooting out fraud and criminality and bringing wrongdoers to justice?

Mr. SESSIONS. Mr. President, will the Senator yield for another question?

Mr. CORNYN. I will.

Mr. SESSIONS. I would just ask this question, through the Chair. Is it similar to the bill last year? Did they not improve the language that basically said if you file a false document for a benefit under this bill, that is really not subject to being examined and investigated and prosecuted?

If an American filed a false claim for hurricane relief or any government benefit, that is a violation of title XVIII, section 1001. I have prosecuted it many times. But persons who are here illegally, noncitizens, can file false statements and then there is a mechanism that blocks that from being actually investigated and perhaps prosecuted?

Mr. CORNYN. I would answer the distinguished Senator by saying there have been some modest steps in improving the flaws in last year's bill. As we have discussed privately and on the Senate floor, I think we ought to give some credit where credit is due to see this bill strengthened over the flawed bill that passed the Senate last year.

But to answer his question, there are still confidentiality provisions in this bill which would allow fraud to go undetected, uninvestigated, and not prosecuted. I don't know why in the world we would possibly stand silently and allow that to happen. I am not going to, and that is the reason I have offered this amendment.

I see on the Senate floor the other distinguished Senator from Colorado, my friend Mr. ALLARD, who has also offered other important legislation to allow information sharing between law enforcement personnel. It was as a result of the Swift meatpacking plant raids that Senator ALLARD held meetings on, which I attended, that we learned the very tool that our Federal Government has given employers to confirm eligibility to work is flawed, and Social Security information cannot be shared with the Department of Homeland Security.

So we find people, such as the Swift meatpacking plant operators, using the Basic Pilot to check whether a person shows up and says: My name is JOHN CORNYN, and here is JOHN CORNYN's Social Security number. They run it through Basic Pilot. It says, yes, that is JOHN CORNYN's Social Security number, but the fact is, it is KEN SALAZAR using JOHN CORNYN's Social Security number, or somebody else, and it doesn't root out that kind of fraud.

What we need to do is make sure all manner of fraud and illegality are ca-

pable of being fully investigated, fully prosecuted, where warranted, and that our laws are enforced. That is the flaw that my amendment seeks to correct. And I continue to believe other amendments that have so far not been allowed to be called up, some 107 that have been filed, when we actually had votes on 30 amendments in last year's bill, and we have only had 7 so far, that we are really not going at the kind of pace at which I would hope we would proceed to be able to amend and improve this bill in a way that we could be proud of and that we would know would actually work.

That, to me, is one of the key pillars upon which this legislation ought to be built: Will it work? Can it be enforced? If it can't, we will have failed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I appreciate the comments from my good friend from Texas. I wish to respond to the notion that this Chamber is not taking sufficient time in order to consider the issue of immigration and immigration reform. We have, indeed, been on a very long journey to try to grapple with this issue which, at the base of it, is the fundamental question of national security.

It was last year, for most of the month of May, where this Senate debated a comprehensive immigration reform package. It was an immigration reform package that had gone through the Senate Judiciary Committee and was amended multiple times on the floor of the Senate. Now, for the last many months, perhaps as many as 4 to 5 months, there have been a group of Senators, Republicans and Democrats, working with Secretary Chertoff and Secretary Gutierrez and President Bush to try to come up with a comprehensive immigration reform package, which is now the package that is before this Chamber.

I submit, in response to my good friend from Texas, that there has been ample opportunity for us to deal with the issue of immigration reform and to come up with a system that is, in fact, workable.

On this specific issue, what we have done during this past week is—there have been 23 amendments that have been offered. There have been 13 of those amendments that have been disposed of—7 of those have been disposed of with rollcall votes, 6 of them with voice votes. There were 10 amendments pending as of yesterday; there will be 4 more amendments pending as of today.

At the request of many Republican colleagues, Senator REID agreed it was important for us to take an additional week to be able to fully debate this very complicated and very difficult and very emotional issue on how we move forward with immigration reform. We did not get to a conclusion of this debate this week because Senator REID

thought it important to take another week to fully consider the legislation before us.

Indeed, during the week that Members of the Senate are working back in their districts or doing what they may be doing during this next week, it is going to be another opportunity for Members of the Senate to continue to study the provisions of this legislation. But this legislation was not pulled out of the darkness one day and placed on the floor of the Senate. This legislation was crafted with significant input from both Republican and Democratic Senators and with the guidance of Secretary Chertoff. While it may not be perfect, and while the efforts on the floor of the Senate this week and the week after we return from the Memorial Day break will improve upon the bill, there has been a huge amount of energy that has gone into creating an immigration reform package that will, in fact, work.

At the end of the day, I remind all our colleagues and those who are watching, what is at stake is moving from a system of a broken border and lawlessness that relates to immigration in this country to a system that works. We need to find a solution that will fix those broken borders. We need to find solutions that will, in fact, make sure the laws of the Nation on immigration are enforced.

For 20 years, this country has looked the other way. We are a Nation of laws. We ought to be enforcing the laws as this legislation moves forward, making sure we are going to have the laws and the capacity to enforce those laws in our interior, and we need to have a realistic solution to deal with the 12 million undocumented workers here in America. To those who would be part of the “round them up and deport them” crowd, I remind them that is an unrealistic solution. As the President of the United States said during the last week: To round up 12 million people, to put them on buses and railroads and whatever other way one would want to round up those 12 million people and send them elsewhere is not a realistic solution.

This proposal that is now before the Senate, which was carefully crafted with significant input from the administration and the leadership of the President, is a good way for us to move forward. I hope, as we go on into the week after the Memorial Day work period, at that point in time there will be ample opportunity to have a robust and orderly debate on amendments that my colleagues will bring forth to try to further improve the bill.

AMENDMENT NO. 1183 TO AMENDMENT NO. 1150

Mr. President, I ask unanimous consent the pending amendments be laid aside, that the Senate turn to consideration of an amendment by Senator CLINTON, amendment No. 1183.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for Mrs. CLINTON, for herself, Mr. HAGEL and Mr. MENENDEZ, proposes an amendment numbered 1183 to amendment No. 1150.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reclassify the spouses and minor children of lawful permanent residents as immediate relatives)

On page 238, line 13, strike “567,000” and insert “480,000”.

On page 238, line 19, strike “127,000” and insert “40,000”.

On page 247, line 1, insert “or the child or spouse of an alien lawfully admitted for permanent residence” after “United States”.

On page 247, line 5, insert “or lawful permanent resident” after “citizen”.

On page 247, line 6, insert “or lawful permanent resident” after “citizen”.

On page 247, line 6, insert “or lawful permanent resident’s” after “citizen’s”.

On page 247, line 7, insert “or lawful permanent resident” after “citizen”.

On page 247, line 8, insert “or lawful permanent resident’s” after “citizen’s”.

On page 247, line 9, insert “or lawful permanent resident’s” after “citizen’s”.

On page 247, line 15, insert “or lawful permanent resident’s” after “citizen’s”.

On page 247, line 24, insert “or lawful permanent resident” after “citizen”.

On page 248, strike lines 2 through 11.

On page 248, line 13, strike the first “(3)” and insert “(2)”.

On page 249, line 1, strike “(4)” and insert “(3)”.

On page 250, between lines 42 and 43, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking “paragraphs (2) and (3),” and inserting “paragraph (2);” and

(ii) by striking “(b)(2)(A)(i)” and inserting “(b)(2);”

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “(b)(2)(A)” and inserting “(b)(2)”.

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsections (a)(2)(A) and (d)” and inserting “subsection (d);”

(ii) in subparagraph (A), by striking “becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien’s parent),” and inserting “became available for the alien’s parent;” and

(iii) in subparagraph (B), by striking “applicable”;

(B) in paragraph (2), by striking “The petition” and all that follows through the period and inserting “The petition described in this paragraph is a petition filed under section

204 for classification of the alien parent under subsection (a) or (b).”; and

(C) in paragraph (3), by striking “subsections (a)(2)(A) and (d)” and inserting “subsection (d).”

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting “or legal permanent resident” after “citizen” each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting “or legal permanent resident” after “citizenship”;

(II) in clause (iv)—

(aa) by inserting “or legal permanent resident” after “citizen” each place that term appears; and

(bb) by inserting “or legal permanent resident” after “citizenship”;

(III) in clause (v)(I), by inserting “or legal permanent resident” after “citizen”; and

(IV) in clause (vi)—

(aa) by inserting “or legal permanent resident status” after “renunciation of citizenship”; and

(bb) by inserting “or legal permanent resident” after “abuser’s citizenship”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking “subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)” and inserting “clause (iii) or (iv) of subparagraph (A);” and

(v) in subparagraph (I), as so redesignated—

(I) by striking “or clause (ii) or (iii) of subparagraph (B);” and

(II) by striking “under subparagraphs (C) and (D)” and inserting “under subparagraphs (B) and (C);”

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking “or a petition filed under subsection (a)(1)(B)(ii);” and

(D) in subsection (j), by striking “subsection (a)(1)(D)” and inserting “subsection (a)(1)(C)”.

AMENDMENT NO. 1202 TO AMENDMENT NO. 1150

Mr. SALAZAR. Mr. President, I now ask the pending amendment be set aside and the Senate proceed to the consideration of the amendment of Senator OBAMA, amendment No. 1202.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for Mr. OBAMA, for himself and Mr. MENENDEZ, proposes amendment numbered 1202 to amendment No. 1150.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated)

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective

during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

“(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

“(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

“(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

“(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

“(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

“(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

Mr. SALAZAR. Mr. President, I see my colleague and friend from Colorado, Senator ALLARD, on the floor to speak to his amendment.

I yield the floor to Senator ALLARD.

Mr. CORNYN. Mr. President, I am certainly going to yield to Senator ALLARD, if I may make a brief—about 1-minute—response to my friend, Senator SALAZAR.

I have in my hand the bill that was actually laid down by the majority leader and others. It is 789 pages. This is not actually the bill we are on. As you know, and as my colleagues know, there has been a substitute bill that was not put in final legislative language until Tuesday. Those who did not participate in the closed-door meetings that produced what has been sometimes called the “grand bargain”—while I have been clear to give them credit where credit is due—I think they would appreciate the fact that not everybody has had access to

the same information. Certainly not all Members of the Senate and our staffs have had access to the legislative text we are actually voting on and to which we are actually offering amendments.

