

loss, but I will attempt tonight to say a few words about our colleague, CRAIG THOMAS. I loved CRAIG THOMAS. He was a person who came from the West. He understood where he came from. He understood the values with which he was raised, and he reflected those daily in his work in the Senate without ever bragging about it or talking about it. People just knew it. He was a man of character and integrity, a man who, as Senator KYL indicated, never allowed personal ego to interfere with his commitment to serve his constituents and his Nation.

We had a visit to Iraq together not too long ago. Things had not been going well. He would ask penetrating questions. He would ask: When are the Iraqis stepping up and how much are they doing so? How long do we continue to put our troops at risk if they are not carrying their load?

He did it in a way that was sincere and raised fundamental questions of great importance.

CRAIG liked issues. He believed in a series of principles that made America great. He cared about those principles. For a time, he volunteered to come to the floor and be a part of a message team for the Republican Senate Members and spent a good bit of time at it—over a year or two. During that time he would articulate the basic premises and values that I think are foundational for the Republican Party and for most Americans.

I would say to our wonderful friend Susan, our prayers and our sympathies are with you. We can only imagine the loss you have sustained. We have watched in these past months the courage that CRAIG had displayed as he suffered from the terrible disease that he had. We saw the strength that he had, his refusal to stay at home but his determination to be at work. I had several examples of it in which I talked to him, and I said it is not necessary for you, you need to rest up. He knew he was susceptible to infection. But he was determined to fulfill his responsibilities as a Senator and he did so in a way that all could be proud.

He ran the race and he fought the fight. He served his country with great skill and ability. Our respect and love is extended to the family and our prayers are with him and the family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I am aware of the hour of the recess, and I will be very brief. But I wished to come and express my condolences to the family of Senator THOMAS and to share for them, spread upon the pages of the CONGRESSIONAL RECORD, the fact that a faithful member of the weekly Senators Prayer Breakfast was Senator THOMAS.

The gathering is private. Senators only. All Senators check their egos and check their partisanship at the door and join together as friends in a spiritual setting.

What a delight it was for this Senator to share that collegiality with Senator THOMAS on a weekly basis in the proceedings of the Senate. For that friendship, that collegiality, I am especially grateful.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CARPER). Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant 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.

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 U.S. 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 antipoverty 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 antipoverty 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.

Cornyn (for Allard) amendment No. 1189 (to amendment No. 1150), 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.

Cornyn amendment No. 1250 (to amendment No. 1150), to address documentation of employment and to make an amendment with respect to mandatory disclosure of information.

Salazar (for Clinton) modified amendment No. 1183 (to amendment No. 1150), to reclassify the spouses and minor children of lawful permanent residents as immediate relatives.

Salazar (for Obama/Menendez) amendment No. 1202 (to amendment No. 1150), 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.

The PRESIDING OFFICER. Under the previous order, the time until 3:30 this afternoon shall be for debate with respect to amendment No. 1189, offered by the Senator from Colorado, Mr. ALLARD, and amendment No. 1231, offered by the Senator from Illinois, Mr. DURBIN, with the time equally divided between the managers and the amendments' proponents.

Who yields time? The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I see Senator ALLARD on the floor to move forward with his amendment, and we will be using the time between now and 3:30, obviously, for debate on the subjects.

I understand the Senator from Alaska wishes to take—how long would the Senator like?

Ms. MURKOWSKI. Three minutes.

Mr. SPECTER. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

(The remarks of Ms. MURKOWSKI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time? The Senator from Colorado is recognized.

AMENDMENT NO. 1189

Mr. ALLARD. Mr. President, I rise in support of amendment No. 1189 which strikes the supplemental schedule for Zs. We are scheduled, I understand, to vote on it around 3:30 or so. So I wish to take a few moments to talk about my amendment, which I think addresses a great inequity in the bill, one that rewards lawbreakers over law abiders. Ironically, this inequity is in the same section of the bill that rewards would-be immigrants based on merit. To be clear, I strongly support ending chain migration. I think the bill moves us in that direction, and I think that is

great, and then moving us to a system of merit-based immigration. However, I believe all applicants under the merit-based system should be on a level playing field.

By now, I believe most of us are familiar with the bill's merit-based system which awards points to immigrants based on criteria such as employment, education, and knowledge of the English language. What many of us 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 this so-called supplemental schedule for Zs which my amendment strikes. This separate schedule awards up to 50 bonus points—points that are unavailable to people who have never broken our immigration laws—to holders of Z visas seeking permanent status.

Holders of Z visas are defined as lawbreakers in the bill. In fact, this bill specifically requires that an alien prove that he or she broke the law in order to even be eligible for the Z visa. In effect, this supplemental schedule rewards people who enter the 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, and I happen to agree. I am simply not convinced that a history of breaking the law contributes to this goal more than education and actual experience on the job. So my amendment simply strikes the special schedule that makes people who have violated our immigration laws eligible for 50 percent more points than anyone else. Z visa holders would, however, still be eligible for up to 100 points 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.

Now, an argument that has been made against this amendment is that somehow or other it will strike at the heart of the AgJOB provisions. My amendment does nothing to limit the number of agricultural workers. The number of H-2A agricultural visas remains uncapped. Under current law and under the bill, there is no numerical limitation on agricultural visas. Even though it is unlimited, only about 35,000 H-2As are issued each year. If this bill passes, anywhere from 12 million to 20 million illegal aliens will instantly gain legal status. The question is: Are those people not able to fill these agricultural jobs? Of course they are.

My amendment addresses people who are applying for citizenship, not work, under the new merit-based system. It puts applicants for citizenship on a level playing field whether they

worked in agriculture, whether they worked in construction, whether they worked in tourism, or whether they worked in any other industry. On the one hand, you say you want a merit-based system in the bill, and on the other hand, you say you want to give preferences to certain classes of people. My argument is simply that you can't have it both ways, and my amendment simply levels the playing field.

I urge my colleagues to support this amendment to level the playing field under the merit-based evaluation system, which I think is a good idea. I would urge my colleagues to vote for the Allard amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Colorado for his amendment and for his analysis. I understand the reasoning and the point behind what he is seeking to do.

The preference, which is contained in the proposed legislation, was structured in an elaborate arrangement with what has been accurately called the very fractional coalition. In order to get certain other concessions in the bill, it was deemed necessary to give this preference to the agricultural workers. You can justifiably raise an issue as to why give a preference to agricultural workers, and the answer, although not very satisfactory, is because it is part of an interwoven accommodation on many provisions of the bill. That is why, as one of the managers of the bill, I am constrained to object and to urge my colleagues to vote against the amendment.

Mr. ALLARD. Mr. President, I understand and appreciate the ranking member's position on this particular piece of legislation. This part of the bill is not well drafted, and I hope we can get this amendment passed and then send a message to the conference committee that this part of the bill needs to be worked on so that we don't allow people who are here illegally an opportunity to step ahead of those citizens who have come here legally. If we can adopt my amendment, then I think the will of the Senate gets clearly expressed to the conference committee, and hopefully the problem with the drafting that has occurred with this section of the bill can be straightened out and preserve the compromise that the ranking Republican from Pennsylvania is striving to hold on to.

Mr. SPECTER. Mr. President, on the issue as to the contention by the Senator from Colorado that they are moving ahead of people who are here legally, factually I believe that is not so. The bill is structured to clear up the backlog of all of those people who are waiting now, and they will have their status resolved in an 8-year period—those who are following the procedures which are legal at the present time.

It is after that occurs that the 12 million undocumented immigrants will come in, and then there will be points

preference for those among the illegals who are here, who are the farm workers. I do not believe we are putting anybody who is here illegally ahead of those who are here legally.

Mr. ALLARD. If I may respond, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. This is where the issue comes up. It is not exactly clear in this paragraph where it provides supplemental points for citizenship, or when in time it begins to apply. If it gets applied in one way in the bill, then the argument my colleagues make is probably valid. But if it gets put in another place in the bill, my arguments apply. This is where we have a drafting problem within the bill.

My hope is that with the adoption of my amendment we will call this to the attention of the conference committee, and this can be rectified when we go to conference.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the seventh day that we have been on this legislation. We voted on 17 amendments. There are 13 others pending to the bill. We will be voting on those very soon.

Over the past week, as the Senate has been in recess for Memorial Day, we witnessed a healthy debate across the country as Americans across the political spectrum have expressed their views on this legislation. Some support our legislation, others oppose it. With all of the editorials and newspaper articles and phone calls from the constituents, one theme occurs loud and strong: Americans know our immigration system is broken and they want us to fix it. This week we have a chance to meet that challenge for the good of the Nation.

We have a bipartisan bill before us. It has the support of the President. I believe when we complete the debate in the Senate we will adopt it. It enforces our borders; it cracks down in the workplace by going after employers who hire illegal workers; it brings the 12 million families who are here out of the shadows; it speeds up the reunion of families waiting legally in line who otherwise may never make it here; it sets up an immigration for the future that continues to reunite families, while stressing our Nation's economic needs. That is our program. It is strong, practical, and it is fair.

I know the Senator from Illinois is looking to address the Senate. First, I want to speak briefly on the Allard amendment.

The Allard amendment seeks to strike a blow at one of the central pillars of comprehensive immigration reform, which is the earned legalization program for undocumented people who are working and contributing in the United States. Virtually every demographic snapshot of the American public supports a practical solution for

bringing the undocumented population into the light of day. The tough and practical solution contained in the bill requires undocumented workers to pay hefty fines and penalties, undergo background checks, clear up back taxes, learn English, continue working for a period of years in a probationary status, and go to the back of the line. Only after 8 years, after getting right with the law and proving their commitment to becoming Americans, are these workers provided an opportunity at legal permanent residence.

The Allard amendment seeks to nullify that shot at the American dream. It does so by eliminating the separate point schedule included in the bill for Z visa holders and the agricultural job applicants. The point schedule for Z visa holders and AgJOB applicants is designed to determine when they can apply for permanent residence, not whether they can apply. Eligibility to apply for permanent residence is earned by complying with tough requirements. I just mentioned them—paying fines, working hard, learning English, going to the back of the current line, and reentering the country legally.

The intent of the Allard amendment is to require undocumented immigrants to compete with other future intending immigrants under the new merit-based system. There are two different merit systems, one for the temporary and one for agriculture. The amendment of the Senator from Colorado eliminates the one designed for agricultural workers. But given the merit-based system and the strong preference for the highly educated, this amendment is an attempt to keep the undocumented workers from ever obtaining permanent residence.

The educational profile of the undocumented workforce is such that these workers will never, ever be able to compete in a meaningful way for the pool of merit-based green cards. As such, if it were to pass, the amendment would create a permanent underclass of lower skilled workers living here in legal limbo indefinitely without the rights or opportunities afforded to legal permanent residents.

Similar situations are played out in other countries, resulting in highly problematic, even disastrous consequences. That is not the American way. I hope people will vote no on the amendment.

Mr. President, the aspect of this legislation that deals with the agricultural workers is called the AgJOBS bill. Senators CRAIG and FEINSTEIN are two of the principal sponsors. I have been a long-time sponsor. We are talking about agribusiness primarily in California but also in other parts of the Nation. We are talking about an agreement that was worked out between the farm workers and the agribusiness. These are two groups of people who have been at each other's throats for years. I was here when we abolished the Bracero Program, basically the ex-

ploitation of workers in the United States. It was a shame and a stain on the American workforce ethic. Then we had, over a long period of time, with the leadership of Cesar Chavez, an attempt to get justice for probably about 900,000 agricultural workers, who do some of the toughest work that is done in this country. No question, half of them are undocumented—probably 600,000 or 700,000 is the best estimate we have. They have been able to work out an agreement between agribusiness and these farm workers, which we basically included in this bill.

What we were saying, basically, under the earlier provisions is that they would be able to gain the opportunity for getting a green card in 5 years. Under this legislation, it is 8 years they have to wait. They have to demonstrate that they have worked hard in the agricultural sector. They have to demonstrate that they paid their taxes and that they are attempting to learn English, and they have to meet all of the other requirements. At the end of that time, this legislation says to those people who have been a part of our system that they will have some opportunity to get a good deal of credit for working in agriculture in America.

The amendment of the Senator from Colorado strikes that provision. So these individuals who will be competing with the other provisions that have been put into this legislation for the more skilled—there are provisions in there for lower skilled, but it is basically for the higher skills. This undermines the core part of this kind of agreement that was made. There are a number of provisions in this legislation we have spelled out. There is border security and the local law enforcement, which are important; and there is AgJOBS, the DREAM Act, which the Senator from Illinois has fought for and made sure was important. There are other very important features in this legislation.

What we would basically do with the Allard amendment is say we are going to change the mix, change the system. We have worked out a system saying agricultural workers are important. They have been able to work out their agreement. There were 67 Members of the Senate who signed on, Republicans and Democrats. We basically incorporated that, although we have extended the time for those workers. The effect of the Allard amendment, as I read it, is that we are saying that is not an agreement that we are going to continue to be committed to. We are going to say those undocumented workers are going to have to compete with those who are more highly skilled.

This legislation is a balance between the AgJOBS, the DREAM Act, and the fact that we are going to permit those 12½ million people who are undocumented now to live here without fear of deportation and continue their jobs and give them, if they meet these other

requirements after 8 years, in the next 5 years the possibility of getting a green card, and 5 years later be able to get citizenship with a long time in between, with heavy fines. The Allard amendment would undermine this understanding and agreement in a way that will disadvantage in a significant way the agricultural workers and other low-skilled individuals in this whole process.

I think in that sense, as the Senator from Pennsylvania pointed out, it would be unwise and unfair from a policy point of view.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Agriculture Coalition for Immigration Reform saying:

We write to urge your opposition to the Allard amendment . . .

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

AGRICULTURE COALITION FOR
IMMIGRATION REFORM,
June 5, 2007.

DEAR SENATOR: we write to urge your opposition to the Allard amendment #1189, scheduled to be voted on late this morning.

By striking the merit point schedule for Z-visa workers, the amendment would have the practical effect of eliminating incentives for all workers subject to the merit system, including farm workers, from providing the work necessary to sustain our economy in the future. Retaining the experienced agricultural labor force is essential to stabilizing the farm labor crisis while consular capacity and farmworker housing are built over a period of several years to allow agriculture to rely more heavily on a reformed H-2A program.

This amendment directly undermines the merit point system, which is critical to the successful implementation of Title VI. Title VI is essential to American agriculture in ensuring a stable and legal agricultural workforce.

ACIR urges that you oppose this amendment. We also have letters from Colorado agricultural groups opposing this amendment.

Thank you for your support for fixing America's broken immigration system and solving the worsening farm labor crisis.

Sincerely,

LUAWANNA HALLSTROM,
ACIR Co-Chair, Harry
Singh & Sons, CA.

CRAIG J. REGELBRUGGE,
ACIR Co-Chair, American
Nursery &
Landscape Assn.,
DC.