As the Senator from Colorado acknowledged, we all know how complicated this subject is. It is enormously detailed. We are doing our best to try to keep up. My hope is we can continue to work together to try to work our way through this. I think that is the spirit in which we are all trying to work.

Nobody wants to blow this up. We all want to find a solution. We have some differences on what those solutions might be, but this is where those differences are debated, where the process allows amendments, suggested changes and improvements to be offered, and then in the end we will vote. But I wished to express my concerns that we be given the opportunity to do a good, conscientious job on behalf of our constituents, on behalf of the American people, in what I believe is the single most important domestic issue confronting our country today. That is the sum and substance of my part.

I am glad to yield to the distinguished Senator from Colorado, Senator ALLARD.

The ACTING PRESIDENT pro tempore. The senior Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank my colleagues who have worked on the compromise committee. Senator CORNYN from Texas has done yeoman's work on this issue of immigration. He has a good understanding of the bill. I appreciate it. My colleague from Colorado, Senator SALAZAR, has also worked hard on this particular piece of legislation.

I wish to say before Senator CORNYN leaves the floor, how much I appreciate his efforts and appreciate the fact that he did put forward, this morning, my amendment dealing with the supplemental schedule for Zs, that is the Z visas, because I think this is an important issue to debate. I appreciate him doing it for me on my behalf.

I am very disappointed the leadership has limited us to only two amendments that we can call up today. I have a total of about five that I am working on. I have four ready to be called up. I was not a member of the compromise committee. I know Senator CORNYN is a very honorable Senator. Whenever I inquired of him as to what was going on in the conference committee, the bipartisan committee, he didn't believe he could share that information with me because he believed he was working within the committee.

The vast majority of us are looking at some of these issues for the first time. Some of them are issues that have been coming up before the Senate from the previous debate and they are old hat. But the fact is, this is a new bill. In my office on Saturday morning, I got a rough draft with things penciled in, in the margins. That is what comes

out of the committee. Then, as mentioned, on Monday night the substitute amendment was finally filed in the Senate. It wasn't until Tuesday that we got a final print of the bill. I don't know how many pages are in the final bill—I think it would be close to 1,000 pages in standard format. I do not believe I have had an adequate opportunity to have input. I was assured by the leadership that there is going to be plenty of opportunity for amendments—don't worry. But here we are on Friday and we are limited to two that we can call up.

I have four here at the desk that I have filed, but I think the people need to understand, because you file them doesn't mean you get to bring them up and have a vote on them. They have to be made pending. That is what Senator CORNYN has done to help me out on one of my amendments. I thank him for that effort.

First, let me comment a little bit about the general direction of this legislation. In current law we have what we call chain migration. What happens with chain migration is you come into the United States, and once you become legally here in the United States, that allows members of your extended family to follow you in.

We are moving more toward a merit-based system, which is a direction in which we need to move. We cannot absolutely go all merit based, but I do think it is moving us in the right direction because we do have real needs out there. We need to identify those needs in the workplace. If we need to fill those with immigrants, we need to give business an opportunity to do that. On the other hand, probably more important than anything is we must make sure we have accountability in the system so we know who is coming into the country and for what purpose; that is, they want to have jobs or they want to be Americans. We don't want people coming into this country because they are terrorists and they want to destroy our society. We don't want people coming into this country because they are part of a drug cartel or they are smuggling weapons—in or out. We do need to secure our borders. I think that is the primary thing we need to accomplish. There are provisions in this bill that make me believe our borders will be more secure than as a result of the previous legislation—certainly more secure than what we are seeing today on our borders.

I do, however, have a number of concerns with the bill. To address one of those concerns, I introduced amendment No. 1189, which is my amendment that Senator CORNYN called up, and that refers to the supplemental schedule for Zs. This section, in my point of view, is a great inequity in the bill because it rewards lawbreakers over law abiders.

Ironically, this inequity is in the same section of the bill that rewards would-be immigrants based on merit. The only thing that breaking the law should merit, in my view, is jail time.

To be clear, I strongly support curbing chain migration and moving our system to one based on merit. However, I believe all applicants under the merit-based system should be on a level playing field.

By now, most of us are familiar with the bill's merit-based system that awards points to immigrants based on criteria such as employment, education, and knowledge of English.

What many may not know is the enormous advantage the bill's point system gives to people who have violated our immigration laws relative to people who are seeking to enter this country legally. I am referring to the so-called supplemental schedule for Zs. This separate schedule awards up to 50 bonus points, points that are not available to people who have never broken our immigration laws, to holders of Z visas seeking permanent status.

Holders of Z visas are, by definition, lawbreakers. In fact, this bill specifically requires that an alien prove he or she broke the law in order to even be eligible for the Z visas. In effect, this supplemental schedule rewards people who entered this country illegally. Worse yet, it disadvantages other qualified people who seek to enter this country legally.

The bill's stated purpose of adopting a merit-based system is that the United States benefits from a workforce that has diverse skills, experience, and training. I happen to agree. I have stated that before. I am simply not convinced that a history of breaking the law contributes to this goal more than education and experience. My amendment simply strikes the special schedule that makes people who have violated our immigration laws eligible for points that others are not eligible for. I strike that provision.

I just strike that provision so it puts everyone on a level playing field. Visa holders would, however, still be eligible, up to their 100 points we provided in there under the regular schedule—the exact same number as anybody else.

We should not reward those who have broken the law, and we certainly should not punish those who have abided by the law. I urge my colleagues to support that amendment when it comes up for a vote.

Now, I have other amendments I very much would like to put forth. I understand that if I were to call them up at this particular point in time, I would put my colleague from Colorado in a terrible position, that he would have to object to my amendment when I ask unanimous consent to call it up. I don't want to do that. But what I do want to do is I want to talk about these particular amendments for a moment. Even though they have been introduced, I am not going to have an opportunity to call them up. I think these amendments are important provisions that would add to the bill in a positive way.

One amendment I have is number 1187. Obviously I am not going to have

a chance to call it up today. This particular amendment addresses the issue of identity theft and tries to improve the legislation at hand by protecting the identity of hard-working Americans, which is of the utmost importance to me.

By way of background, this identity theft issue was called to my attention when we had some identity thefts that were pretty rampant in northern Colorado, close to where I live in Greeley, and I have discovered it is a rampant problem throughout the country.

Now, again, I commend the drafters of the bill for including my proposal to allow for information sharing between the Social Security Administration and the Department of Homeland Security in the current bill. I had an opportunity to meet with the Secretary of Homeland Security, Secretary Chertoff, I had an opportunity to meet with the Secretary of Commerce, Secretary Gutierrez, and I had an opportunity to meet with my colleagues, including my colleague from Colorado, on this most important issue. I think that including that provision in there where we have now information sharing between Social Security and Homeland Security in the bill is going to be very helpful for us to identify identity theft. If anything else, the real victims in this are people who get their ID stolen, and it is a price they pay for the rest of their lives. It tracks with them all the way until they are receiving their Social Security benefits. So it was a critical first step to get this provision in the bill so that we can address the issue of identity theft and help many innocent victims.

Contributing to the problem is the fact that under current law, Government agencies are prevented from sharing information with other Government agencies. After 9/11, one of our stated purposes was to break down the walls between the various agencies. Well, here we are. We find there is one that is remaining, between Social Security and Homeland Security. The bill addresses this issue. Going forward, when we find two names on the same Social Security number, Social Security can contact Homeland Security and say: Look, this is a number which has come to us, and we suspect fraud because we have two names on the same number. Then when the employer now calls in to check with Homeland Security about a Social Security number, they can say: Well, we have problems with this particular number. We think this could be an illegal immigrant, and we think you need to further check it out, and we will help you check it out.

Now, this is sort of the program which was in place when we had the raids on Swift & Company in Greeley, CO. But I will talk a little bit more about that later.

According to the Federal Trade Commission 2006 database, victims' identification has been misused to obtain credit cards, bank accounts, loans, and

a long list of other things, including employment fraud. The current national average of employment fraud is 14 percent of all reported identity theft occurrences. Nationally, my home State of Colorado ranks sixth in overall identity theft. Seventeen percent of reported cases involve employment fraud, by the way. Massachusetts ranks 22nd, Pennsylvania 19th, and the FTC designated Arizona as the No. 1 State for identity theft. An estimated 39 percent—almost 40—of those reports involve employment fraud.

That is why it is very important that we address this problem which came up when we had the raid on Swift & Company because what was happening with Swift & Company is they were working with Homeland Security to do what they call a basic pilot. So whenever anybody came in to Swift & Company and asked for a job, their employment application information was sent to Homeland Security. Homeland Security reviewed it and said: That is fine, go ahead and hire them, Swift & Company. Then Swift & Company goes and hires them. Then those very same people they were supposed to have cleared as legal immigrants, they arrested them for being here illegally. Now, if the Federal agencies cannot enforce our immigration laws, how can we expect the employers to comply with the current law? That is why my proposal is so very important. It is important to put sound measures in place now to uncover this identity theft and to prevent further damage to these innocent victims.

Getting back to my amendment at issue today, Amendment 1187—I have not called it up, just introduced it, and I am not sure I am going to get a vote on it. It adds to the list of credentials needed to obtain a Z visa. It is an additive to what is already in this bill.

The underlying bill requires applicants for Z visas to submit a variety of personal information, such as their name and date of birth. My amendment will add one more piece of information that will offer peace of mind to all who have fallen victim to identity theft. It requires the Z visa applicant to disclose all past names and Social Security numbers they have used in their work in the United States.

This will create a documented record of compromised identities. Failure to provide this information will jeopardize the applicant's ability to obtain a Z visa. My amendment would permit Government agencies to share information with other agencies. These agencies may then notify the rightful assignee, alerting the victim that their identity was compromised, allowing the victim to repair their standing with Government agencies and finance and credit, and finally returning a sense of personal security and integrity.

So I think it is important that we address this issue. We must do everything possible to end identity theft. I look

forward to working with my colleagues. I hope I will have an opportunity to call up this amendment so we can vote on it, so we can make it a part of this particular bill, because it is an important aspect of identity theft that is simply not addressed in the bill. I think it adds to what we are trying to do in the bill. I am disappointed that I am not going to be able to move forward on this.

AMENDMENT NO. 1188

Now, Mr. President, I also have another amendment, 1188. Again, that has been introduced. This is an amendment which I have put at the desk which would help prevent further accrual of Social Security benefits by unauthorized workers. Currently, the Social Security Administration does not have real-time information relating to the eligibility of an alien to engage in employment in the United States. Consequently, someone working in the United States on an expired visa continues to accrue Social Security benefits for their unauthorized work.

My amendment, 1188, would require the Secretary of Homeland Security to notify the Commissioner of Social Security when he or she grants, renews, or revokes authority to engage in employment. It then prohibits the Social Security Administration from counting work during that time if an individual, if not a citizen or a national, is unauthorized to work in the United States.

In summary, this amendment simply facilitates the sharing of existing information among Government agencies, again to prevent fraud. It is forward-looking in nature. It does not look back. It does nothing to upset the bill's delicate balance. It is simply a better way of doing things moving forward.

So those are some of the issues I have concern about. I am disappointed again that we have put a limit on amendments. They are meaningful amendments and would add to what would be viewed, I think by most Members of the Senate, as positive in nature in trying to help secure this country's borders, to help protect individuals from identity theft and break down the barriers we have or the firewalls we have between various agencies.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I will take a look at the amendment my colleague from Colorado has pending, amendment No. 1189.

I do wish to say this about my colleague from Colorado: He has been a champion for agriculture all his life. He is a fifth-generation Coloradan. He understands what it is like out in the country, coming from a place in Jackson County, Walden, CO, for now five generations.

A concern I have with his amendment, and I will take a further look at it, is that it seems to strike at the heart of the AgJOBS provision of this

legislation. The AgJOBS provision of this legislation is an essential part of the agreement here that we need to move forward and create a system that will provide the labor we need to work on our farms and ranches across America.

In my own State of Colorado, we have approximately 31,000 farms that encompass more than 31 million acres. According to the agribusiness statistics we have, they contribute over \$16 billion to the State's economy. We need to make sure we have the labor that is necessary to work out in those fields so that we do not have the destruction we have seen in Colorado and California and in almost every State that is an agriculturally dependent State.

So one of the concerns I have, and I will take a further look at my colleague's amendment, 1189, but I do voice a preliminary concern, and I do wish to make sure that at the end of the day, when we have comprehensive immigration reform adopted here in this country, that the provisions of AgJOBS—we have had as many as 67 cosponsors on that legislation—that AgJOBS in fact does remain a part of this legislation. That is legislation which has been worked on for a very long time in a bipartisan fashion, led by Senator DIANNE FEINSTEIN as well as Senator LARRY CRAIG. It is a good piece of legislation that we need to deal with in order to make sure we have the labor requirements met for farmers and ranchers across America.

Mr. President, I know our colleague from Alabama is waiting to speak, and then in the wings I see waiting Senator McCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to just take a moment, and I see my colleague, Senator McCAIN, is here and prepared to speak, and I will be pleased to yield the floor and allow him an opportunity to speak.

One of the problems we have with this legislation is we have gotten out of sync about our normal process on how legislation becomes law, how it should become law, what should be a part of it, particularly when it is such a massively important, broad, comprehensive bill that purports to be moving through the Senate.

My colleague used a phrase that has been used frequently, that he was concerned about perhaps this amendment because it might affect an essential part of the agreement. Who made an agreement? I have not made an agreement. The American people haven't been in on an agreement. We have not gone through the normal process of moving an immigration bill through committee to the floor with hearings. We had some hearings last year and produced a quite different bill from the one that is on the floor today. This one was cooked up by a hard-working, good group of Senators who thought they could just speak for everybody—self-appointed, I suppose.

Let me display this chart. When this bill was announced, it was said: This is democracy in action. This is what you learn in ninth grade civics. This is good business. But how about our old buddy Mr. Bill who wants to become a law. You have heard him say it. Old Bill has a bunch of holes in him. He has a lot of loopholes in him. I am going to talk about that in a few minutes.

Senator SPECTER, former chairman of the Judiciary Committee, ranking Republican on the committee, part of this effort that worked hard to try to create a bill they thought would be effective, said the other day that in retrospect, it would have been better had it gone to committee. Old Bill, ask him how a bill becomes law. He says: It is an idea somewhere. Then it gets written up. Then it goes to the floor. Then it goes to committee. The committee has hearings on it and calls witnesses and considers all the details and ramifications and lets the American people know what occurred.

The way this bill purports to become law is a group of Senators got together. I affectionately call them "masters of the universe." They got together and wrote up a historic piece of legislation that, if placed in normal bill language, would probably push 1,000 pages, probably the longest piece of legislation ever brought here. It was not sent to committee. It was filed at the desk, and the majority leader, Senator REID, called it up without any committee hearing. They had the old bill on the floor. They filed cloture this Monday on the old bill. Then Monday night, for the first time of record, they plopped down this historic and incredibly complex, long piece of legislation. It has a lot of problems with it. It should not become law. That is what this is all about.

Now we have gone a week, and we haven't had many amendments voted on. Thirteen is about all we have voted on by voice, unanimous consent, and roll call. Senator CORNYN, who has been engaged in this deeply and worked hard on it, former attorney general, Supreme Court Justice of Texas, offered some amendments this morning. They were objected to. I was told last night if I put up some amendments to the other side, they would evaluate them, and we would be able to call up one of those amendments this morning. In truth, both have been objected to. I am not able to offer a new amendment this morning. So the first week is gone. In fact, Senator HARRY REID, our esteemed Democratic leader, a person I like and enjoy working with, wanted to complete the bill this week and had it set up to try to complete the bill this week. There was so much push back and objection, he said: We will carry it over for another week.

I don't believe 1 more week is nearly enough for this legislation, frankly. We need to spend a lot more time on it. I can feel the train moving. There is a method in the way the majority is handling amendments; that is, you can

only bring up one amendment at a time. It has to be approved by the other side before you can call it up. If you can't call it up, it ceases to be an amendment that can be voted on postclosure, even if it is germane. So the result is, we could proceed with this process in a way that does not allow it to be improved in a significant way.

I am worried about my friend, Mr. Bill. I don't believe his teachers back there in the civics class would be pleased with how he has been bumped around. They would not be pleased that he had not gone through the normal process. I will point out some of the loopholes in poor, old Mr. Bill, as we go along today. Those loopholes will indicate this bill should not be passed in its present form.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank my friend, the Senator from Alabama, because I know he has a great deal more to say about the pending legislation this morning. I appreciate his allowing me a few minutes to discuss my view. I thank him for his courtesy.

I thank my friend from Colorado, Senator SALAZAR, for his leadership, for his involvement and his integrity. What a great honor it has been for me to work with him on this and a number of other issues over several years. I thank him.

Immigration reform is long overdue. I am proud to support this historic overhaul of our immigration system. This bill represents weeks, months and, in some cases, years of work by the proponents of this bill. The President has shown tremendous leadership on this issue and has dedicated countless hours to the process. While I may not be in agreement—and most of us are not in agreement—with each and every provision of the bill, it offers a good starting point for debate and a good framework. The proponents of this bill have come together to try to fix one of the most serious issues facing our country. We have put partisan politics aside in order to forge a consensual proposal to allow us to start a full floor debate on immigration reform. Others need to do the same.

Those of us from border States witness every day the impact illegal immigration is having on our friends and neighbors, our county and city services, our economy, and our environment. We deal with the degradation of our lands and the demands imposed on our hospitals and other public resources. However, I have learned over the last several years this is not only a border State problem; this is a national problem. It affects the dairy farmers in Vermont and the cattlemen in Colorado. It also affects the poultry processors in Georgia, the construction worker in Nevada, and the housewife in Maine. Our current system doesn't protect us from people who want to harm

us. It doesn't meet the needs of our economy, and it leaves too many people vulnerable to exploitation and abuse.

Throughout this debate, we will be reminded that immigration is a national security issue, and it is. It is also a matter of life and death. We have hundreds of people trying to cross our borders every day, an estimated 12 million people living in the shadows of our country. While we believe the majority are hard-working people contributing to our economy and society, we can also assume there are some people who want to do us harm hiding among the millions who have come here only in search of better lives for themselves and their families. We need new policies that will allow us to concentrate our resources on finding those who have come here for purposes more dangerous than finding a job.

Last year the Senate passed a comprehensive immigration bill, but it never even got to conference. This year we realized we had to take a different approach if we wanted to enact real reforms. New ideas and concepts were incorporated into the bill that helped to enhance the comprehensive nature of the bill and ensure the strongest tools were in place to enforce our laws and secure our border. First and foremost among our priorities was to ensure this bill included strong border security and enforcement provisions. We need to ensure that the Department of Homeland Security has the resources it needs to secure our borders to the greatest extent possible. These include manpower, vehicles, and detention facilities for those apprehended. But we also need to take a 21st century approach to this 21st century problem. We need to create virtual barriers as well through the use of unmanned aerial systems, ground sensors, cameras, vehicle barriers, advanced communications systems, and the most up-to-date security technologies available.

This legislation mandates that before we can move forward with a program to address the undocumented workers currently in the United States or future workers wishing to enter, we must meet certain enforcement and security benchmarks that will let everyone know we are enforcing our laws and that we are not going to repeat the 1986 amnesty. These triggers include the hiring of 20,000 Border Patrol agents, the construction of 300 miles of vehicle barriers and 370 miles of fencing, the establishment of 105 ground-based radar and camera towers along the southern border, and the deployment of 4 unmanned aerial vehicles and supporting systems. It also includes the end of catch and release, the ability to detain up to 31,500 aliens per day on an annual basis, the use of secure and effective identification tools to prevent unauthorized workers, and the receiving, processing, and adjudication of applications for the undocumented workers applying for legal status.