JOHN YOUNG,
ACIR Co-Chair, New
England Apple
Council, NH.

Mr. KENNEDY. Mr. President, I see the Senator from Illinois. I will take a moment, if we have time, to go through this excellent letter that expresses reservations and opposition to the Allard amendment.

Mr. DURBIN. Mr. President, it is my understanding that I have been allocated 18 minutes to speak on behalf of amendment No. 1231.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I would like the Chair to notify me when I have spoken for 8

minutes, and I will reserve time for Senator GRASSLEY who will also come to the floor.

AMENDMENT NO. 1231

This immigration bill is long overdue. Our immigration laws in America have failed us. Since 1986, when President Reagan issued amnesty, we thought for a long time we had laws on the books that would stop the inflow of workers from overseas. We were wrong. Up to 800,000 come into our country each year. Three-fourths of them stay. When you do the math over a 20-year period of time, you realize how we ended up with 12 million undocumented workers in America.

Our immigration system has failed. Let me salute Senators KENNEDY, SPECTER, and all those who worked on trying to rewrite these laws.

You can turn on the television any afternoon or evening and hear the screamers on the cable channels telling you how terrible it is that we are considering this law. Think for a moment. Those people screaming about this effort are endorsing what we currently have—a broken down, failed system that is unfair to the workers of America, unfair to our Nation, and unfair to those who were here working as part of our economy.

What Senators KENNEDY and SPECTER are trying to do is fashion a way through this madness to a law that will work. Are we sure it is going to succeed? Of course not. We cannot be sure. This is just the best of a human effort. But what they have tried to do is build into this concept basic principles. One of those principles that I think should be the bedrock of our discussion is this: Under this bill, we will have hundreds of thousands of new people coming into the United States each year to work. The arguments are made that we need them to pick crops that Americans don't want to pick. I think that is a fact. Also, we need them to fill jobs that many Americans don't want to take. Go to any packinghouse, whether it is a meat or poultry house in America—I know a little bit about that; that is the way I worked my way through college. Those are tough, dirty, hot jobs—and you will find many undocumented workers there because, frankly, people don't absolutely want to work in these places. We need to bring in these workers to fill jobs that Americans are not going to take.

Then there is another level of workers, those who have skills that we need in this country. When Bill Gates of Microsoft says: I need the opportunity to bring in software engineers so Microsoft can expand its production operations in America, and if you don't give me that chance to bring in foreign engineers, I am going to have to put a production facility overseas where I can find the same engineering talents, well, I want those jobs in America. I want those production facilities in America. I am willing to listen to his request for H-1B visas.

Whether we are talking about AgJOBS, jobs in these packing houses

or jobs in Silicon Valley, we should have one guiding principle, and the guiding principle is this: Hire Americans first. Hire Americans first.

Under this bill we are considering, the guest workers who come in are subject to that requirement. Someone cannot ask for a guest worker to take a job if there is an American that will take that job first. But there is a glaring loophole. The loophole says: If the Secretary of the Department of Labor announces there is a labor shortage in an area, then they waive the requirement to look for American workers first. But we, in this bill, fail to define what a labor shortage is. What does it mean? It means a lot of employers will be off the hook. They will be able to bring in guest workers and never ask an American to take the job. I don't think that is right.

Senator GRASSLEY and I have introduced this amendment. It eliminates this loophole, eliminates this labor shortage exception, and makes it the hard-and-fast rule when it comes to guest workers that we must hire Americans first. I hope my colleagues will take a look at this and consider it.

Let me say a few words about the H-1B visa. Senator GRASSLEY and I took a look at these H-1B visas. These are special visas with specialty talents to come in because there are not enough Americans with those talents. We took a look at those H-1B visas and, unfortunately, there are some companies that are gaming the system. There have been exposes across America where these so-called H-1B brokerage houses have been created. These are not high-tech companies looking for people with H-1B visas. These are companies, by and large in India, that try to bring in Indian engineers to fill jobs in the United States.

The H-1B visa job lasts for 3 years and can be renewed for 3 years. What happens to those workers after that? Well, they could stay. It is possible. But these new companies out of India have a much better idea for making money. They send the engineers from India to America to fill spots—and get money to do it—and then after the 3 to 6 years, they bring them back to India to work for the companies that are competing with American companies. They call it their outsourcing visa. They are sending their talented engineers to learn how Americans do business and then bring them back and compete with those American companies. Is that what we have in mind here? Is that our goal, to create more opportunities for people to create businesses around the world to compete with us? I think not.

Senator GRASSLEY and I are trying to tighten up the H-1B visa. We wish to make sure that only those who are absolutely necessary are brought in, and, first and foremost, that we fill job vacancies with Americans who are out of work and Americans who are graduating from schools and developing the skills that are needed. Our first respon-

sibility, whether it is in guest workers or H-1B visas, is to hire Americans first.

The amendment the Senate will consider in a short period of time, No. 1231, which Senator GRASSLEY and I have offered, applies to the guest worker program. But it comes down to this basic concept, and I hope my colleagues will support me: Shouldn't this new guest worker program include the same protections for American workers? I think they should. Otherwise, in the future, we are going to see companies advertising that no Americans need apply for these jobs. We don't want that to occur. We wish to make it perfectly clear that companies doing business in the United States must first give priority to American workers; that they are bound by law to do that.

Plain and simple, that is what the Durbin-Grassley amendment will do. This amendment is supported by the labor community, including the AFL-CIO, the Laborers' Union, the Teamsters, and the Building Trades.

Mr. President, I ask unanimous consent that a letter from the AFL-CIO supporting the amendment be printed in the RECORD.

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

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, May 24, 2007.

Sen. RICHARD J. DURBIN,
Washington, DC.

DEAR SENATOR DURBIN: On behalf of the AFL-CIO, I write to offer strong support for your "Recruit Americans First" amendment to the Secure Borders, Economic Opportunity, and Immigration Reform Act (S. 1348). Your amendment would prevent employers from avoiding compliance with the bill's domestic worker recruitment requirement.

S. 1348 would require employers to recruit workers from the domestic workforce before hiring guest workers under the new Y guest worker program. However, this recruitment requirement would be waived if the Secretary of Labor determined that there is a labor shortage in the occupation and geographic area in which the employer seeks guest workers. The bill does not specify any standards to be employed in making this determination, which would be left solely to the discretion of the Secretary. The Durbin amendment would strike this waiver so that all employers petitioning for Y guest workers would be required to recruit workers from the domestic workforce before hiring Y guest workers.

Thank you for your continued efforts to improve the pending immigration reform bill.

Sincerely,

WILLIAM SAMUEL,
Director,
Department of Legislation.

Mr. DURBIN, Mr. President, I urge my colleagues to support this amendment, and I reserve any time remaining for Senator GRASSLEY, who will be coming to the floor shortly.

The PRESIDING OFFICER. The Senator has consumed 7 minutes 25 seconds.

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

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum time be equally divided between opposing sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, the pending amendment, offered by the Senator from Illinois, is unnecessary because American workers are fully protected under existing law. This amendment would simply slow down the process, have a 90-day delay, require advertising, which is unnecessary, and would thwart the efforts of people undertaking important activities to get necessary workers.

The current statute and regulations provide that:

The Secretary of Labor must determine that there is a shortage of U.S. workers and that the hiring of foreign workers will not adversely affect the wages or working conditions of U.S. workers similarly employed in the following occupations: physical therapists, registered nurses, and aliens of exceptional ability in the sciences or art.

Now, there can hardly be any doubt, as it is a matter of common knowledge, about the shortage of registered nurses. That is illustrative of the kinds of jobs which can be filled not to the detriment of American workers because there has been a determination made that in these categories there are no workers available. With regard to the category of aliens of exceptional ability in the sciences or art, the regulations specify the following:

Include college and university teachers who have been practicing their science or art during the period of their immigrant petition and who intend to stay in the same occupation in the United States.

Another category provided under the regulation:

Applicant with exceptional ability is one who possesses a level of expertise above that which would normally be encountered in the field.

Now, while that is a generalization, it can certainly be sensibly applied. The regulation further provides that:

Applicant would need to provide evidence of the applicant's widespread acclaim and international recognition by recognized experts in the alien's field, such as the Nobel prize.

What we have in effect at the present time is a system which is adequate to protect the American workers. The Senator from Illinois is no more concerned about the protection of the American workers than the Senator from Pennsylvania, but the question is how we get there. What this amendment essentially does is to delay the process. The nurse example is perhaps the best. It is well-known that we have an insufficient supply of nurses in this country. If we have somebody who is

not an American citizen, an alien, who is qualified to be a nurse, why not make that nurse available to a hospital which needs a nurse? Why not make that nurse available to a nursing home which needs a nurse, rather than have a delay and have advertising?

If the system offered by the Senator from Illinois works, they do no better than what the Secretary of Labor has undertaken to do. The Secretary of Labor can be trusted to be interested in protecting American workers, but there is a determination that there is a shortage. So this amendment is not only unnecessary, it would be counter-productive.

Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand I have 8 minutes; is that correct?

The PRESIDING OFFICER. It is now 7 minutes, due to the quorum call.

Mr. KENNEDY. If the Chair will notify me when I have 3½ minutes, I would appreciate it.

Mr. President, I support the amendment offered by my colleague from Illinois. I think it makes a needed change in the legislation, one that will help provide additional protection for American workers, and I thank him for calling the issue to our attention.

The amendment is very simple. It would require every employer who wants to bring guest workers into the country to advertise for and recruit American workers first. This is a general principle that has been agreed to, certainly by me and my colleagues, and one that I am sure most Members of the Senate would support.

Senator DURBIN's language ensures this principle is implemented fairly and effectively with respect to all employers who are looking for more workers. Specifically, it eliminates an exception in those areas where the Department of Labor has determined there is a shortage of U.S. workers in the occupation and area of intended employment.

The shortage occupation idea relies on an exception in existing law which applies to green cards but not in the temporary worker context. So I agree with Senator DURBIN that in the context of ensuring that temporary workers do not unfairly compete with Americans, we do need an exception to this rule. This legislation is based upon the principle that guest workers should only be brought in if Americans cannot be found to fill these jobs, and what better way to ensure this is the case than to require all employers advertise these positions broadly.

I know there are some Members who might say that since this exception only applies when the Department of Labor says there is a shortage of workers to fill these jobs, that we shouldn't

require employers to advertise. I would argue the opposite: Because we know employers are seeking more American workers, they should easily be able to meet the requirements under these laws.

I mean, the fact remains you might have a shortage in a particular area or region designated by the Department of Labor, but there may be hospitals in those areas that have more than they need; with other hospitals having less. If those other health facilities are looking, they are probably investing in trying to find additional workers and are probably advertising in any event. This makes sure they are going to give the first opportunity—and there are other requirements in the legislation that give the first opportunity to Americans to be protected.

It doesn't seem to me this would be onerous or more costly. It may be, for example, that elsewhere in the country there are Americans who are willing to fill these jobs. Maybe there are groups of Americans who have traditionally been overlooked or discriminated against who will want to know of these opportunities so that they can have a fair chance. For all these reasons, I support the amendment, and I urge my colleagues to do so as well. I think it makes a good deal of sense, and I would hope that it would be accepted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator has consumed 3½ minutes.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I wish to speak on the bill for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I would like to discuss amendment No. 1231. I cosponsored this amendment with the senior Senator from Illinois to protect American workers. The amendment would require employers who intend to hire foreign workers to first recruit and find Americans to do the job.

The bill before us creates a new guestworker program, known as the "Y" visa program. I support this guestworker program. In fact, I voted to keep this program in the bill when the Senator from North Dakota offered an amendment to strike it.

I have consistently said that I support new and expanded avenues for willing workers to enter the United States and work for employers who need them.

Our country's employers want to hire legal immigrants. They need a better program, and one that allows nonseasonal or nonagricultural workers to come here.

We have programs—such as the H-2A and H-2B visas—to bring in willing workers. But, there are some jobs that

don't fit these categories. For example, in Iowa, we have meatpacking and egg processing facilities that require low-skilled workers. Yet they do not have a legal channel to bring in workers. Our existing visa categories don't help them. The "Y" visa program will.

But, the bill is flawed in that it doesn't require these employers to first recruit Americans. Companies who use the "Y" visa program should try to find U.S. workers first.

How can anyone argue against that? Why not offer the job to U.S. citizens before bringing in more foreign laborers?

Under the bill, employers who use the "Y" visa program may be required to recruit U.S. workers through their State agencies, job sites, and trade publications.

Some employers will be required to "first offer the job with, at a minimum, the same wages, benefits and working conditions, to any eligible United States worker who applies, is qualified for the job and is available at the time of need."

But, as throughout this entire immigration bill, there are waivers, exceptions, and ways of ducking out of such requirements. The authors of this bill make it seem as though Americans will be recruited first. However, these requirements are at the discretion of the Secretary of Labor. The Secretary can decide who has to fulfill these requirements.

The Durbin-Grassley amendment will ensure that all employers who use the "Y" visa program are looking first at U.S. citizens before looking abroad. I think that is what we all want. We should agree to this amendment for the sake of American workers.

The PRESIDING OFFICER. Who seeks time?

Mr. GRASSLEY. Since nobody is seeking the floor, I suggest the absence of a quorum and ask that time be charged against all sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALLARD. Mr. President, we are drawing to a close here. I have most of the time, I believe. I want to make a few comments on my amendment and then yield 1½ minutes to Senator KENNEDY. I think he needs that to wrap up arguments on his time. I will be glad to yield him that time.

My amendment strikes the supplemental schedule for Zs. Basically this section of the bill provides an advantage for those who came in illegally in applying for citizenship, as opposed to those who came legally.

This is a question of basic fairness. I know there is debate related to one part of the workforce as to another

part of the workforce. I am not concerned about that. I am concerned about this as a basic fairness issue. I believe this supplemental schedule for Zs rewards those who came here illegally, and could disadvantage those who came legally. I am here to ask that the Members of the Senate support my amendment, because the bill's stated purpose of adopting a merit-based system is that the United States will benefit from a workforce that has diverse skills, experience, and training.

I happen to agree with that. However, I am simply not convinced that a history of breaking the law should contribute to this goal more than education or even experience. So my amendment simply strikes the special schedule for Z visas that allows people who have violated immigration laws eligible an additional 50 points. Z visa holders would, however, still be eligible for up to 100 points under the regular system, the exact same number as anybody else.

I urge my colleagues to join me in voting for the Allard amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his graciousness in yielding a minute and a half.

I am opposed to the Allard amendment. We have in this legislation very important commitments to, one, the AgJOB workers, and we have also said for the 12 million: If you pay the fines, you go to the back of the line, you work hard, you demonstrate you are going to be good citizens for the 8 years until all of the line is cleared up, and we have a way for dealing with these individuals to permit them at least to get on the path for a green card and eventually citizenship.