Every one of these items must be in place and fully funded before a single

temporary worker enters our country or a single undocumented immigrant receives a permanent legal status in the United States. I believe these requirements are a substantial improvement over previous measures. Not only will this legislation finally accomplish the extraordinary goal of securing our borders, it will also greatly improve interior enforcement and put employers on notice that the practice of hiring illegal workers simply will not be tolerated. Business as usual is no longer acceptable, and neither is a de facto amnesty. This legislation would put in place an effective and practical employment verification system to replace the outdated I-9 system that all employers use. In the 21st century, it is unacceptable that employers are still recording important employment eligibility information with a pen and pad. We need real-time answers that will tell employers if the person sitting in front of them is not only eligible to work here but the person they actually claim to be. Employers will no longer be put in a position of judging documents presented to them at face value.

The employment verification system in this bill will allow employers to electronically verify identity and work eligibility through both DHS and the Social Security Administration, while also protecting the personal information of all U.S. workers. If we cannot adequately enforce our immigration laws at the worksite, employers will be able to continue to employ undocumented workers. That is not a scenario we will allow under this legislation.

We need the ability to have additional legal workers in this country. There are certain jobs Americans are simply not willing to do. For example, today in California, fruit is rotting on the vine and lettuce is dying in the fields, because farmers can't find workers to harvest their crops. At the same time resorts in my own State of Arizona can't open to capacity, because there aren't enough workers to clean the rooms. Restaurants are locking their doors because there is no one to serve the food or clear the dishes. We are facing a situation whereby the U.S. population does not provide the workers that businesses desperately need. Yet the demand for their services and product continues.

At the same time we have seen, time and time again under the current law, that as long as jobs are available in this country for people who live in poverty and hopelessness in other countries, those people will risk their lives to cross our borders. Our reforms need to reflect that reality and help us separate economic immigrants from security risks. This legislation does just that.

The most effective border protection tool we have is establishing a legal channel for workers to enter the United States after they have passed background checks and have secured employment. We need to establish a temporary worker program that permits workers from other countries to

come here and find work and employment and to make sure those people are here on a legal basis.

Recently, David Brooks wrote in his column:

The United States is the Harvard of the world. Millions long to get in. Yet has this country set up an admissions system that encourages hard work, responsibility and competition? No. Under our current immigration system, most people get into the U.S. through criminality, nepotism or luck. The current system does almost nothing to encourage good behavior or maximize the nation's supply of human capital.

Let's look at how this bill would improve incentives almost every step of the way.

First, consider the 10 to 12 million illegal immigrants who are already here. They now have an incentive to think only in the short term. They have little reason to invest for the future because their presence here could be taken away.

This bill would encourage them to think in the long term. To stay, they would have to embark on a long, 13-year process. They'd have to obey the law, learn English and save money (to pay the stiff fines). Suddenly, these people would be lifted from an underclass environment—semi-separate from mainstream society—and shifted into a middle-class environment, enmeshed within the normal rules and laws that the rest of us live by. This would be the biggest values-shift since welfare reform.

Second, consider the millions living abroad who dream of coming to the United States. Currently, they have an incentive to find someone who can smuggle them in, and if they get caught, they have an incentive to try and try again.

The Senate bill reduces that incentive for lawlessness. If you think it is light on enforcement, read the thing. It would not only beef up enforcement on the border, but would also create an electronic worker registry. People who overstay their welcome could forfeit their chance of being regularized forever.

I would remind my colleagues the six people arrested who wanted to attack Fort Dix, NJ, and to kill Americans—three of them came across our southern border illegally; three of them came on valid visas and overstayed them.

Moreover, aspiring immigrants would learn, from an early age, what sort of person the United States is looking for. In a break from the current system, this bill awards visas on a merit-based points system that rewards education, and English proficiency, agricultural work experience, home ownership and other traits. Potential immigrants would understand that the United States is looking for people who can be self-sufficient from the start, and they'd mold themselves to demonstrate that ability.

In essence, we are rewarding people for working hard and showing potential. These are not all high-skilled workers, but they are the kind of workers and people we should want to become citizens of our country. By combining family ties with economic realities, we can build a stronger immigration system that will help to build a stronger, more competitive economy and Nation.

In addition to future immigrant and nonimmigrant workers, we have to address the fact that 12 million people are living in the United States illegally, most of them employed—all of them

contributing to our country. Our economy has come to depend on people whose existence in our country is fugitive, whose whereabouts and activities in many cases are unknown. I have listened to and understand the concerns of those who simply advocate sealing our borders and making life so terrible for people here that they will self-deport. But that is easier said than done.

I fundamentally believe our Judeo-Christian society would not tolerate this type of treatment of people within our own country, whether here legally or not. We need to come up with a humane, moral way to deal with those people who are here, most of whom are not going anywhere. No matter how much we improve border security, no matter the penalties we impose on their employers, no matter how seriously they are threatened with punishment, we will not find most of them, and we will not find most of their employers.

The opponents of our proposal to address undocumented workers in this country decry as amnesty our proposal to bring them out from their shadows and into compliance with our laws. No, it is not. Amnesty is, as I observe, for all practical purposes, what exists today. We can pretend otherwise, but that does not make it so. Amnesty is simply declaring people who entered the country illegally citizens of the United States and imposing no other requirements on them. That is not what we do in this legislation.

Under the provisions of this legislation, undocumented workers will have incentives to declare their existence and comply with our laws. They may apply for a worker visa. They would be subjected to background checks. They must pay substantial fines and fees, totaling approximately \$7,000, learn English, enroll in civic education, remain employed and, if they choose to get a green card, go to the end of the line behind those who waited legally outside of the country to come in.

I believe most undocumented workers will accept these requirements in order to escape the fear, uncertainty, and vulnerability to exploitation they currently endure. While those who have come here to do us harm will not come out of hiding to accept those conditions, we will at least be spared the Herculean task of finding and sorting through millions of people who came here simply to earn a living.

We are aware of the burdens illegal immigrants impose on our cities and counties and States. Those burdens which are a Federal responsibility must be addressed. We need also to face honestly the moral consequences of our current failed immigration system.

I am hopeful at the end of this debate we can show the American people that we addressed a serious and urgent problem with sound judgment, honesty, common sense, and compassion. I hope we can show that we reached across the aisle to try to solve a serious problem in a serious way.

It seems almost trite at this point to once again state that our Nation's immigration system is broken and in bad need of repair. But without comprehensive immigration reform, it is a fact that our Nation's security will remain vulnerable. We must act immediately or face the consequences of another summer of people dying in our deserts, businesses shutting their doors because they do not have the manpower to stay open, and criminals hiding in the shadows of our society mixed in with hard-working people who are the backbone of our economy.

The Senate must have the courage and will to solve this crisis facing our Nation. The American people are demanding action. I say the time is overdue, and we are failing the citizens of the United States if we do not pass this important piece of legislation and ultimately achieve its enactment and implementation. If we do fail, what then?

Mr. President, I thank my colleagues, and I thank my friend from Colorado.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my friend from Arizona, Senator McCAIN, for his comments and for his support of this legislation. I also want to say that Senator McCAIN has always spoken to the highest moral values of this Nation. His history in terms of his contributions to this country are unequalled. His involvement in trying to deal with this issue, including addressing it from a moral perspective, is something I will always admire.

I remember well, I say to Senator McCAIN, when I went to your office, probably 2 years ago, as a freshman Senator. When I was sitting in your office, you pulled out a copy of the Arizona Republic, and I think the headline was: "300 People Died in the Desert." The Senator spoke about the moral basis for us to move forward with comprehensive immigration reform.

The Senator certainly has been a leader in that effort. I thank him for that. I thank him for his integrity, and I thank him for all his contributions to this country.

Mr. President, I yield the floor, and I see my friend from Alabama is in the Chamber.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the failed immigration policies we have now are in need of reform, in need of comprehensive reform. I said that last year. Some of my colleagues said borders first; and I had sympathy with that and it actually would probably have been a healthy process if we started a year or two ago and established border security and gained the respect and confidence of the American people. We could then have been bringing forward a comprehensive immigration bill with more credibility than we have today.

There is a lot of debate going on, and a lot of posturing going on. You see

things, such as my good friend, the Secretary of Homeland Security, Mike Chertoff who is doing a great job—he frames the issue this way: It is a choice between Republican conservatives who want to block the bill by insisting on mass deportations or insisting on deportations that are just not going to happen.

Well, I am not aware of anybody on our side of the aisle calling for mass deportations. That is not so. That is a false setup. That is a triangulation, if you will, good friend, Mr. Chertoff, former U.S. attorney. We served together in the Department of Justice. He is one of the best members of the Cabinet. I do not appreciate it, Mike. You tell me who on this side said we want to have a mass deportation—zero. That is not the question.

The question is whether we will have a decent bill that will actually work. I know you have made recommendations that are critical, Mr. Chertoff, to the passage of the bill that were not included in it. In fact, I have to give him credit. He did criticize the liberal immigration rights advocates by suggesting they will prolong the anguish by holding off the bill also. But I do not think that is the right issue here.

All of us want a compassionate, legitimate piece of legislation that can work and will serve our long-term interests and will be consistent with the principles that are set forth by the people who worked on the legislation. But I am not given confidence. I will repeat again: I am not feeling confident at all there will be a legitimate, full, vigorous debate and a lot of amendments that go to some of the weaknesses in the legislation. I am afraid they are not going to be considered.

I say that because I see the tactics moving along. We have gone a week with only three, four votes. That is not enough time on a bill of this size and complexity. I think we had 40 or 50 votes on the bankruptcy bill. It was nothing more than an updating of bankruptcy law. It went on for weeks and months. It came through the Senate three or four times actually before it finally became law.

There were other bills that had far more extensive debate and discussion than this one. But none of those bills come close to having the impact on America or come close to having the attention of the American people to the degree this issue does.

The reason the American people are angry and upset is simple. They are not angry, they are not upset with immigrants. That is not what I read people to be saying. What I think they are angry and upset with is Congress and the President for absolutely refusing to listen to their natural and proper concerns about immigration. What I am hearing is they do not want to be taken to the cleaners once again.

They do not want to be victims of a bait and switch in which we promise we are going to create a system that will work for lawful immigration, that will

allow us to have an immigration policy that serves the national interest, that allows millions of people to come to our country in immigration status—but it would be a number we can have jobs for, without pulling down the wages of hard-working American workers. It would bring in numbers sufficient to make sure we do not cause problems in schools and other areas that we cannot quite handle.