The Allard amendment changes all of that framework. Under the Allard amendment, we were basically saying to those who are working in agriculture, because as his amendment shows, they get a big chunk of points on this kind of thing, that that would be eliminated, and that agricultural worker who has been playing by the rules, who is a part of the AgJOB's bill, will lose out in any kind of competition in terms of green cards and the opportunity to move on into citizenship, because the other one will have the skills, will have the points, and those agriculture workers and the other lower skilled workers will not have the opportunity to do so. It will change the framework of the bill in a very important way. I know he is looking for equity in terms of all workers here to be able to start a new day. We have worked long and hard in terms of the ag workers in terms of how we are going to treat the undocumented, how we are going to treat newer workers. We have worked that out.

It seems to me that is the fairer way. We can look to the future with the new merit system, but we ought to be able to meet our commitments, which this

bill does, to those who have been a part of this system and are playing by the rules, and to whom we have made a commitment.

I hope his amendment would not be accepted.

I think the time has about expired, Mr. President.

Mr. ALLARD. Mr. President, on amendment No. 1189, I would ask for the yeas and nays, and yield back my time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has been yielded. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 31, nays 62, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—31

| | | |
|-----------|-----------|-------------|
| Alexander | Dole | Nelson (NE) |
| Allard | Dorgan | Pryor |
| Bond | Ensign | Roberts |
| Bunning | Enzi | Rockefeller |
| Burr | Grassley | Sessions |
| Byrd | Gregg | Shelby |
| Coburn | Hutchison | Sununu |
| Conrad | Inhofe | Thune |
| Corker | Landrieu | Vitter |
| Cornyn | McCaskill | |
| DeMint | McConnell | |

NAYS—62

| | | |
|-----------|------------|-------------|
| Akaka | Feingold | Mikulski |
| Baucus | Feinstein | Murkowski |
| Bayh | Graham | Murray |
| Bennett | Hagel | Nelson (FL) |
| Biden | Harkin | Reed |
| Bingaman | Hatch | Reid |
| Boxer | Inouye | Salazar |
| Brown | Isakson | Sanders |
| Cantwell | Kennedy | Schumer |
| Cardin | Kerry | Smith |
| Carper | Klobuchar | Snowe |
| Casey | Kohl | Specter |
| Chambliss | Kyl | Stabenow |
| Clinton | Lautenberg | Stevens |
| Cochran | Leahy | Tester |
| Coleman | Levin | Voinovich |
| Collins | Lincoln | Warner |
| Craig | Lott | Webb |
| Crapo | Lugar | Whitehouse |
| Domenici | Martinez | Wyden |
| Durbin | Menendez | |

NOT VOTING—6

| | | |
|-----------|-----------|--------|
| Brownback | Johnson | McCain |
| Dodd | Lieberman | Obama |

The amendment (No. 1189) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1231

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate, equally divided, on the Durbin amendment.

Mr. DURBIN. Mr. President, this immigration bill will offer an opportunity for hundreds of thousands of people to come to the United States and go to work. But I believe there should be one guiding principle behind this bill: First offer the jobs to Americans. Those who are unemployed, those who are developing the skills should have the first chance to fill these jobs.

Senator GRASSLEY and I have a bipartisan amendment which eliminates the loophole and makes it a requirement, when it comes to guest workers, that the jobs first be offered to Americans to fill. I think that is a reasonable starting point for any debate on immigration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment would simply delay unnecessarily the hiring of important people, such as registered nurses. We currently have an elaborate system, where the Department of Labor makes a determination that there will not be a loss of American jobs in certain special categories and that it will not depress wages.

This will simply impose a 90-day waiting period. For example, a registered nurse who is needed in a hospital would have to wait 90 days. There would be the expense of advertising.

The purpose of this amendment is already satisfied under existing law to protect American jobs, and the amendment ought to be defeated.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question occurs on agreeing to amendment No. 1231, offered by the Senator from Illinois, Mr. DURBIN. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 71, nays 22, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—71

| | | |
|----------|---------|-----------|
| Akaka | Boxer | Cantwell |
| Baucus | Brown | Cardin |
| Bayh | Bunning | Carper |
| Biden | Burr | Casey |
| Bingaman | Byrd | Chambliss |

| | | |
|-----------|-------------|-------------|
| Clinton | Kerry | Reid |
| Coburn | Klobuchar | Rockefeller |
| Coleman | Kohl | Salazar |
| Collins | Landrieu | Sanders |
| Conrad | Lautenberg | Schumer |
| Corker | Leahy | Sessions |
| DeMint | Levin | Shelby |
| Dole | Lincoln | Smith |
| Dorgan | Lugar | Snowe |
| Durbin | McCaskill | Stabenow |
| Ensign | McConnell | Stevens |
| Feingold | Menendez | Tester |
| Feinstein | Mikulski | Thune |
| Grassley | Murkowski | Vitter |
| Harkin | Murray | Voinovich |
| Inhofe | Nelson (FL) | Webb |
| Inouye | Nelson (NE) | Whitehouse |
| Isakson | Pryor | Wyden |
| Kennedy | Reed | |

NAYS—22

| | | |
|-----------|-----------|----------|
| Alexander | Domenici | Lott |
| Allard | Enzi | Martinez |
| Bennett | Graham | Roberts |
| Bond | Gregg | Specter |
| Cochran | Hagel | Sununu |
| Cornyn | Hatch | Warner |
| Craig | Hutchison | |
| Crapo | Kyl | |

NOT VOTING—6

| | | |
|-----------|-----------|--------|
| Brownback | Johnson | McCain |
| Dodd | Lieberman | Obama |

The amendment (No. 1231) was agreed to.

Mr. REID. Mr. President, I would like to enter a unanimous consent request, but I will wait until Senator MCCONNELL, the Republican leader, arrives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have spoken to a number of my colleagues today—in fact, within the past hour or so. There has been a concern by the minority that there have not been enough votes on this bill.

Keeping that in mind, I am going to propound a unanimous consent request that would allow 20 votes. I will outline it as follows: I ask unanimous consent that at 5:45 today, the Senate vote in relation to Senator KENNEDY's alternative to Senator CORNYN's amendment No. 1184; that immediately upon the conclusion of that vote, the Senate vote in relation to Senator CORNYN's amendment No. 1184.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, Mr. President, I agree in concept with what is being proposed by the majority leader, and that is that we start voting on pending amendments. The amendments mentioned in the unanimous consent request are all amendments that were proposed prior to the recent recess of the Senate. So I am in favor of moving forward and allowing our colleagues votes on the various proposals, many of which have been offered some time back.

I do not agree with the implication that, at that point, we would then be finished with the bill, or that further

amendments would be limited. Many of my colleagues on this side of the aisle have been patiently waiting to get amendments in the queue. Some have waited on the floor for long periods of time only to be told there would be an objection to their amendments being called up.

I propose to the majority leader that we allow the managers to continue to set up votes on pending amendments. I even encourage Senators on this side of the aisle to keep their remarks quite short in order to process additional amendments.

I think it is premature to file cloture on this bill and cut off debate on amendments. If we can continue to let the managers work in good faith on setting votes on the amendments, we will have given this important national issue an opportunity for the kind of fair process that it deserves. Therefore, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader is recognized.

Mr. REID. Mr. President, I am going to propound another request. Based upon my distinguished colleague's statement, that we have spent a lot of time on this immigration bill—and every minute of it has been deserved. As Senators will recall, the vehicle that was brought to the floor was the bill that passed the Senate Judiciary Committee last year. It was believed that by spending more time on a bipartisan basis a substitute could be reached, and that was done. We now have before the Senate a substitute amendment that has been bipartisan in nature, with 10 Senators, Democrats and Republicans, having worked this out. Mr. President, we have had a number of votes. Keep in mind the substitute amendment that is now before the Senate is a result of a number of things, not the least of which is all the work that went into the bill that did not go forward last year.

We had numerous votes, and the Democrats and Republicans who put together the substitute took all that into consideration when they came up with the substitute. So we don't need the same number of amendments we had last year.

I think we should have amendments, and I am going to propound a request. This does not limit amendments or limit amendments in the future. As we all know, once cloture is invoked, all germane amendments are subject to votes following that cloture vote during the 30 hours. So we have today, Tuesday, Wednesday, and you will see that we would also have Thursday under one of the proposals I am going to offer. But my concern is, when is enough enough? We have a number of considerations here that are so important to our country. I recognize the importance of immigration, and I am going to do everything I can to make sure people feel they have had an alternative to the substitute that was offered. But there has to be a limit as to the amendments Senators offer.

Mr. President, I ask unanimous consent that tomorrow the Senate vote in relation to Senator SESSIONS' amendment No. 1235; further, that the Senate vote in relation to the Feinstein amendment No. 1176; further, that the Senate vote in relation to the Inhofe amendment No. 1151; further, that the Senate vote in relation to the Cornyn amendment No. 1250; further, that the Senate vote in relation to the Menendez amendment No. 1194; further, that the Senate vote in relation to the Clinton amendment No. 1183; further, the Senate vote in relation to the Sessions amendment No. 1234; further, that the Senate vote in relation to the Dodd amendment No. 1199; further, that the Senate vote in relation to the McConnell amendment No. 1170; further, that the Senate vote in relation to the Lieberman amendment No. 1191; further, that alternative Democratic and Republican amendments be in order in relation to each of the above amendments, and that the time for each vote be set with the concurrence of both leaders and both floor managers.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object for the very same reason I just stated a few moments ago, the majority leader indicated that amendments that were germane would be voted on postcloture. Of course, that is only if they are pending. One of the problems we have had is getting an adequate number of amendments pending. The best way to go forward—I remind our colleagues, and certainly my friend the majority leader, that it was I on the day I was chosen Republican leader who said this Congress ought to do big things, and I mentioned two. One was Social Security. It appears to me that we are not getting anywhere on that. The other was immigration. I commend the majority leader for turning to it, but the minority is not going to be shut out.

This is a big, contentious, complex matter. We had well over 20 Republican amendments the last time this issue was before the Senate. The best way to process this bill is not for the majority to try to stuff the majority—that won't happen, I assure you—but, rather, to go through the process in an orderly way. And with this kind of rhetorical back and forth, it continues to waste time that could be used in offering, debating, and voting on the maximum number of amendments, which would allow us to get to the point where we can get cloture on the bill and to final passage. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, the reason here is a little unusual. We have 12 amendments pending. After these are voted on, other amendments will be offered and should be offered. There is no reason to cut off what we have talked about here as being the only amendments.

Mr. President, I ask unanimous consent that if cloture is filed today on

the substitute amendment, it not ripen until 6 p.m. Thursday, June 7.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, would the majority leader restate the consent request?

Mr. REID. I am happy to do that. I ask unanimous consent that if cloture is filed today on the substitute amendment, it not ripen—there not be a vote on it—until 6 p.m. Thursday, June 7, rather than Thursday morning. That would give us another day.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, we have tried to set up 20 votes in relation to amendments, including Democratic and Republican alternatives. We also tried to vitiate the need for a needless second cloture vote on the bill itself, if the substitute amendment is ever adopted. Lastly, we tried to delay the cloture vote until Thursday evening so Members would have more time to debate and dispose of amendments.

Each effort, I am sad to report, was objected to by our Republican colleagues. So as far as I am concerned, they are in no position to complain that they did not get votes on amendments prior to cloture. We offered them votes.

First of all, in this part of my presentation, I want to express my appreciation to those who have worked so hard on this bill, and I hope they will continue to work on this bill. I made a suggestion, and here it is. If they can come up with something better, more power to them.

I have devoted a lot of the Senate's time to this measure, not only this year but last year when I was working with Senator Frist. It is an important piece of legislation. The immigration system is broken and needs to be fixed. We have an obligation to the American people to do that. Do I think whatever we come up with will be perfect? No. But we have, with the help of the President, the opportunity to take this matter to the House, have them work on it, and then again with the President's assistance get to conference and come up with something that would be better than what we passed out of the Senate.

I hope my Republican colleagues are not going to use this as an excuse that they have not had enough amendments offered. That really is not fair, and it is wrong. I say again that I appreciate the work of the managers. Senator KENNEDY has worked very hard to work his way through this bill, as have Senators KYL, SESSIONS, CORNYN, and people who may not be in support of the bill but at least have tried to improve it.

Mr. President, there is one thing I didn't ask. My staff informed me that I did not ask this: I ask unanimous consent that if the substitute amendment is agreed to, the bill be read the third time, and the Senate vote, without in-

tervening action or debate, on final passage of S. 1348, as amended.

I have a premonition that there may be an objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, of course, the way to handle this would be to make sure that the germane amendments that are pending get votes postcloture. The majority leader could agree to a consent that it be in order to call up germane filed amendments postcloture, which would be very comforting on this side of the aisle. I understand the position he is in. He would like to move this bill and, I assume, have his Members exposed to the fewest number of votes they don't want to cast. I have a significant number of Members over here who feel very strongly that before they would allow us to wrap up this bill, these amendments need to be considered.

At the risk of being redundant, the best way to do that is for the managers to keep processing amendments as rapidly as possible, to get consent that it be in order to call up germane filed amendments postcloture, which would be comforting to Members on this side of the aisle. Until we decide to operate in that fashion, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, one person I did not compliment—and it is my negligence—is the Senator from Pennsylvania, the ranking member of the Judiciary Committee, former chair of the Judiciary Committee, who has worked very hard on this legislation.

Mr. President, what we have heard are buzz words for this bill is going nowhere. I think that is too bad. As the day progresses, I hope people have a change of heart and that we can work on amendments that can be voted on. Certainly, we don't need my approval for whatever amendments should be voted on.

We are going to file cloture on the bill today. There are a number of exigencies present in the Senate, and we have to move on. The Republican leader has been told by some Senators that more amendments would help. Most of the people who want more amendments have no intention of voting for this bill no matter what we do.

I have made my statement. The Republican leader has made his statement. I hope the managers can figure out a way to move on. Before the close of business today, I am filing cloture.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, at the risk of unnecessarily delaying the discussion, the key to finishing the bill is to have votes on an adequate number of amendments. A number of amendments on this side are being offered by people who may well vote for an immigration bill. I certainly would like to vote for an immigration bill in the Senate. I did vote for such a proposal

last time we went through this process in the previous Congress. I would like to be able to do so again. But we are going to insist on fundamental fairness.

This measure may well be the only significant accomplishment of this Congress. Surveys out in the Washington Post today indicate that there is a declining support for the new Congress, which is a considerable implication that the American people have noticed that we are not doing much in this Congress. Let me repeat, it is not my desire for this Congress to have a record of virtually no accomplishment, and a good significant accomplishment would be to get the right kind of immigration bill out of the Senate. It is still my hope that will be achieved. This is only Tuesday afternoon—just Tuesday afternoon. There is plenty of work time left this week, and I think we ought to get about offering, debating, and voting on the essential amendments to this bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, my counterpart, the distinguished Senator from Kentucky, said this is a 2-week bill, and we are in the second week of this bill.

I will also state—and I am not as much of a poll watcher as my caucus would tell me I should be—that the polls also show the Republican Members of Congress are not as well thought of as Democratic Members of Congress.

As far as success, I think we have done pretty well this past 6 months. We now have a bill that has been signed by the President where, for the first time in 10 years, we give a raise to the people who need it worst, the people who rely on the minimum wage. Keep in mind that 60 percent of those who draw a minimum wage are women. For the vast majority of those women, that is the only money they have for themselves and their families.

We have tried for 3 years to get disaster assistance for farmers, and we were able to get that. That is now signed into law. The President has made many trips to the gulf, but in this supplemental bill, which we forced the President to sign, we now have monetary relief for people in the gulf affected by Katrina.

We were able to extend the SCHIP program for children's health care. That is a significant accomplishment. That will take care of things until October. We were also—in the legislation that the President signed, that we forced—able to get more than he gave us in the supplemental appropriations bill. We had more money for the troops in Iraq and Afghanistan—\$4 billion more for medicine and veterans' benefits.

We have been trying for years to get money for homeland security. In this bill, we got it, a billion dollars for homeland security that has long been necessary.

Within the next week or two, we are going to have a conference report that will come forward, sending to the President legislation on stem cell research that will give hope to millions.

I worked, in fact, as late as yesterday with the distinguished Republican leader, and I think we are in a position where we can come up with a satisfactory conference report on ethics and lobbying reform.

So I think we should not be denigrating the work of this Congress and the things we have been able to accomplish, which has been done on a bipartisan basis. We have had to push and pull a little, getting motions to proceed on various pieces of legislation that were necessary, but we were able to do that. So I don't think it is time to denigrate or belittle the Congress based on the polls we have seen.

I repeat, let us not get into poll watching, because if you look at the polls, Democratic Congressmen, Democrats generally, are scored much higher than Republicans. But I repeat, I don't follow polls. I think we should be doing a lot more by what we feel is right to do than what polls show.

I hope the immigration matter can move along. I think the two leaders of the Senate have stated how we feel about this, and now we turn it over to the good hands of our experienced managers.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, we probably shouldn't prolong this any further, because this is keeping us from handling amendments on this bill, which we desperately need to do, but we haven't had a major immigration reform bill in 21 years. So far on this bill we have had nine rollcall votes. By any objective standard that is not nearly enough. Let us proceed to work on the bill, and, hopefully, we can get somewhere during the course of the week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I tried to offer an amendment on May 24, before the week's recess, and I was asked by Senator KENNEDY if I would withhold and he would make every effort to allow me to have a vote on my amendment on Social Security for Z visa holders on the first day back, which is today.

Now, I know there have been intervening circumstances, and I am not saying there is any blame here. However, I am asking that we set a time for the vote on my amendment No. 1302, which has been filed but which I was asked to withhold offering. Now I wish to have a time certain, if possible, where we can have a vote on that amendment.

I have to say I have now seen this body operate. What happens on a bill such as this, that is very complicated and long, and especially when you are writing the bill on the floor rather

than taking it through the committee process, there are a lot of amendments which are legitimate amendments, yet the distinguished majority leader said he was going to file cloture on the bill tonight. That would ripen on Thursday.

I have three amendments. One is on Social Security protection for America, from any person who works illegally to get credit on Social Security when they are working illegally; another one on the future flow of Y visa holders; and then I have an amendment for people to return home before they come back and become legal guest workers in our country. So those are three amendments I am giving everyone notice I believe are very important, they are productive, they are positive, and they are an effort to make this a bill that Americans will see is the right approach to handling the chaos we have with illegal immigration in our country. I don't want to be squeezed out by cloture or by time deadlines.

If we take 4 weeks on this bill and it becomes a better bill that all of us can support, those who wish to have comprehensive reform, 4 weeks, with the effect this is going to have in the next 25 years for our country, that is nothing. So I hope I will be able to offer my three amendments and get votes on them at some point.

I want to be able to protect my rights, and I want to ask if I could have a time certain to vote on the first Social Security amendment, No. 1302, if that would be possible.

Mr. REID. Mr. President, one of the things I think the managers should do is see if they can get a list of amendments, germane amendments, the minority wants. We have a few on our side. It is at least worth a try to see if we can come up with a list of germane amendments. I ask Senator KENNEDY and Senator SPECTER to see if they can come up with a list of germane amendments that Members think they want to vote on. We already have, as I said, 12 or so pending, and we will take a look at that. I am not even sure the 12 pending are germane. We don't know that either.

Anyway, they can see if they can come up with a list of germane amendments, whether that is three, four, five, whatever it is, and we will take a look at that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am delighted to deal with the amendment of the Senator from Texas. We have to figure out the order. This is the side of the Republicans now. Senator CORNYN has been waiting, and waiting patiently. The Senator from Texas did mention this. We had contacted the Finance Committee, since it is dealing with Social Security, to see whether they would be able to go, and I hope they will do that and dispose of it very rapidly. The other measures are not in the Finance Committee and we would be glad to deal with those. But dealing

with Social Security is the Finance Committee's jurisdiction, and they had some views on that.

I hope we might be able to do the Cornyn amendment. The leader had asked me if we could do the DeMint amendment after the Cornyn amendment. There may be one on our side dealing with health insurance which we would be prepared to do. It is fine with me. I am here and I am ready to go with these amendments, so I will make every effort to get the Finance Committee, and I will stay here with the Senator from Texas until we are able to get this disposed of this evening. I will give you that, as far as I am concerned.

Mrs. HUTCHISON. Let me say I am happy for the Finance Committee looking at it. I wish this whole bill had gone through committee so we would know exactly where we stand. If they are for it, great. If they are against it, let us debate it. But let me ask if I could have at least a unanimous consent to bring up the amendments that are filed, No. 1301 and 1302—those are the two Social Security amendments—and then lay them aside, so that at least they are here and I know they will be disposed of.

Mr. KENNEDY. Absolutely.

Mrs. HUTCHISON. My third one, the one that requires the return home, has not been offered yet but it will be germane. We are still trying to work with Senator KENNEDY, Senator KYL, and all the Senators who are involved in this process to try to get a consensus on that return home amendment. So it has not been filed.

If I could ask unanimous consent to bring up amendments Nos. 1301 and 1302, after which I would be happy to set them aside, to make them pending before cloture.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I have given assurance to the Senator from Texas, but I wish to see if we can have a short time. She will retain the right to make that request, but let us see if we can't work out the time now with the Finance Committee. Could we try that before getting consent? Because there has been some question about others who wanted to add a number of amendments on both sides, and we are trying to at least dispose of some of those that are on the list. I will give the assurance that this legislation, at least if I have anything to do with it, is not going to pass or be considered or closed out to the Senator from Texas, because, as she has pointed out, she raised these and we gave assurance she would get them. We were prepared on that Thursday evening, as we were running out of time to do the supplemental and to get the Finance Committee over.

The Senator mentioned, before the majority leader left, that she wanted to offer that, and I regret I had not gotten the Finance Committee members over here. They were marking up I

think the CHIP program earlier in the day. That is my only reservation about setting aside now, because there has been objection on both sides to adding more until we start to dispose of some of the underlying amendments.

I will certainly try to get the clearance and work with the Senator and do it within the next few hours, if the Senator would withhold that and give us an opportunity to try to work through that. The Senator is quite correct that we have given her those assurances, and I intend to keep my word to the Senator.

Mrs. HUTCHISON. I thank the Senator.

Mr. President, I will attempt to work with the Senator from Massachusetts.

The PRESIDING OFFICER. Is the request withdrawn?

Mrs. HUTCHISON. I will withdraw the request, yes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have been asked, on behalf of the Senator from South Carolina, Mr. DEMINT, to seek unanimous consent to move to have a time for amendment No. 1197.

Mr. CORNYN. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent for the DeMint amendment, No. 1197, to be pending.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, let me point out, if I may, that amendment No. 1184, which I filed and called up 13 days ago, has yet to receive a vote on this immigration bill. This amendment would ban felons on the legalization path set forth in the underlying bill. It astounds me this could be in the least bit controversial, but I have been denied an opportunity for an up-or-down vote on that for the last 13 days.

Now that I hear the majority leader intends to file cloture, it is clear what the pattern is, and that is to try to move this bill through without an opportunity for Senators to be given the chance to introduce, call up, debate, and then vote on important amendments. So I will object.

I likewise object to the scheduling of any other votes on the bill until I am given an opportunity to have an up-or-down vote on amendment No. 1184. I add that I have offered to my colleagues the possibility we could enter into some sort of time agreement to debate and to vote on the amendment. I am told there is a side-by-side amendment that is being considered. I was told it would be made available to me at 4 o'clock this afternoon. It would have been the second side-by-side amendment that had been proposed. I have yet to see it.

I have tried to be patient, and indeed I have been patient. I have tried to work with my colleagues to let the process move forward, but it is clear to

me now, since the majority leader says he intends to file cloture, there is not going to be an opportunity to fully debate and offer amendments to this bill; that the majority leader intends to try to force this bill through, denying Senators an opportunity to have a chance to offer amendments, to have those amendments debated, and have those amendments voted on.

I must employ whatever tools the Senate rules give me to insist upon my rights. I will do that by objecting to this and the schedule of any further votes until such time as we are able to enter into some sort of agreement for the disposition of amendment No. 1184.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I understand the point of the Senator from Texas, and I agree with him. He has been very patient. Some of the rest of us have been patient, too. We are waiting for that side-by-side so we can proceed.

The purpose in the unanimous consent request was not to have a vote on DeMint but just to have it pending so that it would be in line for a vote postcloture since it is germane, so I renew my request.

Mr. KENNEDY. Mr. President, reserving the right, I just mentioned to the Senator from Texas that there has been an objection. I would like to go to the Cornyn amendment—we have the side-by-side—get started, debate it, and vote on it tonight. That is what I would like to do. If necessary, we will do something over here in the meantime, come back, and deal with the Senator from Texas. We are ready to go. We have a side-by-side. We can get into general descriptions about that, but why don't we get started on the Cornyn amendment.

I was asked earlier whether we would agree to debate and dispose of the DeMint amendment, and we said fine. But if we are now going to add more and more amendments on this—I agree with those who say let's get to work. Let's do the Cornyn amendment at this time. Respectfully, as I said, we were ready to deal with the DeMint amendment 10 minutes ago. Even now, if we want to debate it and vote on it and dispose of it, we are ready to go. But that isn't it, it is now to just be filed. How can we do that if we object to the Senator from Texas filing?

Why don't we go to the Cornyn amendment, I ask Senator SPECTER. We will be helpful and try to get the amendment of Senator DEMINT up. We are not trying to close him out. We can deal with that later this evening. I am glad to do that later this evening. We are set to go. It deals with health insurance. I am familiar with the issue. I am ready to go on it. We can deal with Cornyn. In the meantime, we can go to the Finance Committee and find out what we want to do with the amendment of the Senator from Texas, and then the leader asked us to try to dispose of DeMint. We were prepared to go

ahead with the Sessions amendment that deals with the ITC that the Senator from Alabama wanted earlier.

It is not our problem with this. We are ready to go. We are ready to debate and vote. I hope we can go ahead with the Cornyn amendment and the Senator will give us a little time to get this worked out about whether we are going to add and stack additional amendments up. I haven't got anything against the DeMint amendment. I saw it. I think it is a legitimate amendment.

Could we ask consent that we go to the Cornyn amendment?

Mr. SPECTER. Mr. President, although it was a long time ago, I believe I have the floor?

The PRESIDING OFFICER. The Senator does have the floor.

Mr. SPECTER. I am glad to reassert that, I didn't want to say "regular order" and interrupt the Senator from Massachusetts.

I understand there may be an objection. I want to protect Senator DEMINT's rights and ask unanimous consent that his amendment be pending.

The PRESIDING OFFICER. Is there objection? The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, reserving the right to object, without unnecessarily repeating myself, I have been waiting 13 days for a vote on my amendment. I am afraid if I consent to this unanimous consent request, it is going to continue the pattern of avoiding my amendment, which would ban felons from getting Z visas under this underlying bill. I think that is something with which the American people, and hopefully the vast majority of the Senate, would agree. This amendment is well taken. It is a good thing. Let's not allow people—those who have had a chance, who defied the law, who thumbed their nose at our courts—to gain the advantages we are otherwise going to confer on people under the Z visa.

I will object. As I indicated, I am willing to offer an alternative unanimous consent request that once I am shown the side-by-side amendment that I am told the majority has in mind, that they would like to offer as an alternative to my amendment No. 1184, I will be willing to enter into a time agreement with 2 hours equally divided to debate and then to vote on my amendment tomorrow. I will not enter into a unanimous consent agreement to debate an amendment side-by-side which I have not seen and which has been 13 days in the making. I think my request is a reasonable one. I am trying to work with my colleagues here but, frankly, I do not feel as if it has been a two-way street. That is my unanimous consent request.

The PRESIDING OFFICER. The objection was heard.

Mr. KENNEDY. Could the Chair restate? Is it the request of the Senator that we consider the Cornyn amend-

ment? We are making available now the side-by-side. It is basically similar to the other one but in greater detail. Is it the request of the Senator that we go to his amendment now, we have a 2-hour debate on it, and that we vote on the side-by-side? Is that the Senator's request?

Mr. CORNYN. Mr. President, the Senator is correct with the exception that I agree we can have the vote tomorrow. If there is no objection to my unanimous consent, I am glad to accommodate Senator DEMINT or other Senators to allow them in the interim to call up other amendments. I would like to have a time locked in for a vote on my amendment—which would then have been pending for a full 2 weeks without a vote—tomorrow morning. I would like to see what the amendment looks like before we leave today.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, if I understand the request of the Senator, he wants to be able to have 2 hours on the Cornyn amendment to be voted on tomorrow morning. Hopefully we can debate this this evening. I am more than glad to make the side-by-side available. I certainly support the request.

If we can have it more precise, is it just sometime in the morning? Are we going to debate this this evening? I would like to try to get it so at least the leadership and Members know. This is a very important amendment. We want to make sure they are aware—what is the desire of the Senator? That we debate it this evening and we let the leaders set the time for the vote tomorrow but we spend at least 2 hours on the Cornyn amendment and the side-by-side and at some time designated by the leadership we vote on it tomorrow morning at an appropriate time?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think, in response to the inquiry, I would like to see the amendment before I begin the debate. What I propose is to see the amendment tonight and be prepared when we come into session tomorrow morning to begin that debate. The chances are we will be able to yield some time back, but I am proposing 2 hours, evenly divided, and then to schedule the vote sometime before noon tomorrow morning at a time agreed upon by the bill managers and the leadership.