The number ought to be correct, and that they ought to be, insofar as possible, persons who are going to flourish in our economy, people who have the skills, language, and education levels that indicate they will likely be very successful here, like Canada does. That is what they do. We have a touch of that in this bill—far better than last year, I have to say—but I have been so disappointed to read the fine print and to see that movement to follow the philosophy that Canada does has not nearly been strong enough. It is discouraging to see it has not been.

So the individuals who thought they would meet and reach an agreement and plop it on the floor of the Senate—for which all the rest of us folks would just dutifully comply with and ratify and say: Thank you, my elite colleagues. We are glad you have worked out this immigration problem. Thank you so much. We know something had to be done—and it does have to be done—we are just overjoyed you got Senator KENNEDY and Senator KYL and everybody has agreed, and we are going to plop this bill down, and you guys will just ratify it. You can have a lot of little amendments if you want to, but, remember, if anything touches the core principles we have decided on, why, that would be something we just couldn't accept, and every one of us is going to stick together, and we are going to vote against it, even if we might agree with your amendment. We had to compromise that to get this agreement. Yes, Jeff, we like that amendment. I know you like that amendment. I really think you are right on that amendment, but I cannot vote with you because I have agreed with this group over here in this secret session which the public was not involved in. We made a commitment to one another, and we are going to stick together and vote you down.

Now, this is not the way old Bill was taught law was supposed to occur in America. It is unbelievable that you would have a piece of legislation of this historic nature not even go to committee and that this group just met. How quick did we have it? Oh, well, we were going to have the bill last Thursday so people could read it, and then it was going to be Friday. We promise we will have the bill Friday. Then it turned out to be Saturday morning, at 2 a.m., they emailed it and tried to say they put it out Friday. It was Saturday, at best, when the bill was out. They claim it is 300 and some pages. I believe this is it. They say it is 300 pages or whatever the number of pages

it is in this stack of bills, but they didn't print it in the normal language. I have never seen a piece of legislation of any size go through here and not be in bill language. This is fine print. If you put this bill in bill language, it would probably be 1,000 pages. A good immigration bill needs to be 1,000 pages. There are thousands of issues involved that need to be clarified, hundreds and hundreds of complex situations that, if not properly addressed, will never work if we don't do it right.

That is all I would say to my colleagues and friends. I love you. I appreciate all your efforts to try to solve the American people's problems. I know you didn't want to bother with them while you met and had your discussions, except I guess the Chamber of Commerce and this special interest group and that special interest group and maybe some pollsters telling this and that; I don't know how that came out. But I don't appreciate the fact that we are not being able to have a full debate on it, and we are not going to be able to have very many amendments. We could probably, without—well, you say: You are trying to file amendments to delay. You want to slow down the process. Well, as Senator SPECTER said, in retrospect, we would have done better had the bill gone through committee, the Judiciary Committee. At least they did last year. It was rammed through the committee last year because I saw it when I was on the committee. This is what happened last year: They waited until the last minute. Senator Frist, the majority leader, says we are going to bring an immigration bill up next Monday. On the Judiciary Committee, we are working hard. We go to the Judiciary Committee, and Senator SPECTER has a bill that had some possibilities. It had problems, but it had some attractiveness to it. It wasn't long before Senator KENNEDY dropped his bill and substituted and the Specter bill was gone. We had an entirely new bill. Then they dropped an AgJOBS thing on top of that. Then they dropped the DREAM Act, which gives in-state tuition to illegal aliens and things of that nature that all got dropped on, passed, pop, pop, pop.

Senator Frist says: Well, if you don't have the bill on the floor by Monday night, I am going to go with an enforcement only bill. So we rush and rush around there and they put the bill down on Monday night and here we go. Senator REID says we don't want any amendments. Senator CORNYN and Senator KYL had some amendments. They got their backs up and began to push back and people said: What are we going to do with a bill without any amendments? So finally, Senator Frist pulled the bill. He said: We are not going to bring it back up until the Democratic leaders agree we are going to have some amendments. It came back up for a couple of weeks of debate and cleared this body, knowing the House of Representatives had no intention whatsoever of ever considering it.

It was sort of a gesture because it was not an effective piece of legislation.

This year's bill is better than last year's, although I have been disappointed to see that it has backed up on some issues of significance. I still would say the framework of this year's bill is a good bit better than last year's. Last year's bill should never, ever have become law. It was fatally flawed.

So what were the principles that the promoters of this legislation said should be occurring here? They said we need a lawful system, that we wouldn't have amnesty and that there would be a trigger, which was rejected last year, a trigger and a number of other things they cited as key component principles of a good immigration bill. All right. I agree with that. Many of those principles were sound. But as we read the fine print, our concern is—my fine staff, they have worked hard, including weekends. They get the bill at 2 a.m. Saturday morning. They work Saturday nights and Sunday nights and here we are on the floor of the Senate. The thing does not even get introduced until Monday night, and nobody has had a chance to read it until then. So it is a big problem.

My fundamental concern then is that the bill does not live up to the stated principles that it contains. So what we need in reform are a number of things. We need to recognize—unless anyone misinterprets this—we need to recognize we are indeed a Nation of immigrants. We are. Some people don't believe that, but I don't believe there is a Member of Congress who doesn't understand that. We want and will have a continuing flow of new people into our country, and it enriches us and has proven to be one of our strengths as a Nation. I think we need to restate that again and again and that immigration will continue in the future and that we are going to treat compassionately, even generously, people who have broken our laws and come into our country illegally. But we must do it in a way that minimizes the damage that will be done to our legal system and our ability to enforce the law in the future.

My colleagues have been involved in law enforcement and you get busy and you start giving people immunity for this and that crime repeatedly and people begin to believe you are never going to enforce it. At some point in the future, you get to the point where you would not be able to enforce it. On the floor, I think maybe yesterday, Senator GRASSLEY from Iowa, who is such a great Senator, such a direct speaker, asked this question. He said he was here in 1986 when they promised no amnesty. He is very concerned because it didn't work and he felt responsibility for that. He was not going to be a part of new immigration legislation that doesn't work such as the 1986 legislation. He said: In 1986, they said we are not ever going to have amnesty again, and he asked this question: Have

you heard any of the promoters of this legislation say we will not have amnesty again? He said: You are not going to hear them say that. That is one thing you would not hear because after—because if we give amnesty again, what good is it to even say we are not going to do it? Because what principle, what basis on which to stand will we have 10, 12, 15 years from now when several million other people are in our country legally and someone says they are here illegally, why don't we enforce the law and ask them to go home. Oh, well, you gave amnesty before. You gave amnesty in 2007, you gave amnesty in 1986. How can you enforce the law now?

So to not understand as a matter of law and principle that once again, taking the easy amnesty step will make it almost impossible in the future for us ever to enforce the law is a mistake.

I read the debate in 1986—a lot of it. It went just like that. People said: One-time amnesty. We have to do this. Own-time amnesty. The others said: Well, we are not sure about this. We think if you have an amnesty and you wipe out the laws that we had here and the violations that have occurred, you are liable to increase the threat in the future that more people will break into our country illegally on the expectations that they, too, after a period of time, will be allowed to stay legally. If you read that debate, you will see whose predictions were correct. I have to say that. I have to say that.

So I think the Z visa program that allows people who come here illegally to stay here illegally, to come out of the shadows with some sort of status, but not, I would suggest, as it is now written giving them a guaranteed path to receiving every single benefit that accrues to people who come legally, I don't think we should do that. That is my principle. If you didn't follow the rules, somehow, it ought to be clear that you will never get every single benefit of citizenship and participation in America than if you waited in line. If you give up on that principle, we have a problem. So I think if we had the courage and the firmness and the strength in this Senate and would listen to the American people, we would say the principles of 1986 are going to be affirmed. OK. We will figure out a way you can stay, your children can be citizens, you can have all the protections of the laws of our country but not every benefit of citizenship, and we will never, ever again do that. If we give away that position, I think we have a problem.

So what I would like to talk about is some of the loopholes in this bill. I talked about the loopholes last year in the bill and there were quite a number of them. This is not an exhaustive list. You heard Senator ALLARD earlier this morning make comments about the weaknesses in the legislation, and you heard Senator CORNYN point out some weaknesses in the legislation. I have identified 15. We certainly would not be

able to talk about all those this morning that I wish to talk about, but there are many more. It is troubling that we might not be able to have an opportunity to fully amend the bill to fix these loopholes.

Our old buddy, Bill, the ideal way that laws should be written in America, well, he has been forgotten in this process. I will tell you what could happen in the House of Representatives. I don't think they are having any serious hearings over there. This bill could hit the House of Representatives if it came out of the Senate—and it may well come out of this body—it could hit the House of Representatives. They could call it up. They don't have unlimited debate. They don't have a very strong ability to cut off debate. They could vote the bill out. It could go to conference. The conferees will be chosen and controlled by Senator REID, the Democratic leader, and the Speaker of the House, NANCY PELOSI, and they will appoint the people they want to fix any differences in the bill, and they can make virtually any changes they want to. Then the bill is on the floor, and it is either up or down, and it might pass. As one Member of the House said about whether President Bush would sign it, he said President Bush would sign a pork chop if it had immigration reform on it. We have to be careful what we do and what is in this bill.

It can affect what is actually going to become law. There is no passing this off to the House of Representatives, like last year, as if that was going to fix many of the problems that were in the legislation. The House is liable to make it worse. Well, you have heard one of the principles in the bill.

I am glad to hear Senator MCCAIN say there was a trigger in the legislation. He resisted a trigger last year. We had quite a debate on it. Those opposing it last year said you cannot have a trigger because all of us who met and wrote the bill don't want a trigger; you will upset our compromise. I asked then—and I ask today—who was in this compromise? Did you have public hearings? Were people allowed to do what you were discussing? Did La Raza get to put in their opinion? Did the U.S. Chamber of Commerce get to put in their opinion? Who all got to put in their opinion? They didn't ask my opinion—well, that is not totally so; I did talk to a couple of them, whom I expressed some opinions to. Fundamentally, that is just not an open process. Sometimes you can do something like that as a tough nut to be cracked, and people have to make a decision. But this is too big, too broad, too much policy. The American people are too concerned about it, and it is too important to be settled that way.