Mr. KENNEDY. Mr. President, we are making that available. I strongly support it and urge it, as I understand the Senator isn't proposing that exactly at this moment but intends to do so, pending the examination of the amendment. I certainly support that process. We will wait. It is not being pro- pounded at this particular time, as I understand it, until he has a chance to look at it, but that would be the intention about the way to proceed. We will make available to him the side-by-side

and then hopefully have an opportunity to propose the consent agreement sometime in the very near future. We then would maybe proceed to consider the DeMint amendment, and we will in the meantime get ahold of the Finance Committee to deal with the Senator from Texas, to check with our side to see whether we have an intervening amendment. That is what I would hope. But I hope very much we are going to continue to do the business of the Senate this evening.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think we are making some progress. I accept the invitation of the Senator from Massachusetts. Let's talk and write this up. Then we can make sure we are all on the same page. The fundamental agreement would be a 2-hour time agreement to debate this tomorrow morning, with a vote no later than noon tomorrow at a time mutually agreed upon by the leadership and the bill managers. I think we can come to some agreement on that basis.

With that, based on that understanding, then, I will be glad to remove my objection. I withdraw my objection to proceeding with the DeMint amendment, and I withdraw my consent request for the time being.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I see the Senator on the floor. I was going to try to see if we could not get Senator DEMINT over to do that in a timely way. It is on health insurance. We will do it in a timely way. In the meantime, we are working with the Finance Committee to try to be able to deal with the Senator from Texas. I would like to try to do that. I was going to suggest the absence of a quorum. I will not do so.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1174

Mr. THUNE. Mr. President, I also have a germane amendment that I have been trying for some time to get called up and get pending. I ask unanimous consent that amendment No. 1174 be made pending. I am happy to set that aside or discuss it now. I would like at least to get it in the queue so at some point it could be voted upon.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, we have the Hutchison amendment. I have no intention to try to exclude the Senator. We are making a note at this particular time—we have been trying to cooperate. We have been trying to get an amendment up for the last hour or so. But there were others on our side who wanted to offer theirs, and at least our leaders wanted us to try to dispose of the underlying ones before we add one. I will reluctantly object to it, but I give personal assurances we will do everything we can to get it up in a timely way, but at this time I have to object to that consideration.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, the amendment I just tried to call up, amendment No. 1174, was objected to, and I hope at some point we can get agreement to allow it to be put into the pending status that will allow it to be voted on at some point. But since we are on the bill, I would like to speak to the amendment.

Amendment No. 1174 is a very straightforward and simple amendment. What it does is it removes a loophole in the underlying bill that allows noncriminal illegal immigrants to obtain immediate legal status before any of the border security measures set out in this bill are deployed and inserts language that prohibits probationary benefits from being issued to an illegal immigrant before the effective date triggers are implemented.

Despite what the proponents of the bill are saying, the immigration proposal before the Senate would give illegal immigrants immediate legal status upon enactment by providing legal immigrants with the opportunity to apply for a probationary Z visa or, as it is labeled in the bill, a "Probationary Authorization Document." Illegal immigrants can obtain immediate legal status because of a huge exception set out in the very first sentence of this very large bill. This exception makes the trigger requirements of beefed-up border security and internal security irrelevant, in my view. It is an exception that I believe swallows up the rule.

This exception completely undermines what is supposed to be a key principle of the bill, and that is that no legalization of the illegal immigrant population in this country can occur until the border security and workplace enforcement provisions in the bill are certified as funded, in place, and in operation.

My amendment simply does away with this section by striking it from the underlying bill and inserting language that prevents any probationary benefit from being issued before the "effective date triggers" are implemented.

Not only does this bill provide for immediate legal status for illegal immigrants before any of the border security measures in the bill are deployed, it also provides that illegal immigrants will be able to maintain legal status in this country even if the border security measures in this bill are never deployed.

The very first sentence of the bill says the probationary benefits con-

ferred by section 601(h) are exempt from the trigger requirements of 20,000 Border Patrol officers and 670 miles of vehicle barriers and fencing and other enforcement measures.

Section 601(h) says an illegal immigrant who files an application for a Z visa shall be granted probationary benefits in the form of employment authorization. The provision also says the illegal immigrant may not be detained, nor an unauthorized immigrant.

Once an illegal immigrant applies for the Z visa; provides evidence that they were in the country and employed before January 1, 2007; pays up to \$1,500 in processing fees and a \$500 State impact assistance fee, as well as a \$1,000 penalty, that individual will receive a probationary authorization document if he or she passes all appropriate background checks or the end of the next business day, whichever is sooner. That means the illegal immigrant will legally be in this country before any certification that 20,000 Border Patrol officers have been hired and 670 miles of vehicle barriers and fence have been constructed.

Interestingly, illegal immigrants would not even have to pay the entire initial \$1,000 penalty set out under this bill. They would have to immediately pay the \$1,500 for a processing fee and a \$500 State impact assistance fee, but these are merely fees, not penalties.

Another principle of this legislation is supposed to be that illegal immigrants are justly punished for breaking the law before obtaining legal status. The bill, in section 608, allows illegal immigrants to put 80 percent of the penalty on an installment plan, meaning that an illegal immigrant would only have to pay \$200 initially in penalties when they apply for a probationary Z visa.

So an illegal immigrant could pay a paltry \$200 penalty when they apply for a probationary Z visa and have immediate legal status conferred upon them by the next business day if nothing turns up in a background check. This does not amount to an adequate consequence for breaking our laws, nor does it put illegal immigrants at the back of the line. To make matters worse, no additional fence or other border security measures have to be deployed before this happens.

Mr. President, what makes matters even worse is that even if the triggers are never met, the probationary legal status never expires. As the bill states clearly on page 291, line 17, all of these things: The immediate legalization, the trigger mechanism being made pointless, and the never-ending probationary legal status occur because of this loophole in the very first sentence of the bill.

I would simply argue that loophole needs to be closed, and that is what my amendment would do. Those who have broken our laws to come here will be given immediate legal status, even before additional security fences are con-

structed or desperately needed Border Patrol officers are hired. This does not sit well with most of the people I represent in South Dakota from whom I am hearing every day on this issue. They are not happy with this bill as written.

My amendment represents an effort to ensure that the trigger requirements in the bill are met before any legalization occurs by eliminating the exception for "probationary benefits" and ensuring that no probationary benefit for illegal immigrants can be issued until the trigger mechanisms in this bill are implemented.

Mr. President, we are a nation of immigrants. We are a nation of laws. We should be rewarding those people who have followed our laws, who have played by the rules, and not putting those who have entered the country illegally in front of them. Before any effort is made to deal with the 12 million illegal immigrants in the country, we first must secure the border.

Despite claims to the contrary, the bill in its current form would give illegal immigrants immediate legal status before any further border security measure is deployed. My amendment would fix this flaw in the bill. I would hope, Mr. President—I would also add that Senator GRASSLEY from Iowa is a cosponsor of this amendment.

I hope we will have an opportunity at some point to debate this, to vote on it, because I think this is a fundamental flaw in the bill that needs to be corrected. It is a loophole which I think completely undermines the whole intention of this bill; that is, to make sure that certain conditions are met before the legalization process is allowed to move forward. This, as I said, is a very straightforward, simple amendment, one that I think is very understandable to people across this country. Certainly I think it makes sense to people I represent in the State of South Dakota.

I hope at some point those who are managing this bill will allow this amendment to be called up, to be made pending, and ultimately to be voted on.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 1197 TO AMENDMENT NO. 1150

Mr. DEMINT. Mr. President, I call up amendment No. 1197.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1197 to amendment No. 1150.

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

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

The amendment is as follows:

(Purpose: To require health care coverage for holders of Z nonimmigrant visas)

At the end of subsection (e) of section 601, add the following:

(9) HEALTH COVERAGE.—The alien shall establish that the alien will maintain a minimum level of health coverage through a qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

Mr. DEMINT. Mr. President, I rise today to highlight one of the most important domestic issues this country is facing, and that is rising health care costs. I think it is also important to point out that nearly 10 million non-citizens are uninsured according to the September 2006 U.S. Census report on the uninsured.

Since no hospital can legally deny a person health care because of their immigration status or inability to pay, my amendment would help prevent that cost from being shifted to the American taxpayers in the form of uncompensated care. Since about three-fourths of all uncompensated care costs are paid by taxpayers in the form of national and State programs, it is imperative the Senate pass my amendment that would require Z visa holders to maintain a minimum level of private health coverage.

Under this amendment, minimum health coverage would be defined as a high-deductible health care plan. It is my firm belief these visa holders should take some responsibility for their own health care and avoid burdening American taxpayers when they have medical problems.

By requiring Z visa holders to have a minimum level of private health insurance, it will help keep individuals off public assistance and out of the emergency rooms. According to the Economic Research Initiative of the Uninsured, immigrants as a group are nearly three times more likely to be uninsured than native-born U.S. citizens.

I am almost certain some of my colleagues will say it is not possible for these visa holders to afford a private health insurance plan. In fact, there are plenty of high-deductible policies available on the individual market that are affordable, with an average cost of about \$116 a month. Furthermore, these plans have seen only a 2.8-percent increase on an annual basis compared to 8 percent for all other types of health plans. This low rate of increase is another reason high-deductible health plans are affordable to those with lower incomes.

It is also important to point out that by having their own high-deductible health plans, visa holders will be able to keep their policy regardless of their employer. Many employers who want less expensive labor will likely help their employees pay for these high-deductible policies.

Mr. President, it is also important to point out that there is a precedent for this type of action. In 1993, the Department of State issued regulations requiring students entering the United States under exchange visas to have

health coverage. This amendment would only extend this policy to Z visa holders.

What is most troubling to me is that this legislation before us does almost nothing to stem the rising costs of uncompensated care. If we do not pass my amendment, the growing cost of uncompensated care currently at \$41 billion per year will only be exacerbated.

Supporters of this bill will point to the State Impact Assistant Grant Program that is established in the legislation. This grant program would be funded through fees paid by the immigrant, and it would be administered by the Federal Government to repay States for health and education expenses.

However, even the bill language suggests, through a sense of the Congress, that this will not be enough to solve the problem of illegal immigrants using our health care services at a cost to the American taxpayer.

Our country is spending \$2 trillion per year on health care. While my amendment does not address the entire problem, it does address the problem of noncitizens using our resources at a cost to the American taxpayer. In my opinion, there are many problems with this legislation. But I believe this amendment will at least improve upon this extremely flawed bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I can have the attention of the Senator from South Carolina.

His amendment will maintain a minimum level of health coverage through a qualified health plan in the meaning of 223(C) of the Internal Revenue Code. Is that right?

Mr. DEMINT. Right.

Mr. KENNEDY. That is the health savings accounts?

Mr. DEMINT. Generally, high-deductible plans are accompanied by the health savings account.

Mr. KENNEDY. So if they had other kinds of health coverage at all, they still would not be—unless they have this particular coverage, the high deductible, they would not be able to make—adjust their status.

Mr. DEMINT. This is the minimum level as established by the high-deductible policies. Certainly, more comprehensive plans would fit in the context of the amendment.

Mr. KENNEDY. Is the Senator aware now that the undocumented or aliens are not eligible for any of the Medicaid proposals at the present time?

Mr. DEMINT. For the first 5 years, that is correct. But that does not mean they cannot access any of our health clinics, emergency room services, and a lot of uncompensated care can be directed at the current group of illegal immigrants in our country.

Mr. KENNEDY. Why did the Senator select just this particular health coverage rather than being able to participate in HMOs or other kinds of programs?

Mr. DEMINT. Well, we are establishing a minimum level, which the minimum would be the high-deductible policies, often accompanied by health savings accounts. This does not prevent an immigrant from having a more comprehensive plan, an HMO. But the point of the amendment is not to mandate a comprehensive plan but to establish a minimum level of coverage, which is more affordable particularly to low-waged workers.

Mr. KENNEDY. What is the estimate that the Senator has for this coverage? What is the estimate that they would have to pay out for this coverage?

Mr. DEMINT. The average of high-deductible plans is \$116 a month. I will just say as an aside, I just bought a high-deductible plan for my 22-year-old daughter at \$65 a month. This, obviously, leaves some to be paid by the workers themselves. But it avoids the high-risk cost of a worker who may have complicated, very expensive problems, for that whole bill to land on a hospital, which often happens.

Mr. KENNEDY. If there are pre-existing conditions—how does this amendment affect preexisting conditions?

Mr. DEMINT. Well, we do not specify. It may be something we want to cover in an additional amendment. But many States, as you know, now have high-risk pools which are available to all workers in the State regardless of immigration status.

This certainly may not cover every possible problem. But if we are going to issue Z visas, I think the point is that they become an asset to our economic environment in this country, and certainly if they are uninsurable that may suggest that they are not a viable worker as well.

Mr. KENNEDY. Well, we have 47 million Americans who don't have coverage at the present time. But you want to insist that anyone, these undocumented are going to be mandated individual coverage in order to be able to adjust their status?

Mr. DEMINT. Obviously, the uninsured are a problem, and many of us are working on ways to solve that. It is one thing to ask American taxpayers to help take care of their fellow citizens. It is another thing to ask Americans to help assist those from all over the world. Certainly, our hearts go out to anyone with health problems, but we cannot ask the American taxpayer to subsidize low-wage workers for employers who are using them in this country.

Mr. KENNEDY. Of course, CBO studies which have been released in the last few days show that immigrant workers contribute much more in terms of taxes than they use in terms of services by about \$24 billion over the estimate of the length of this plan.

Mr. DEMINT. There is obviously a lot of research that refutes that. The Heritage Foundation has come out with quite an extensive study that suggests the low-wage workers, undereducated

immigrants in this country today, cost an average of \$19,000 a year more in taxes than they pay. This group, as a whole, over the next three decades will cost \$2.4 trillion to the American taxpayer. So there is a lot of research that suggests that undereducated, low-skilled workers are going to be a net loss to the American taxpayer.

Mr. KENNEDY. I have heard studies quoted. Generally, around here we use Congressional Budget Office figures for actions in the State. They reach a rather dramatically different conclusion than the studies the Senator has mentioned.

Mr. DEMINT. Certainly, the Senator will agree it should not be the obligation of the American taxpayer to subsidize low-wage workers for employers. Frankly, I believe if we ask these immigrants to pay their fair share, employers are more likely to hire American workers in the first place rather than lower wage workers who are actually being subsidized by the taxpayer. This health plan is one idea to ask these immigrants and their employers to carry the fair load and not to dump the cost of health care on other workers in this country.

Mr. KENNEDY. Of course, the workers themselves have to contribute \$550 as part of their cost anyway, their contribution to the State. In terms of consideration of covering any of the costs, that was sort of put into the legislation itself, in terms of the additional fees and additional fines as well, that addition to help offset any of the expenses that would be carried in the State itself.

Mr. DEMINT. I think the Senator obviously knows—and the bill language suggests—this is a small token of what the real costs are, not only for health care but education, daycare, and other services that are often used by these immigrants. Again, to ask these immigrants or their employers if they would like to assist in paying \$100 or a little more a month to keep them from becoming a burden to the taxpayers is a small thing to ask for someone who is taking advantage of the opportunities in this country.

Mr. KENNEDY. It is important to get health care and health care coverage for all who do not have it. The real issue is the best way to pursue that. That is something we have to take a look at.

I see the Senator from West Virginia is here and wishes to address the Senate on an important matter about our friend and colleague from Wyoming.

I yield the floor and thank the Senator.

Mr. DEMINT. I thank the Senator.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from West Virginia.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1267, AS MODIFIED, TO
AMENDMENT NO. 1150

Mr. BINGAMAN. Mr. President, I call up amendment No. 1267 and note that I have a modification of that amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. OBAMA, proposes an amendment numbered 1267, as modified, to amendment No. 1150.

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

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

The amendment, as modified, is as follows:

Section 218A(i) of the Immigration and Nationality Act, as added by section 402, is amended to read as follows:

“(i) PERIOD OF AUTHORIZED ADMISSION.—

“(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

“(A) Y-1 NONIMMIGRANTS.—An alien granted admission as a Y-1 nonimmigrant shall be granted an authorized period of admission of 2 years. Such 2-year period of admission may be extended for 2 additional 2-year periods.

“(B) Y-2 NONIMMIGRANTS.—Aliens granted admission as Y-2 nonimmigrants shall be granted an authorized period of admission of 10 months.

“(2) Y-1 NONIMMIGRANTS WITH Y-3 DEPENDENTS.—A Y-1 nonimmigrant who has accompanying or following-to-join derivative family members in Y-3 nonimmigrant status shall be limited to two 2-year periods of admission. If the family members accompany the Y-1 nonimmigrant during the alien's first period of admission the family members may not accompany or join the Y-1 nonimmigrant during the alien's second period of admission. If the Y-1 nonimmigrant's family members accompany or follow to join the Y-1 nonimmigrant during the alien's second period of admission, but not his first period of admission, then the Y-1 nonimmigrant shall not be granted any additional periods of admission in Y nonimmigrant status. The period of authorized admission of a Y-3 nonimmigrant shall expire on the same date as the period of authorized admission of the principal Y-1 nonimmigrant worker.

“(3) SUPPLEMENTARY PERIODS.—Each period of authorized admission described in paragraph (1) shall be supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and, except where such period of authorized admission has been terminated under subsection (j), a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed the maximum applicable period of admission under paragraph (1).

“(4) LIMITATION ON ADMISSION.—

“(A) Y-2 NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-2 nonimmigrant status may not, after expi-

ration of the alien's period of authorized admission, be readmitted to the United States as a Y-2 nonimmigrant after expiration of the alien's period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only a part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding 2 months.

“(B) READMISSION WITH NEW EMPLOYMENT.—Nothing in this paragraph shall be construed to prevent a Y nonimmigrant, whose period of authorized admission has not yet expired or been terminated under subsection (j), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the Y nonimmigrant's most recent employer, from re-entering the United States as a Y nonimmigrant to work for a new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 218B.

“(5) INTERNATIONAL COMMUTERS.—An alien who maintains actual residence and a place of abode outside the United States and commutes, on days the alien is working, into the United States to work as a Y-1 nonimmigrant, shall be granted an authorized period of admission of 3 years. The limitations described in paragraph (3) shall not apply to commuters described in this paragraph.”

Mr. BINGAMAN. Mr. President, I wish to briefly describe what this amendment does. I understand there is not a plan to have a vote on this amendment this evening, but I wish to explain briefly what this amendment does.

There are three programs in the underlying bill that are related to so-called temporary workers. One of them is the new guest worker program. That is the program we amended the provision of 2 weeks ago when we reduced the number of people eligible to come into the country under that program each year from a number of 400,000 to 600,000 down to 200,000.

This current amendment, amendment No. 1267, I have called up again deals with that same guest worker program. It tries to make the program more workable. The underlying bill says if a person comes into this country under that program, that person is eligible to get a visa for 2 years to work here, then is required to leave for 1 year, then is eligible to come back again for another 2 years, then is required to leave for another year, then is eligible to come back again for another 2 years, and then is required to leave permanently. So it is what I have come to refer to as the 2-1-2-1-2 structure of this guest worker program.

Frankly, it does not make a lot of sense. It does not make a lot of sense from the point of view of employers or employees—guest worker employees—or American workers who might also want to apply for those jobs or similar jobs.

Let me explain what I have in mind.

As regards an employer, if someone came into my office in the Senate and said: I have a great proposal for you. I would like to work for you for 2 years and then I am going to take off for a year, and then I will come back again

and want my job back for another 2 years, and then I am going to take off for another year, and then I am going to come back and want my job back for another 2 years, I would not hire such a person. It would not make any sense. You need continuity in your workforce. You do not want people coming and leaving for substantial periods of time. So from an employer's perspective, this makes absolutely no sense.

From the employee's perspective, if you are one of the guest workers, what are you supposed to do during the year you are not permitted to stay in this country? You are supposed to go back to your home country. Why would we believe that person would be able to support themselves and their family during that year when they are not working here? They have to find a job there. When they leave there, obviously, that employer's employment situation is disrupted. So that does not make sense from the point of view of those guest workers.

It does not make sense from the point of view of American workers who might want these jobs. These are generally thought of as construction jobs. These are not agricultural jobs we are talking about, and they are not seasonal jobs. They are permanent jobs. It is just that by the provisions of this bill, we are suggesting let's take a permanent job and try to make it temporary by kicking people out of the country every 2 years. So that is the only thing temporary about these jobs.

This does not make sense from the point of view of American workers either. American workers who want to work in these construction positions will find there is a constant flow of entry-level workers coming back into this country every year saying: OK, I know I was here before. Now I am back again. I am starting at the bottom of the ladder again. Pay me the entry-level wage, and I will take any job you have.

So the upward pressure on wages in that construction industry is eliminated. There is no upward pressure. You have this very large group of entry-level workers coming back every year. This does not make good sense.

My amendment simply says, let's do what we did last year. We passed a bill last year. We had good bipartisan support for it. Basically, the bill, last year, said: Let's do one 3-year visa, and let it be renewed for a year. What I am proposing in my amendment is, let's do a 2-year visa. Let it be renewed twice. Then the 6 years is up.

So we are not changing a lot of other aspects of the bill. I know there are some in this Senate who think we should change other aspects. In fact, I think we should as well. But I am not trying to do that in this amendment. I am saying let's at least eliminate this 1-year hiatus that is built in between each of these 2-year visas we are providing for in this guest worker program.

To me, this is eminently sensible. It is something we ought to do. Governor

Napolitano wrote an op-ed piece in the New York Times on June 1 of this year, and she said the following:

The proposed notion that temporary workers stay here for two years, return home for a year, then repeat that strange cycle two more times makes no sense. No employer can afford this schedule—hiring and training, only to have a worker who soon will leave. It will only encourage employers and workers to find new ways to break the rules.

What we are doing is setting up a system that will encourage workers to overstay their visas. Much of the illegal immigration problem we have in this country today is not because people have sneaked across the border—although there are many of those—it is because people have come here legally and overstayed their visas, and they are now illegally living in this country.

If you ever wanted to have a system that would generate more people coming here and illegally overstaying their visas, we have designed it in this bill. So my amendment tries to correct that to some extent. It says once they come here and go to work, they are given a 2-year visa. They can renew that two times and work the full 6 years. So it maintains the 6-year limit that the sponsors, the architects of this legislation, have intended, but it makes a lot more sense in the way it works.

Let me mention one other aspect which I think is crucial; that is, we need a system that is workable. We do not have the capacity today—we, the Federal Government—to keep track of people who leave the country. We can keep track of the ones who come in, but if you ask the Immigration Service how many of those who come in are still here, they do not know. We do not have the capacity today to track the people who leave.

So we are setting up a system where we have 200,000 a year coming in. Two years later that 200,000 is supposed to leave. The next year 200,000 more people come. Two years later that group is supposed to leave. We have no way of implementing this system and ensuring it is being complied with. So the whole thing is assuming a capacity and a capability that the Federal Government does not have today.

It would be much simplified if we were to adopt the amendment I have offered. I hope my colleagues will support the amendment. It would improve this bill significantly.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, to give some information to the Members, as I understand, Senator HUTCHISON and the members of the Finance Committee are meeting. As a point of infor-

mation, the Senator from Texas, Mrs. HUTCHISON, and staff are meeting with the Finance Committee staff to consider those particular proposals. We have given the assurance to her that the Senate will address those issues at some time, but since it was just dealing with Social Security, although there are provisions in here that deal with Social Security, it is entirely appropriate that we ought to have the Finance Committee work on that.

The Senator from New Mexico has offered an alternative on the temporary worker program that is a serious amendment, and we could, if we are—we will have to find out what the pathway is between voting on one side and voting on the other, to be able to consider that, but that is an important alternative to what is the underlying legislation. I know there is going to be some response to that from Members very shortly.

On the amendment of Senator DEMINT, he had indicated he was going to come to the floor to offer it. We were hopeful we might be able to consider that and have a vote on that later on as well.

At the present time, we are trying to work to see if we cannot find a situation where we can get two votes, one from the Democratic side and one from the Republican side, on measures that have been included on that list that have been talked about earlier, and the Members of the staffs on the Republican and Democratic side are working to see if we can't refine the list of different amendments to see what might be acceptable and then what might be germane and see if we can't refine this list. So that, I know for people outside the Senate, doesn't sound like much of an explanation about what is going on, but it is important and often produces additional motions here in the Senate. So we will have more information on this.

A very brief word on the DeMint amendment. His amendment requires a high deductible health insurance for each undocumented; otherwise, they would not be able to proceed with their earned legalization program which includes payments of the fines, demonstration of the work product, the investigations that show they have not had challenges in terms of the law, and the series of requirements that are out there. He would add to this the additional expenditures which would be necessary for coverage with a high deductible health insurance.

There are several points to mention here. First of all, in the underlying legislation, we have included a payment, some \$500, that will be paid by each of the 12.5 million immigrants who are out there, many of whom will adjust their status. If they pay that \$500, that is in excess of \$1 billion—\$1 billion that will be paid to those high-impact States, which is not insignificant, to help offset any of the kinds of utilization of these individuals in terms of the services within these various States. That is not insignificant.

Secondly, all of us are hopeful of trying to get universal coverage for people in this country, but we know we have 47 million who don't, and the ones who don't, it isn't that they don't want to have health insurance, it is because they cannot afford it. When you look at these individuals whom we are talking about, the undocumented and their income, we are talking about individuals who are earning \$8,000, \$9,000, \$10,000 a year. If they have the adjustment of the status, they are going to be part of the whole kind of American system, hopefully, and meeting the other kinds of requirements, and therefore their enhanced opportunities are going to be there so they will be able to afford health care in the future. But making the requirement now will only state to those individuals to keep them in the shadows. It is one more barrier that is going to prohibit them from being involved.

A final point—and I ask unanimous consent to have this material printed in the record—the utilization of these health care facilities as we have seen in the most recent study, particularly in the State of Texas, which shows that, by and large, these are individuals who are younger, have used these health emergency centers very rarely. We have the studies that have been done, particularly the most recent one in Texas.

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

SPECIAL REPORT, DECEMBER 2006

UNDOCUMENTED IMMIGRANTS IN TEXAS: A FINANCIAL ANALYSIS OF THE IMPACT TO THE STATE BUDGET AND ECONOMY

* * * to develop an estimate of the fiscal impacts to 14 Texas border counties. In addition to sheriff's offices, they calculated costs to the following offices for each county:

District Attorney
District Court
District Clerk
County Attorney
Court at Law
Justice of the Peace
Indigent Defense
Adult Probation
Juvenile Services

They also included an estimated emergency medical care cost, but their estimate included costs for both offenders and non-offenders who are undocumented immigrants. The Comptroller's report includes a separate calculation estimating Texas health care costs for undocumented immigrants, so these costs were subtracted from the U.S./MBCC estimate.

The U.S./MBCC estimated that the cost to these 14 border counties was approximately \$21.5 million. Of that amount, sheriff's offices accounted for approximately 60 percent of expenditures for undocumented immigrants. Applying this ratio to the figure calculated for sheriff's office costs produces an estimate of \$81.7 million for costs related for processing and incarcerating undocumented immigrant offenders for the 15 highest SCAAP grant recipients. These 15 counties received 88 percent of the 2005 SCAAP money awarded to Texas counties; \$81.7 million divided by 0.88 produces an estimated total cost of \$92.9 million.

This figure represents a conservative estimate, as the SCAAP grantees represent 95 of

Texas' 254 counties and 87 percent of the state's population. Some of the remaining counties also may incur criminal justice costs related to the processing and incarceration of undocumented offenders. For example, five of the 14 border counties included in the U.S./MBCC study did not submit SCAAP applications in 2005.

Total estimated costs for education, health care and incarceration are detailed in Exhibit 13.

VI. ECONOMIC BENEFITS

This section analyzes two issues: the economic impact of undocumented immigrants in Texas, including their contributions to state employment, wages and revenues over a 20-year period (2005 through 2025); and the contributions of undocumented immigrants on Texas government revenues.

ECONOMIC IMPACT

The Pew Hispanic Center estimates that between 1.4 million and 1.6 million undocumented immigrants resided in Texas in March 2005. To achieve a conservative estimate, this analysis relies on the lower boundary of this range.

Using 2000 Census data for the number of foreign-born residents in Texas counties, it is possible to estimate how many undocumented immigrants reside in each of Texas' 24 Council of Government regions, based on the assumption that immigrants are distributed in the same proportion as the foreign-born. Based on an age profile of foreign-born immigrants into the U.S. from Mexico, it is possible to further disaggregate the estimates into age and gender groups.

These data then can be put into the Comptroller's Regional Economic Model, Inc. (REMI) model to investigate the impact of undocumented immigrants on the Texas economy. This is accomplished by instructing REMI to act as if these immigrants were to suddenly vanish from Texas and then to examine the degree to which the underlying economic forecast for the state and for each region would be affected. The implicit assumption is 1.4 million undocumented immigrants have employment and spending patterns consistent with Hispanics in Texas with similar age and gender profiles.

To gauge the economic impact of undocumented immigrants, one additional change must be made in the REMI model. Because REMI is a general equilibrium model, it tries to compensate for changes in a variety of ways. In the case of workers eliminated from a region, the model assumes new workers will be recruited to make up for their loss.

While this is an expected "real-world" result, a true test of the effects of unauthorized immigrants would be seen only if the REMI model were prevented from importing additional workers into the state in compensation.

The model eliminates the impact of all undocumented immigrants on the Texas economy. Some in-migration was allowed, but drawing in new Hispanic in-migrants in numbers disproportionate to their share of the indigenous population in the U.S. was prohibited. Effectively, this shut off return immigration from Mexico and other Latin-American countries.