Let me tell you what the trigger was about. I offered in the Judiciary Committee last year—because it dawned on me that in Judiciary Committee, I offered an amendment to say: Let's add border patrol, and they accepted it. I

offered an amendment that showed how we don't have enough bed spaces to end catch and release, saying you had to have more. They accepted that. I offered amendment after amendment, and they accepted them. I thought, why is this? So I offered amendments to change the policy to make the law actually enforceable, and they got voted down.

Why would that be so easy? Because the brain trust that was proposing that bill last year knew the history of 1986; they knew how Congress worked, and they knew they never had any intention of funding all the Border Patrol agents and the fencing and the prison beds. We could pass an authorization bill to build prisons, and they are never going to get built, I am telling you. I will show you examples. It means nothing.

So I offered a trigger. It finally dawned on me what this was about, how the game was going to be played out. I offered an amendment that said: You don't get any of this amnesty until the Secretary of Homeland Security certifies that he has operational control over our lawless border. They voted that down.

So Senator ISAKSON, from Georgia, picked that up and wrote it in even more detail when the bill came to the floor and offered the amendment. We had quite a debate over this because it was important—the trigger was important. The cabal who put all of it together said: We cannot do that because it would upset our delicate compromise in the groups that participated in writing this bill—not the American people—and they would oppose it. They voted it down. It was a fairly close vote, but they voted down the trigger because they really didn't want that trigger because they never intended to do the things that were in the bill. The trigger would have said: You have to build a fence, you have to build the prison beds, and you have to hire the people. If you don't do those things—and actually do them—the other stuff doesn't become law, the amnesty. That was the debate last year.

This year, they say: We got the message, we are going to have a trigger. Well, good. I was happy about that. That sounded good. This is one of our principles. This time, we are not going to mislead the American people. We are really going to do what we promised and have a trigger, and you can relax, SESSIONS, because we are not going to fool you this time. It is not going to be like 1986.

But the problem is that the trigger doesn't get us there. I just have to tell you that. The trigger only applies to the guestworker program and taking illegal aliens off the probationary Z visa, and all other programs in the bill will begin immediately. So if the trigger is never met—if the trigger that is supposed to be met is never met, these requirements we put in there to ensure that we were going to follow through with enforcement, if they are never

met, the probationary status in the amnesty group never expires.

After the bill passes, Homeland Security has 180 days to begin accepting Z visa applications. They would accept them for 1 year and can extend the application filing for another year. When the trigger is met, if it ever is, Homeland Security will start approving the applications they have been processing and adjudicating. What happens if the trigger is never met? Will the probationary amnesty end or expire? Those are pretty good questions. If the trigger is never met, I can answer it for you: The Z visa probationary status never ends in the bill.

It is explained on page 291, line 17:

Probationary authorization document does not expire until “6 months after the date on which the Secretary begins to approve applications for Z visas.”

So if the trigger is never met, if the Department of Homeland Security never starts approving the applications and the 6-month clock never starts ticking, therefore, the probationary authorization document never expires.

My staff asked about this in one of the briefings by the group promoting the bill. The staffers asked: Does the Z visa probationary card ever expire? The answer was: Well, because the triggers are going to get met sometime, in fact, it is not going to expire.

So, in addition, we need to remember that there is no guarantee that the additional enforcement items—I talked about that earlier—in title I and title II of this legislation that purport to be effective in enforcing the law—there are dozens of things there that are not listed in the trigger. The question is, Will they ever be funded?

You should be aware, sophisticated Americans and Members of the Senate, that there is no obligation or requirement whatsoever that these things ever get funded in the future. The bill itself acknowledges that in many different places.

So with regard to some of the things in the bill that are supposed to make enforcement better and make the system work better, they use this phrase—they say, “subject to the availability of appropriations.”

That phrase is used 18 times in the bill. What does that mean? It means we are going to increase our prison beds, increase border patrol, and do all these things which are in our law, and we are going to enforce the law subject to the availability of appropriations. Well, somebody probably wants a bridge in their home State or a highway or a university grant in their home district—more money for this or that, good programs or bad programs, but that is how these things get lost out in the competition for spending. They don't get done. They acknowledge that.

The phrase “authorized to be appropriated” is used 20 times. So they are saying we are authorizing to be appropriated money to do this, that, and the other. They are going to make this bill good. So our masters of the universe

come out and say: Don't worry, American people, I know you think we are not going to enforce the law, but we have new Border Patrol officers and prison spaces and fencing, and they add the phrase. But all it really says in the legislation is that it is authorized to be appropriated. There is no way they can guarantee that Congress next year is going to appropriate the money for what they put in the bill.

All of that was key to the trigger effect. I have to tell you that, in my view, the trigger is not nearly strong enough. It has been undermined, and virtually everything in the trigger has already been completed or is soon to be completed. It doesn't have some of the new things that have been promised here in the trigger.

Loophole No. 2. This is very important. The enforcement trigger does not require that the U.S. visa exit portion of US-VISIT—the biometric border check system that records that you have come into the country—will be implemented. It was required by Congress in 1996. Over 10 years ago, we required that the US-VISIT exit system be in place; that is, if you have a visa to the United States for 6 months or 30 days or a year, you come in and present your card, it goes into the computer system, like at the bank or like your timeclock where you work, it clocks you in, and then it clocks you out. If you don't exit when you are supposed to, red flags can go up that you didn't exit when you were supposed to. You are an “overstay.” It is an absolutely critical step in creating a lawful immigration system that will work. It was required to be completed in 2005. Here we are in 2007, and it is not completed. Did we promise to complete it as part of the trigger? No, no, no. There would be no way to ascertain whether people exit when they are supposed to.

Under the bill, it says a certain number of people come seasonably, or certain people for 2 years, and sometimes family members can come for 30 days, and sometimes family members can come for 2 years—those kinds of things. Who is going to find out if they didn't go home when they were supposed to? Over a third of the people in our country illegally came legally but overstayed their visa, and many have no intention of returning to their home country whatsoever. We don't even know they didn't return because we have no way to clock out when they left. We have no idea who left when they were supposed to leave.

This is why I say the legislation before us was designed to fail. I am not sure the Members all designed it to fail, but the effort, when it came down to it, when confronted with things which would actually work and which are critical to the success of an effective border system, they weren't in there, and that sends you a signal on what is really there.

In 1996, we required, as I said, this US-VISIT system to have an exit component by 2005, and it is still not complete. Do you think that in 1996, Members of the Congress and Members of the Senate went out and told their constituents that we are working on immigration; we passed a bill that will have an exit system in 10 years or 9 years, and that will help us enforce the law, and I am so proud we passed that? What good is it to pass it if it never happens? It hasn't happened yet, and it is not required through the trigger, which is the only thing that can require it to work.

According to the Pew Hispanic Center's 2006 report entitled "Modes of Entry for Unauthorized Migrant Population":

4 to 5.5 million of the current illegal alien population "entered legally" and are non-immigrant visa overstayers.

Despite what we know about the overstaying rates, the US-VISIT exit system is not made part of the trigger. That is a very big loophole.

I don't think we are serious if we don't have an exit system. One might say it is hard to do. We have had 10 years. I will say one thing, if President Bush wanted the exit system to be in place, he would have it in place. If Congress wanted it in place, we would have it in place.

A separate section of the bill does require the Department of Homeland Security to submit to Congress a schedule for developing an exit component. That is not good enough.

Loophole No. 3, one of these little spots in poor old Bill who got shot up because he didn't go to committee like he was supposed to learn in civics class. He is supposed to go to committee. Maybe some loopholes would have been closed if we had an opportunity to talk about it publicly before the whole world.

Loophole No. 3: The bill does not require the Department of Homeland Security to have enough bed space to actually end catch and release at the border and in the interior. It only requires Homeland Security to maintain its current level of bed space and establishes a "catch, pay, and release" program that benefits illegal aliens from countries other than Mexico who are caught at the border and who can post a \$5,000 bond.

A \$5,000 bond is not hard to post if you know how the system works and you are prepared. It can be done any number of ways. But let's say an individual has a cousin or uncle or someone in the United States and they come into the country and are apprehended, and they came from Europe or Brazil or someplace other than Mexico. All you have to do is post a bond and then you are released pending some hearing on deportation.

We have had this problem for a number of years. Secretary Chertoff has made some progress in ending it, and I give him credit for that. There was an article in a newspaper that showed

that people other than Mexicans—you see, it is not easy to deport them. It is easy to take a person back to Mexico, but how do you take a person back to Chile, Brazil, Indonesia, or Belarus? It takes some effort to do this. So they were releasing everyone on bail because they didn't have any bed space, and asking them to show up at some given time so they could deport them. If a person is willing to break into the country in violation of the laws, how many of those people are going to show up after they have been apprehended to be flown out of the country? No, not zero; 95 percent don't show up. That is what the number is. In fact, some of the rules smugglers told their people to follow is if you see an immigration officer, turn yourself in because they will take you further inland, they will process you, and let you out on bail, and you never have to come back, which is exactly what 95 percent are doing. It is a mockery of the law and, in some areas, we have made progress, but that is not a part of the trigger.

What about the bed space? You have to have a certain amount of bed space or you can't hold people. Over the past 2 years, the Senate appropriated money for 9,000 new beds, bringing us to a total of 27,500 beds. This is the current funding level, 27,500 beds. We have already funded that amount. Nothing new was added to the requirements of the trigger until the Gregg amendment was adopted earlier this week. Now the trigger requires Homeland Security to reach a detention bed space of 31,500 beds, 4,000 more.

The 27,500 beds, however, are far less than the 43,000 detention beds required under current law to be in place and constructed by the end of this year.

OK, cynics out there, does that provide fuel to your fire? How about that? Does that breach cynicism? We require in the Intelligence Reform and Terrorism Prevention Act of 2004 that this country have 43,000 beds by the end of this year, but when this bill came up, they only had in the trigger portion, the thing that would guarantee we reach that level, 27,500 beds. Senator GREGG raised the number to 31,500, but in 2004, when Senators went out and bragged that they raised our number to 43,000 detention beds, that was supposed to be met, and we have no intention of meeting it, I submit. Because it is in bill language doesn't mean it will ever happen.

This month, a Federal lawyer who used to be with the Bureau of Prisons, Joseph Summerill, wrote an op-ed piece—he used to be with the Bureau of Prisons, so he knows this issue. As a lawyer, he was a counsel for the Bureau of Prisons, and he now practices with the firm of Greenberg Traurig.

He says the following:

... the demand for deportation and removal operation detention space has grown much faster than available bed space has. . . .

He goes on:

Despite the fact that high-risk/high-priority immigrants include immigrants who

are associated with criminal investigations, have committed fraud, or are likely to abscond, these immigrants are often released because of the lack of detention bed space.

The lack of detention bed space has resulted in creating a de facto amnesty program for illegal immigrants who are subject to removal, particularly those immigrants from countries "other than Mexico."

From 2002 to 2004, he explains:

DRO—

That is the detention and removal operation

DRO personnel levels grew by only 3 percent and the funding of bed space decreased by 6 percent. According to the inspector general, declining funds, the shortage of DRO personnel, and decreased bed space led to a 38 percent increase of illegal immigrants released by the DRO.

We are supposed to be fixing this catch-and-release program. I thought we were. Here this former lawyer with the Bureau of Prisons said we had a 38-percent increase in illegal immigrants being released. He concludes:

DRO has faced annual mandates by Congress, the President, and the American people to increase the number of illegal immigrants who are detained. Unfortunately, Federal funding has not kept pace with these mandates. . . .

So it is clear we need a lot more beds, and 31,500 beds, as we approved in an amendment the other day, is better than 27,500, but it is not enough.

So why are the American people cynical? We passed a law in 2004 requiring 43,000 beds by the end of this year. We are at 27,500. It is not likely to ever happen, and that is why they did not put it in the trigger because if they did, those bed spaces would have to be completed.

Mr. President, I see my distinguished colleague Senator BOND from Missouri in the Chamber. He is a most capable Senator. I appreciate his leadership. I have a number of loopholes I could talk about and will talk about in the days to come.

I am raising these issues to say I can't vote for a bill that is likely to clear the House of Representatives and be signed by the President with loophole after loophole after loophole. I cannot go to my constituents and say I am pleased we have now passed legislation that will actually work to create a lawful system, that will treat compassionately the people who are here, will create a flow in the future based on merit and competition, and will do a lot of other things we want done, the sponsors of this bill are saying they want done, and asking us to vote for this bill because they say it will accomplish that.

My disagreement is not with their principles and their stated goals, but my disagreement is the language in the legislation is dramatically ineffective to accomplish that.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleagues for allowing me to speak

briefly. I have proposed an amendment which I believe is very important to this bill to cut the automatic path to citizenship. It is filed at the desk, and I will call it up later.

Citizenship is the most sacred gift Americans can provide. It should not serve as a reward to those who broke the law to enter or remain in this country. The path to citizenship is at the heart of the amnesty criticism of this bill. Cutting this path cuts out the most severe complaint about this bill.

I supported the Vitter amendment yesterday to strike the entire program proposed to deal with 12 million illegal aliens in the country. Unfortunately, that amendment was rejected. So today I propose a much more targeted, focused amendment to strike the controversial aspect of the proposal to give the award of citizenship to those 12 million illegal aliens.

Whatever we end up doing with those 12 million illegal aliens, it does not require the further step of giving them a path to citizenship ahead of others. Those 12 million illegal aliens came to this country to work without the expectation of becoming citizens. More illegal aliens will come to this country on a temporary basis to work without expectation of citizenship. There is no need to grant these people the gift of citizenship.

Specifically, my amendment will strike the contents of section 602 on earned adjustment of Z status aliens, replacing it with a prohibition on issuing an immigrant visa to Z nonimmigrants which is currently in the bill and a prohibition of adjusting a Z nonimmigrant to legalize permanent resident or so-called green card holder.

In this way, the path to citizenship is cut off. I urge the Senate to call up and adopt this amendment. I believe it will enable other goals in the bill to be accomplished without giving the amnesty path to citizenship.

I yield the floor and I thank my colleagues.

Mr. SESSIONS. Mr. President, I wish to make one correction. I think I said we had four or five votes, or three or four votes, or something of that nature. My staff tells me we have had seven votes this week. I think that is better than four, but that would indicate that in 2 weeks we will have had about 14 votes. That is not enough, in my view, to fix the problems in this legislation.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my colleague from Alabama for his heartfelt statements concerning this very important issue that faces our country today.

I wish to do two things here. First, I wish to remind the Senate how far along this road we have come. This debate on immigration reform is not one that started on this Monday. It is indeed a debate the Senate started over a

year and a half ago, and it started in the Judiciary Committee. It then went through nearly a month of debate, with many amendments and changes, and ultimately a bill that was passed out of the Senate, this comprehensive immigration reform, by a vote, as I recall, of 64 Senators voting to move that bill forward.

Now, that was a year ago. We are now a year ahead, and what has happened during this past year is that there have been continuing conversations about how we might be able to create an immigration reform system that works for our country. After many hundreds, perhaps thousands, of hours of meetings, which included the White House and included the leading members of many of the committees in the Senate, there was a bill that was crafted. It may be an imperfect bill, but part of what is happening today is that, as amendments have been crafted and introduced, there is an effort to make the legislation better.

At the end of the day, I wish to give thanks to all those Members of the Senate and members of the President's Cabinet, and the President himself, for what they have done in moving this immigration debate forward.

I will also add that our majority leader, Senator REID, long ago gave warning to the Members of the Senate that we were going to move forward to immigration. This was not a surprise to the Members of the Senate. Months ago, Senator REID said we have to deal with this most fundamental national security problem of our time, and what I will do is I will reserve time at the end of May so we can deal with immigration reform.

Well, he did that, and he kept everybody's feet to the fire. At the beginning of this week, Senator REID made the decision he would allow another week of debate. So that, at the end of the day, we will have had 3 weeks to study and debate the legislation that was put together.

I will remind my colleagues there has been significant progress made. There have been 23 amendments that have been offered. Of those, 13 have already been disposed of. Seven of them were disposed of this week with rollcall votes, six disposed of with voice votes. As of yesterday, there were 10 pending amendments. Today, there have been four more amendments that have been offered, and the beginning debate on those amendments has taken place. So the majority leader's decision to add 1 more week to continue the deliberation on this bill is something which is needed and something which we all appreciate. Hopefully, what it will lead to is the passage of a comprehensive immigration reform bill that is good for the American people.

I wish to take a few minutes to sum up, from my point of view, why this legislation is so important. We now know we have a system in America for immigration which is broken. It is a system of lawlessness and it is a sys-

tem that victimizes a lot of people, from the people who are the workers to the employers of this country. We also know it is a system that has been broken for a very long time. Our laws have not been enforced on immigration. The United States has chosen, instead of enforcing the law, to look the other way. Indeed, over the last 5 or 6 years, as I understand it, there have been less than four enforcement actions taken against employers across the country, on average.

When we have that kind of chaos and lawlessness and the kind of broken borders we have, what does it do to the United States? The first thing it does is it compromises our national security. How can we have national security in a post-9/11 world when we don't know who is coming into our country? We have 400,000 or 600,000 people coming here illegally every year. How can we say to the American people that the national security interest of the United States is being protected? How can we do that? We cannot do that. How can we, as Senators and as people who are leading our Government, say to the people of our country that in this democracy we are upholding the rule of law, when we look the other way instead of enforcing the laws of the country? In my view, we need to move forward and we need to develop comprehensive immigration reform.

As I have looked at this legislation and the different aspects of the legislation that have been crafted together, it seems to me we need to look at the comprehensive approach as though we were looking at a tripod. We have to ask ourselves this question: What is the aim of this legislation?

The first aim, in my view—one leg of the tripod—is to fix our borders. We have broken borders. We have broken borders today. So we have proposed in our legislation an additional number of Border Patrol agents to help us secure the border. We started out in this legislation with 18,000 additional Border Patrol officers. Through an amendment by Senator GREGG, that number is now up to 20,000 Border Patrol agents. That is significant additional manpower that is going to go to the border.

We have approved at least 370 miles of fencing. So we will have fencing that will go into the strategic places along the border. We also have included in the legislation 200 miles of vehicle barriers. We have included 70 ground-based radar and camera towers. We have included four unmanned aerial vehicles. We have included new checkpoints and points of entry.

So one of our aims is to secure the border, and the legislation we have put forward, with the assistance and leadership of Secretary Chertoff, will ensure we have a protected border.

We also need to then ask ourselves: What are our other aims? It doesn't do much good to secure our borders but within our country we simply continue to ignore the law. So we need to enforce the law within the country. That

ought to be our second aim. That is the second leg of this tripod: how we enforce our laws within our country. So we must secure America's interior.

How are we going to do that? Well, our legislation does that in a number of ways. First, we will increase the detention capacity of our immigration enforcement system to be able to hold those who are here unlawfully at the number of 27,500 a day—27,500 beds in detention facilities for those who are caught here unlawfully.

Secondly, we will go ahead and hire an additional 1,000 new ICE investigators to help us deal with the investigations of the laws that are broken under our immigration system. We will hire 2,500 new Customs and Border Protection workers. We will reimburse State and local communities, State and local communities that today are having to deal with the problems relating to criminal aliens. We will create a new employer verification system so that employers know the person they are hiring is legal and authorized to work in the United States, and we will do it in a way that does not put an unnecessary burden on American employers. We will hire an additional 1,000 new worksite compliance personnel. We will increase the penalties for gang activity, for fraud, and for human smuggling. We will streamline the background check process, we will require new fraudproof immigration documents with biometric identifiers, and we will encourage partnerships between Federal and State and local law enforcement to make sure our laws are, in fact, being enforced.

So the second aim—to secure America's interior—is something we have covered amply in this legislation.

The third aim—the third leg of this tripod—is to secure America's economic future. I wish to speak briefly about three aspects of how we will secure America's economic future.

First, the AgJOBS Act. The AgJOBS legislation allows us to maintain our current agricultural workforce. It will reform the existing agriculture program and make it effective. That legislation has been crafted to a point where I think there are 567 organizations that have endorsed it, from the Colorado Farm Bureau, to the Farmers Union, to every single agricultural organization in America.