Model Results

Probably the easiest way to summarize the contribution of undocumented immigrants to the Texas economy is to consider the percentage changes that might occur in various economic indicators as a result of their removal. (As a yardstick, it should be noted that 1.4 million people account for slightly more than 6 percent of the total Texas population.)

Exhibit 14 and 15 summarize the changes in key economic indicators, and summarize the

economic impact. Without the undocumented immigrant population, Texas' work force would decrease by 6.3 percent. This decline is actually somewhat lower than the percentage of the work force actually accounted for by undocumented immigrants, since REMI assumes some additional immigration would occur to replace the workers lost. The most significant economic impact of losing undocumented workers would be a noticeable tightening in labor markets.

This tightening would induce increases in wages, as indicated by a rise in average annual compensation rate. Wage rates would rise by 0.6 percent in the first year and stay above the forecast rate throughout the entire 20-year period.

While pay increases can be viewed as a positive social and economic development, when they rise due to labor shortages they affect economic competitiveness. In this case, it would be expressed as a modest decline in the value of Texas' exports.

The remaining broad economic measures all point to an initial impact of undocumented immigrants of about 2.5 percent in terms of the value of production and wages in the Texas economy. Eliminating 1.4 million immigrants would have resulted in a 2.3 percent decline in employment, a 2.6 percent decline in personal income and a 2.8 percent decline in disposable personal income in 2005. This change also would generate a 2.1 percent decline in the gross state product (GSP), the broadest measure of the value of all goods and services produced in Texas.

While none of these changes are surprising, the one finding that may appear unusual is the persistence of the decline. If no in-migration were possible other than from natives or authorized immigrants, employment would remain 2 percent below the baseline forecast 20 years later. The impact lessens over time, but remains sizable throughout the 20-year forecast period.

The primary adjustment the model makes to compensate for the loss of these undocumented migrants is initially a rise in the wage rate, which would induce some new immigration into Texas and some additional participation in the labor force from current residents. Moreover, with wages rising relative to capital, there would be some substitution of capital for employees so the need for additional workers is lessened through productivity increases. But the fact that the Texas economy cannot adjust completely to the loss of this labor through these changes and retain its competitiveness ultimately means that relative to the rest of the world the cost of production in Texas is higher, making our goods less competitive in the international marketplace and decreasing the size of the Texas economy.

Regional Distribution

Assuming that the current distribution of unauthorized immigrants is similar to the distribution of the foreign-born population in Texas from Central America and Mexico, as detailed in the 2000 Census, the economic impact of unauthorized immigrants varies substantially across Texas. As detailed in Exhibit 16, the loss of 1.4 million undocumented immigrants from the work force would produce work force declines ranging from 22.7 percent in the South Texas COG region (the Brownsville-McAllen area) to 1.7 percent in Southeast Texas (the Beaumont-Port Arthur area).

Generally, undocumented immigrants have the highest economic and demographic impact in the Border region, but they are a factor in the state's more urbanized areas as well. In all but one case (the Middle Rio Grande COG), Border COGs would see work force declines in excess of 20 percent (the Rio Grande, Lower Rio Grande and South Texas

COGs). Even in the Middle Rio Grande COG (including Laredo), the work force impact of undocumented immigration is more than double that in the Houston-Galveston COG.

Other measures of economic impact are distributed similarly. Estimated population, employment and GSP declines would be highest along the border but also high in large metropolitan areas elsewhere in the state. The least affected regions in Texas would be those along the Louisiana and Oklahoma borders.

By 2025, a good portion of the work force and population changes would lessen, but in all regions the employment and gross regional product declines would remain sizable, indicating that the economic impact of undocumented immigrants is unlikely to be replaced by other economic changes (Exhibit 16).

Revenues

Estimating state government revenue attributable to undocumented immigrants is a difficult undertaking because any calculations must be based both on limited data and a number of significant assumptions about spending behavior. A review of the literature found several studies on undocumented immigrant impacts, but none that could be used as a model for Texas. Primarily, these studies focused on the impact of all immigrants, regardless of legal status, and the analyses focused on federal or state income tax revenue. Since Texas has no income tax, any estimate of state tax revenue must be based on its mix of consumption and business taxes.

Texas state government receives revenue from a wide variety of sources, but these generally can be grouped as tax collections, federal funding, licenses and fees and all other sources of revenue. In fiscal 2005, \$29.8 billion of the state's total revenues of \$65.8 billion came from tax collections. Federal revenue contributed \$22.8 billion and licenses, fees, fines and penalties accounted for almost \$6.2 billion. Other sources, such as interest income and lottery proceeds, generated the rest.

For the purposes of this analysis, major tax sources were analyzed to determine if a significant portion of collections could be attributed to consumer spending. Similarly, some major sources of revenue from fees and fines were identified as appropriate to the analysis. Sources of revenue excluded from the analysis include federal revenue and all other sources that could not be attributed directly to consumer behavior. While the state generates revenue from literally hundreds of taxes and fees, this estimate is based solely on revenue sources reflecting spending by undocumented immigrants.

State revenues included in the analysis, can be grouped in five categories: consumption taxes and fees, lottery proceeds, utility taxes, court fees and all other revenue. In addition, local school property tax revenue is estimated. Consumption tax revenue totals are composed primarily of revenue from the sales tax, motor vehicle sales and use tax, gasoline tax, alcoholic beverage taxes, cigarette and tobacco taxes and the hotel tax.

Estimated revenue for each tax is calculated based on information from two sources. The Pew Hispanic Center produces data on average income and demographic characteristics of undocumented immigrants nationwide (again, no detailed demographic data are available at the state level). The estimate of annual average family income used in this analysis is \$27,400. In addition, data from the Comptroller's tax incidence model shows the tax impact for households at the estimated average income level.

State utility tax revenue mostly comprises the gas, electric, and water utility tax and

this estimate uses the same basic data on average income along with the final incidence impact for this tax. Similarly, local school property tax revenue is based on the same data and the incidence specific to the school property tax.

Estimated lottery revenue is based on a Lottery Commission study of the percent of the population that plays lottery games and the average amount spent by each income level. Court costs and fees were calculated on a per capita basis since they are largely unrelated to income.

"All other revenue" consists of a number of smaller consumer taxes and fees that may well include some amounts paid by undocumented immigrants, but for which no data exist to base an estimate. The largest of these sources is higher education tuition; other sources include state park fees and the fireworks tax. This estimate assumes that undocumented immigrants contribute to the state through these revenues at the same rate as for the major consumption taxes and fees except for higher education tuition and fees. These contributions were calculated in proportion to higher education student enrollment.

As shown in Exhibit 17, estimated fiscal 2005 revenue to the state from undocumented immigrants in Texas is about \$1.0 billion, or about 3.6 percent of the \$28 billion in state revenue considered in this analysis. In addition, an estimated \$582.1 million in school property tax revenue can be attributed to undocumented immigrants, or about 2.9 percent of the statewide total. Undocumented immigrants, thus, contributed nearly \$1.6 billion in estimated revenue as taxpayers in fiscal 2005.

VII. CONCLUSION

The immigration debate has become more heated in 2006. Congressional hearings were held across the U.S. to discuss the impact of undocumented immigrants on the economy and the culture. At the same time, two distinctly different pieces of legislation were voted out of the U.S. House and Senate.

The Comptroller's office estimates the absence of the estimated 1.4 million undocumented immigrants in Texas in fiscal 2005 would have been a loss to our Gross State Product of \$17.7 billion. Also, the Comptroller's office estimates that state revenues collected from undocumented immigrants exceed what the state spent on services, with the difference being \$424.7 million (Exhibit 18).

The largest cost factor was education, followed by incarceration and healthcare. Consumption taxes and fees, the largest of which is the sales tax, were the largest revenue generators from undocumented immigrants.

While not the focus of this report, some local costs and revenues were estimated. State-paid health care costs are a small percentage of total health care spending for undocumented immigrants. The Comptroller estimates cost to hospitals not reimbursed by state funds totaled \$1.3 billion in 2004. Similarly, 2005 local costs for incarceration are estimated to be \$141.9 million. The Comptroller estimates that undocumented immigrants paid more than \$513 million in fiscal 2005 in local taxes, including city, county and special district sales and property taxes. While state revenues exceed state expenditures for undocumented immigrants, local governments and hospitals experience the opposite, with the estimated difference being \$928.9 million for 2005.

Mr. KENNEDY. So at the appropriate time, I hope the DeMint amendment would not be accepted. We might have more time to consider it, if the Senator wants to, when we have more of our

colleagues here later, prior to the disposal of it. I was sort of hoping we could see a continued movement on several of these amendments, but we are being told now we have to have this clearance from the leadership on some of these measures, but we are hopeful we will announce to our colleagues very shortly what the plan is for the rest of the evening.

We are prepared to stay here, remain here and go through to dispose of these amendments. We have made important progress in the past. We have some important amendments which are pending. I think Senator SPECTER and I and the others who are interested in this—I see my good friend from Colorado, Senator SALAZAR, and others who are more than willing to have a good discussion about these amendments, and we would welcome the opportunity to have the Senate express itself with votes. That is certainly our desire. We wish to see continued progress on this extremely important legislation.

As one of those with others who has been a part of this process, we want to try. We know it is complicated and difficult. We know there are strong emotions. But I think all of us, after the period of this Memorial Day recess, understand full well the American people are expecting us to take action. They know that failure is not an alternative. They know it is complex. They know there are great emotions. There are a good many who know nothing out there—people who distort, misrepresent, misstate the legislation, and then differ with it, and that has certainly been done with regard to this legislation. We have, at least to date, had good debates and discussions on substantive matters, and the Senate has reached conclusions on a number of these matters. It is certainly our desire to continue that process to work with our colleagues on both sides of the aisle to continue.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to commend those who have worked on the immigration bill. I know their hearts are in the right place and they have attempted to come together to solve a very critical issue for our country and they are to be commended for their efforts.

I understand that if we call up an amendment, it will be objected to, and I think that is unfortunate. As the country sees, if we are going to have an immigration bill, then we need to have a real, full debate on all aspects of that bill and each Senator should have opportunities to offer amendments.

I think the bill has a lot of good in it. I think a lot of positive things have come through. However, there are two or three critical errors I believe that are incorporated in the bill. Quite frankly, one of them is the bill's plan, in terms of guest workers and managing the load of the Z visa holders. There is not the capability out there right now to do that.

I have an amendment which creates a real trigger, and that is what everybody in this country wants.

The reason there is a stir in the country about immigration today comes from the very fact that we have had laws on the books that we haven't enforced. When you have a free society and you have laws on the books that are not enforced, you get all sorts of untoward expectations that come about out of that. The No. 1 expectation that has come out of that is the American people don't trust us when it comes to immigration. I believe we have to earn back that trust. The way we earn back that trust is to secure the border. The way we earn back that trust is to enforce employer verification. The way we earn back that trust is internal enforcement.

The goals, as I said, of those who have worked hard in putting this bill together are admirable. However, the trigger is anything of a trigger, and it is something that would not accomplish its purpose.

I ask unanimous consent at this time that the pending amendment be set aside and amendment No. 1311 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I was in consultation. Could the Senator restate his request? I apologize to him.

Mr. COBURN. Amendment No. 1311.

Mr. KENNEDY. The Senator chooses to call up his amendment.

Mr. President, reserving the right to object, what we were attempting to do is, as we have been moving from one side to the other, Republican and Democrat, to have the introduction of amendments on both sides. That is what we would like to do. We have had a flurry right now of amendments. I hope we get an opportunity—I think, quite frankly, there are more amendments on that side than on this side, as a factual matter.

What they have tried to do is match amendment for amendment on both sides. That has been what they have tried to do through the day today. Whether that will be the way it will be in the future, I don't know. As I mentioned, there are more amendments on that side. So, obviously, we are going to have to deal with more. At the present time, they are trying to match one side with the other side in terms of amendments. So I hope that if we have amendments on this side, the Democrats would notify us so we can match them up and propose them together.

I necessarily have to object at the present time. I hope we will not have to object when we get our final list. To try to maintain at least that balance, which was at least the way we were attempting to proceed, I have to do it at the present time. I will do everything in my power to make sure that, having done so, his amendment will certainly be considered in a timely way so it doesn't work to his disadvantage.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma is recognized.

Mr. COBURN. I trust the Senator's integrity. But it is unfortunate for the American people, and also for the Senate, that we use a ruse that we have to have offsetting amendments be heard, when the fact is we are going to bring this amendment up, and we are not going to debate it tonight. The fact is it is going to be objected to being called up and being in the queue.

That overshadows the fact that I know the Senator would like to have a full and fair debate on this bill, but it seems we cannot get together to allow that. I will come back multiple times tomorrow to offer this same amendment and try to get it up. It is unfortunate that the body has to work this way tonight because we don't want to truly, in fact, allow all of the amendments on this bill.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

NATIONAL HUNGER AWARENESS DAY

Mrs. LINCOLN. Mr. President, I rise today to bring to my colleagues' attention and remind them that today, June 5, 2007, is National Hunger Awareness Day. As a founder of the Senate hunger caucus and an original cosponsor of the legislation, I express my heartfelt belief that this cause deserves our full attention.

We all move very fast in this world on Capitol Hill. We sometimes forget that outside the beltway bubble there are a lot of hard-working families, as well as other families that may not be quite so blessed, in terms of their everyday needs being met.

The resolution that established National Hunger Awareness Day allows for food collection. That is one thing we are doing on Capitol Hill today. We are doing a food collection for the needy, where Members and their staffs can bring food to my office, as well as the offices of the other hunger caucus cochairs, Senator SMITH, Senator DOLE, as well as Senator DURBIN. I appreciate the willingness of my colleagues to participate in such a very important effort.

Our collection drive has been going on for several weeks, and we will soon be providing the food donations to the U.S. Veterans, a charity based in Washington, DC, that assists homeless veterans with food and housing during their recovery. Certainly, as we recognize the diversity in the homeless community and those who suffer from food insecurity, as well as poverty, we must not forget, particularly in this time, the number of veterans in our great Nation, those who served our country so bravely and courageously in a time of need, and what a perfect time right now is to be able to recognize that on National Hunger Awareness Day.

I have worked with my Senate colleagues to draw attention to this issue because hunger and poverty are not

just global issues; they are so pervasive that we all have some experience with them in our local communities, whether it is work we may do with our own houses of worship or whether it is something we do with our community-based organizations or community support activities. But we all can find a way where we recognize how pervasive poverty, and particularly hunger, is in this world.

Worldwide, 3 billion people—nearly half the world's population—live on merely \$2 per day. In our Nation alone, almost 38 million Americans struggle day in and day out to find adequate nutritional food. More than 13 million are children living in households that are food insecure.