The leaders on AgJOBS in the Senate, Senator FEINSTEIN and Senator CRAIG, have been eloquent in making their statements about the need for the agricultural community, farmers and ranchers, to be able to have a stable workforce. We need to stop the rotting of the vegetables and the fruits in California, in Colorado, and across this country. The only way we are going to be able to do that is if we have a stable workforce for agriculture.

We also include in this legislation, as part of securing America's future, a new temporary worker program. Yes, it is a program that is controversial. It is very controversial on the Democratic

side, and there are some Members on the Republican side as well who do not like that particular piece of legislation. I will say this, however. When we crafted the legislation, we included the kinds of worker protections to make sure the exploitation of past programs will not occur.

In the past, there were programs, such as the Brasero program, from years ago, in which there was massive exploitation of workers who were being brought here for a short period of time. What we have done in this legislation is to make sure that massive exploitation will not occur because the worker protections have been included in this legislation.

Finally, we will secure America's economic future by providing a realistic solution to the 12 million or so American people who are working in America, who have come here illegally, and who are in an undocumented status. That, at the end of the day, in many ways, has been the most contentious item we have debated in immigration reform. What do we do with the 12 million people here who are working in our factories, who are making our beds, who are fixing our food in our restaurants, and who do all the work here in America to make sure everybody's daily needs are taken care of? They interface with us in our daily lives.

Some people have said, as all of us have heard, I am sure, every Senator here, we ought to round them up and deport them all; we ought to have a mass deportation of the 12 million people here in America today.

A mass deportation. Well, there is a fiscal cost associated with that. Some people have made an estimate that it would cost multiple billions of dollars to be able to round up all these people and to deport them.

Can we actually do it? Can we actually deport 12 million people? If we were to deport 12 million people, in my view, No. 1, we would have a massive dislocation in the American economy; No. 2, it would be an un-American thing for us to do as a people because it would be inhumane. These 12 million people have brought their hopes and dreams to America, and they have contributed significantly to the workforce. It is our broken system which has allowed the illegality that has taken place to occur over a long period of time. So what we have crafted is a way forward that provides a realistic solution to how we deal with these people.

Now, on the other side, and in some places of our country, what we hear is a loud cry of amnesty. Well, I join President Bush and my colleagues, Senator John Kyl and Senator KENNEDY, in saying this is not amnesty. What we are doing is saying, first of all, they will have to pay a penalty. When someone breaks the law in this country, they have to pay for having broken the law. If you do the crime, you have to do the time. Well, what we are saying is that the law has been broken, and they are going to have to pay

very hefty penalties in order to come into compliance with the law.

We also say they have to go to the back of the line. The fact that someone came here illegally and crossed the border illegally will not give them an advantage against those who are trying to come in through our system in a very legal fashion. So all these people, the new Z cardholders, will go to the back of the line.

The next thing we will do is, we will require them to return home before they can apply for their green card. They will have to go home to a country outside the United States and do a touchback before they are able to come back in. We will require them to learn English. We will require them to remain crime free. I could go on and on with respect to the requirements.

I have often said to those who claim this is amnesty, this is not amnesty, this is purgatory. You are basically taking these 12 million people and putting them in a purgatory status for a very long time before they would ultimately be eligible for a green card. That is a purgatory for a minimum of 8 years and for many as much as 12 years.

The legislation that has been crafted in a bipartisan way that is before this body is legislation which is tough, it is fair, it is practical, it is realistic. Our national security requires us to move forward with this legislation. Our economic security requires us to get to the finish line. The moral values of America that have guided America for so long require us to be successful in this mission.

As we conclude the week's debate on immigration, I would like to read a prayer, a prayer that was written by a person who knew a lot about immigration because he saw a lot of the victimization that occurred when there was a broken system of immigration in this country. That was the founder and President of the United Farm Workers of America, César Chávez, who passed away in 1993. He was a friend of mine. I knew him, and I knew his family. This is what he wrote. He said in his prayer:

Show me the suffering of the most miserable;
So I will know my people's plight.
Free me to pray for others;
For you are present in every person.
Help me take responsibility for my own life;
So that I can be free at last.
Grant me courage to serve others;
For in service there is true life.
Give me honesty and patience;
So that the spirit will live among us.
Let the spirit flourish and grow;
So that we will never tire of the struggle.
Let us remember those who have died for justice;
For they have given us life.
Help us love even those who hate us;
So that we can change the world.

That was written by César Chávez, the founder of the United Farm Workers. I think his inspiration has appeal today. It is yet another way to give us a clarion call to come to a successful conclusion of this immigration debate

which is here on the floor of the Senate.

AMENDMENT NO. 1183, AS MODIFIED

I ask unanimous consent that the Clinton amendment, No. 1183, be modified with the changes at the desk.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The amendment, as modified, is as follows.

On page 260, line 13, strike “567,000” and insert “480,000”.

On page 260, line 19, strike “127,000” and insert “40,000”.

On page 269, line 18, insert “or the child or spouse of an alien lawfully admitted for permanent residence” after “United States”.

On page 269, line 22, insert “or lawful permanent resident” after “citizen”.

On page 269, line 23, insert “or lawful permanent resident” after “citizen”.

On page 269, line 23, insert “or lawful permanent resident’s” after “citizen’s”.

On page 269, line 24, insert “or lawful permanent resident” after “citizen”.

On page 269, line 25, insert “or lawful permanent resident’s” after “citizen’s”.

On page 269, line 26, insert “or lawful permanent resident’s” after “citizen’s”.

On page 269, line 32, insert “or lawful permanent resident’s” after “citizen’s”.

On page 269, line 41, insert “or lawful permanent resident” after “citizen”.

On page 270, strike lines 18 through 27.

On page 270, line 29, strike the first “(3)” and insert “(2)”.

On page 271, line 17, strike “(4)” and insert “(3)”.

On page 273, between lines 16 and 17, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking “paragraphs (2) and (3),” and inserting “paragraph (2),”; and

(ii) by striking “(b)(2)(A)(i)” and inserting “(b)(2)”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “(b)(2)(A)” and inserting “(b)(2)”.

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsections (a)(2)(A) and (d)” and inserting “subsection (d)”;

(ii) in subparagraph (A), by striking “becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien’s parent)”, and inserting “became available for the alien’s parent”; and

(iii) in subparagraph (B), by striking “applicable”;

(B) in paragraph (2), by striking “The petition” and all that follows through the period and inserting “The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b).”; and

(C) in paragraph (3), by striking “subsections (a)(2)(A) and (d)” and inserting “subsection (d)”.

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting “or legal permanent resident” after “citizen” each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting “or legal permanent resident” after “citizenship”;

(II) in clause (iv)—

(aa) by inserting “or legal permanent resident” after “citizen” each place that term appears; and

(bb) by inserting “or legal permanent resident” after “citizenship”;

(III) in clause (v)(I), by inserting “or legal permanent resident” after “citizen”; and

(IV) in clause (vi)—

(aa) by inserting “or legal permanent resident status” after “renunciation of citizenship”; and

(bb) by inserting “or legal permanent resident” after “abuser’s citizenship”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking “subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)” and inserting “clause (iii) or (iv) of subparagraph (A)”; and

(v) in subparagraph (I), as so redesigned—

(I) by striking “or clause (ii) or (iii) of subparagraph (B)”; and

(II) by striking “under subparagraphs (C) and (D)” and inserting “under subparagraphs (B) and (C)”;

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking “or a petition filed under subsection (a)(1)(B)(ii)”; and

(D) in subsection (j), by striking “subsection (a)(1)(D)” and inserting “subsection (a)(1)(C)”.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

HEALTH CARE

Mr. WHITEHOUSE. Madam President, in the last few days, I have come to the floor to speak about reform of our broken health care system: how to make that system run better, so that tens of billions of dollars are not wasted every year, so we no longer lose as many as 100,000 Americans every year to avoidable medical errors, so that we no longer spend vastly more of our GDP every year than any other industrialized nation for poorer health care outcomes.

I believe three central things need to be reformed. One is improving the quality of care in ways that drive down costs. I spoke about that on Tuesday and used the example of an intensive care unit reform in Michigan that saved \$165 million in 15 months and saved over 1,500-plus lives. We need to encourage a lot more of that. The second major reform we need is of health information technology, and I spoke yesterday about the dire state of infor-

mation technology in health care today—the Economist magazine reported that the health care industry was the worst of any American industry except the mining industry and the significant savings we could generate from expanding our use of health information technology. The RAND Corporation predicted that adequate health information technology would save us from \$81 billion to \$364 billion per year. We need desperately to capture those savings.

Today, I want to talk about the third piece of this reform: repairing our health care reimbursement system, the way we pay for health care, so that the economic signals we send into the system produce the care we want. Improving quality of care will be an uphill struggle until our payment system rewards it. Health information technology will lag behind other industries until the economics of investing in it makes sense for participants in the health care sector.

These problems can each be fixed, but the repair will work better if the three solutions proceed together, not necessarily as one, but staying close, because they are mutually reinforcing.

The payment system for health care expenditures today sends all the wrong messages: it rewards procedures rather than prevention; it rewards office visits more than email contacts; it neglects best practices and discourages innovation. To a large degree, the system has been co-opted by today’s unfortunate business model for health insurance. This is a business model which seeks first to cherry-pick the healthy customers and abandon the sick ones, second to try to deny coverage if a customer does get sick, and third to try to deny claims whenever their sick customer’s doctor tries to send in the bills. Health care economics gets in the way of the change we need, gets in the way of improved quality of care, gets in the way of investment in information technology and illness prevention, and gets in the way of lowered costs.

The problem is best exemplified by a tale from a book called “Demanding Medical Excellence” by Michael Millenson. Northfield, MN, Madam President, is a town I am sure you know. It is a town of only a few thousand people, but it was home to four very innovative doctors at Family Physicians of Northfield. They discovered they could reduce the average treatment cost of a urinary tract infection from \$133 to only \$39, a savings of nearly 70 percent, by changing their practice pattern. Instead of doing an office examination, a complete urinalysis and culture, sensitivity studies for antibiotics, prescribing ten days of antibiotics, and a follow-up culture, they attained the same results with a phone conversation with a patient, a complete urinalysis, and a prescription for three days of antibiotics. But pretty soon, the Family Physicians at Northfield were so good at treating their patients—for urinary tract infections and other diagnoses—that their