That brings it home to me from several different directions: As a daughter raised in a seventh generation Arkansas farm family, watching my dad take an incredible sense of pride in being able to produce crops he knew would feed his fellow man, taking pride in being efficient and effective with what he produced, and knowing what he could do would help sustain his fellow man. To look out on the crops and those farmlands I grew up on, and to think that 13 million children are living in households that are food insecure, with all of the plenty and the bountiful life we have in this great country, breaks my heart. Then I think of myself as a mother of twin boys who are about to turn 11 years old, and I look up and think to myself how grateful I am to be able to know they will get a nutritious meal; to see them when they come home from soccer practice and look up at me and say, "Mom, I'm starving," and how blessed I am to be able to go to a cupboard and provide a nutritious snack to them; yet to think about other mothers across this globe who are not so fortunate, who have to look into the eyes of their own children and say there is nothing here for you, nothing to eat, nothing to nourish your body or your mind or your soul in the form of food.

We can do better than that. I feel blessed I have never had to experience what it is to suffer from hunger. But I have tried to put myself in the shoes of those mothers who look into the eyes of their children and have to give them that answer.

Now, in conjunction with National Hunger Awareness Day, I have also recently elected to accept the food stamps challenge and live on an average food stamp program payment of \$1 per meal. I went to the grocery store the other day, and I went down those aisles looking at what I could find that was economical and nutritious that I could prepare and would have the time to prepare, not just for myself, which I am the only one in my household doing the challenge, but nonetheless, to think of the time that working parents would have to spend to figure out how to put together a nutritious meal for them and for their children on \$1 per person per meal. It is my hope that my

participation in this event will not only create awareness in myself but also for others in highlighting the difficulties that millions of Americans living at or near the poverty line face each and every day. In addition, I hope to increase my understanding of the limitations of the Food Stamp Program and the importance it plays in assisting the food insecure and the hungry by experiencing what it is like to live it firsthand, to be looking for those foods and what you can afford on \$1 per meal.

We had a woman—a very courageous woman—who came and testified before the Senate Agriculture Committee on the Food Stamp Program. She brought with her her son who is 11 years old, similar to my boys, who sat there. She said: You know, I don't make it a habit of discussing financial issues in front of my young son, but this is so important to me, to point out that I work hard at a full-time job, and I still do not make enough money to provide for my family. I still am able to accept food stamps. She said: But look at what I have to do to manage that.

Then I looked at her testimony and realized that not only was she caring for her own son, she was volunteering with the PTA, the Cub Scouts, and the local library. She was helping her community also, helping raise all those children. Yet she was still subjected to living in food insecurity.

We can do better than that. As a Member of the Senate Agriculture Committee, I wish to ensure that we do improve the delivery and maintain the integrity of nutrition programs when we consider the farm bill later this year. I wish to also make sure we maintain the integrity of our ability in this great Nation to produce a safe and abundant and affordable food supply. We pay less per capita than other countries across the globe. Yet we still see that working families are living in food insecurity. Over 60 percent of the farm bill budget pays for important initiatives that directly provide food and nutrition assistance, such as the Food Stamp Program, the fresh fruits and vegetables program for schools; and we are finding now that oftentimes for those children that may be the only access they have to fresh fruits and vegetables; a farmer's market program for low-income seniors, among others, that we are striving so hard to not only eliminate food insecurity but to make sure we are working hard to provide for all Americans, for the needs that exist.

We must continue to fund these important programs, and we must look for new and innovative ways to ensure that Americans do not go hungry. I know that when I worked downtown, there was a man regularly at the front door of the office building I would go into. He would sit there, usually with a cigarette and a bottle and, you know, I felt so driven, both by my faith and simply my human nature, and I knew that in my life on this Earth, I should never, ever want to see another human

being going hungry. That is when I decided to start giving out food coupons—not giving out dollars but making sure my fellow man—doing all that I could do, so he and others would not go hungry if I were there.

In the coming weeks and months, I encourage my colleagues to become more aware, more educated, and more informed about the effect of hunger and poverty and to find out what impact you can have in your State and in your community. I encourage all Americans to do that. Think about the difference it makes—those 13 million children living in food insecurity—how much better they could perform in school if they weren't hungry; how less likely they would be to get sick if they were getting nutrition; how much more confident they would be in who they were and who they could become if they knew that their country was there to nurture them in the most basic and essential need: food.

There is no quick solution to this problem. Government alone cannot provide all the answers. We know that. As we look across these strong communities in our country and we see food banks sponsored by our faith-based organizations and the outreach of volunteers that provide Meals on Wheels and all kinds of other programs, we know that Government cannot do it all. But we also know that, as Americans and as an American family, the values we hold dear are values of being a good neighbor. That is a critical part of what this is all about. Together, we must work to reach out to organizations in our communities that are committed to this cause and develop a public-private partnership that provides resources and the manpower to combat food insecurity in this country.

Yes, we must teach our children. We must teach our children to become engaged in recognizing food insecurity, poverty, and hunger where it exists and to recognize that they, too, have a responsibility.

I noticed my son the other day when he came home, and he said: Mom, I am responsible for bringing some lunch meat to school because our student government is going to provide sack lunches to the homeless shelter out here in our community. The student government got together and made the lunches and put them together and then delivered them where they could visit the individuals they were actually helping, assisting, and giving notice.

In closing, I would like to leave my colleagues with just a few thoughts. I know many of you all read the same Scripture I do. First and foremost, I believe my faith calls me, and it calls all of us, regardless of faith, to care for those who are less fortunate; to feed the poor and the hungry. I can tell you I am proud that our current nutrition program works toward that goal, but does it do enough? No. We can all do more. We can all do more in reaching that goal.

Today, on National Hunger Awareness Day, we need to begin by asking

ourselves what more can we do to eliminate hunger and poverty in our community and in our world. It has been said: To those to whom much is given, much is required. We live in this great country. Such a blessing to each and every one of us. The opportunity to do for our fellow man is an incredible responsibility. To us, much has been given, and much will be required in giving back.

I appreciate my colleagues' attention to this issue, and I ask each and every one to reflect on what it is that we can do collectively as a government that reflects the values of who we are as an American family and what each of us has to do individually that reflects the values that we hold dear. One of the things we must remember, hunger is something that has a cure. There are many diseases and many things we debate on the floor of this body for which we don't yet have a cure. We don't know how we are going to solve those problems. Hunger has a solution and it has a cure and it is our responsibility to strive hard each and every day to find that cure for our fellow man.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to commend my colleague from Arkansas, the senior Senator from Arkansas, for the passion that she has shared with us that she has had for some period of time about the plight of the hungry.

Indeed, she is accurate in pointing out that in the ancient Scriptures there are over 2,000 references to the poor. And, indeed, she quoted very accurately from the Book of Matthew, where one of the great admonitions is to do it unto the least of these, my brothers and sisters, and one of those admonitions: When I was hungry, you fed Me. So I thank her for that.

Having just come back from Africa, participating in a number of the world food programs there, I would note a food program is not only necessary there because of the obvious, the starvation and the drought, and so forth, but now, with the President's new initiative and additional funding on the HIV/AIDS plague, in the administering of the antiviral drugs which have had some very positive effect, we find they won't work because the patients can't tolerate them if they are hungry. So now a program worldwide of joining the two.

But the Senator from Arkansas has spoken so eloquently about hunger at home, hunger among us, and there is no reason in America, in the year 2007, that we should stand idly by and turn a blind eye to the needs around us among the poor. I thank her for her comments and her passion that she brings to this subject.

Mr. DURBIN. Mr. President, I rise today in honor of National Hunger Awareness Day and to give voice to the difficult reality that exists for more than 35 million people in the United States—the experience of hunger.

In a society as civilized as ours, basic sustenance should be a guarantee. If children—or adults—are hungry in America, that is a problem for all of us.

Yet hunger continues to affect the lives of millions of families, including over 14 million children who live below the poverty line.

In the past few years, there have been multiple efforts to make “hunger” disappear—not as a troubling reality for millions, but as a term in surveys and press releases.

Every year, the USDA issues a report that measures Americans’ access to food, and it has consistently used the word “hunger” to describe those who can least afford to put food on the table.

But starting in 2006, hunger facts and figures began to disappear and were replaced by measures of “food security,” a more scientifically palatable term.

Yesterday, the Washington Post reported on the proposed administration budget cuts to the Survey on Income and Program Participation—the only large-scale measure of the impact of Medicaid, food stamps, school lunches, unemployment and other safety net programs for the poor.

All these efforts put forth the false notion that nobody’s hungry in America.

But despite the fact that we don’t use words and we don’t use numbers, the presence of hunger is ever so clear.

We can see it in the faces of children at school who have not had a decent meal since yesterday’s school lunch. We can see it in the families at food pantries showing up a day earlier than normal because their monthly pay is not stretching as far it once did. We can see it in the loving parent giving up their own meal to make sure their child has something to eat at night.

In a land that prides itself as the land of plenty, we cannot hide the fact that we need to do a better job at making sure everybody has at least enough to eat.

Each hungry child that we allow suffer chips away at the moral strength of our country. This land of opportunity—and the American dream—should not allow for 37 million of its people to live in poverty, to live hungry.

Our moral strength, our commitment to our community is a foundation of our country. The well-known American journalist, Bill Moyer, just last week put it best when he said:

It’s right there in the Constitution—in the Preamble: “We, the People”—that radical, magnificent, democratic, inspired and exhilarating idea that we are in this together, one for all and all for one.

And he was right, this is the “heart of democracy” and more importantly, it is the heart of humanity. As Bill says, the prayers we say are prayers for all of us: “Give us this day our daily bread.” And his is the most important message that should inspire us today: “We’re all in this together; one person’s hunger is another’s duty”.

Hunger is a problem for all of us. I hope that we all work together to ful-

fill our duty to end hunger in our Nation and the world.

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

• Mr. OBAMA. Mr. President, I rise to speak today on the occasion of National Hunger Awareness Day.

Hunger and poverty are among the great moral challenges confronting our society. Hunger and poverty require us all to respond—because our society can be judged by how we treat our most vulnerable citizens. If there is a child out there who has done everything she has been asked and still has to say no to the college of her dreams, that makes a difference in our lives, even if it is not our child. If there is a senior citizen who has to go bag groceries because some company broke their promise about his pension, that matters to us, even if it is not our grandparent. If there is a veteran who has been wounded in this war, and ends up back here on the streets picking through a dumpster for food, that diminishes the patriotism of every American.

This week the Food Research and Action Center, FRAC, has released its annual study: “State of the States: 2007.” This important research highlights levels of hunger, poverty and the use of federal nutrition programs nationally and in each State.

This report and its findings underscore why we must continue the push in Congress to strengthen proven anti-hunger measures such as the Food Stamp Program. We have made progress over the last few decades in combating extreme hunger in our communities. But the work is not over. In Illinois, for example, more than 150,000 households are hungry, and many more families live at the margins and are at risk of becoming hungry. We can do better. That is why I have joined my friend DICK DURBIN in pushing to strengthen antihunger measures in this year’s farm bill, and I will continue to support vital programs that can reduce hunger in our communities. The Food Stamp Program, for example, helped an average of 26.7 million Americans each month last year, while on average the USDA has estimated that every Food Stamp dollar generates approximately \$1.80 in economic activity. And for many families, Food Stamp support is vital during their transition from TANF to employment. This is the kind of nutrition and antipoverty program Congress should be enhancing and investing in.

I am also proud to be a cosponsor of S. 1172, the Hunger Free Communities Act, which was introduced by Senator DURBIN and enjoys strong bipartisan support. This measure would improve and strengthen Hunger-Free community grants that aide our frontline antihunger organizations, as well as establishing much needed, hunger-focused research efforts within USDA and setting national goals for reducing hunger.

Other Federal nutrition programs, such as the National School Lunch

Program, Women, Infants and Children, WIC, and the Commodity Supplemental Food Program, CSFP, offer critical support to some of our Nation’s neediest citizens. After all, how can we expect our children to be productive and attentive at school when they haven’t had breakfast or lunch?

I have learned from my time in Washington that hunger is one of those issues that every politician likes to talk about. What is harder, it seems, is to follow through and take substantive steps to eradicate hunger in our communities. That is why I am grateful for the close support and collaboration of our many friends and outside groups that are at the frontline of combating hunger and raising the profile of this issue every day. They hold us accountable for ensuring our deeds match our words.

I hope that my colleagues will continue to join in this important moral endeavor of addressing the most basic needs of our brothers and sisters—and strengthening our Federal nutrition programs.●

WILLIAM CLIFTON FRANCE, JR.

Mr. NELSON of Florida. Mr. President, we have been mourning the loss of our colleague today, and I have had the opportunity earlier this morning of sharing with the Senate my comments concerning the life of Senator THOMAS. Indeed, America is mourning another one of her great sons, and that is the past president of NASCAR, the one who built NASCAR into what it is today, the No. 1 motor sport—one of the greatest of all sports now, with 75 million followers—and that is Bill France, Jr., who died just a few days ago.

Bill France is one of those great American success stories. He learned from his father, way back in the old days when he was tending to a gasoline station in Daytona Beach, FL, where he got the idea of starting to race stock cars. The first races were rather rudimentary because they went on that beautiful hard-packed sand of Daytona Beach. They would go down the beach for quite a distance, turn, come up on a road that is today called Highway 1A—and back then it was a dirt road—go down that a distance, turn back on to the beach, and continue the circular drive using the beautiful Daytona Beach. Of course, that graduated into the building of the Daytona Speedway, until we now have this NASCAR being America’s No. 1 form of motor sports for 75 million fans.

Bill France, in building this sport, not only started to improve the Daytona International Speedway, but his International Speedway Corporation oversaw other raceways, such as Darlington, Talladega, and others. Bill France followed in the footsteps of his dad, Bill Sr. He was a big man, 6 feet 5 inches. Bill Sr. was the founder and the first president of NASCAR. The France family lost Bill Sr. some number of years ago. I had the privilege of knowing Mr. France, Sr., and then see his son bring this sport into the prominent

position that it is among all sports in the entire world.

William Clifton France. The France family mourns his loss. The Senate's condolences go out to Betty Jane and his daughter, Lisa France Kennedy; to his son, Brian France; and to the entire France family. America has lost one of her great citizens, but America is the better for the great things that Bill France has built.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. I ask to speak as in morning business.

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

Mr. SESSIONS. Mr. President, a number of things continue to be revealed as we analyze this monumental piece of legislation which purports to comprehensively reform immigration law in America and, indeed, any comprehensive reform bill would be extensive because it is an incredibly complex subject with many moving parts, many legal niceties and complexities, all of which, if we are going to have a system that works, need to come into place.

It has been stated repeatedly by those who have proposed and promoted the legislation which is before us today that this legislation will secure the border and we will have a lawful system of immigration in the future. Those claims have been made repeatedly. The proponents have said they are going to have additional Border Patrol agents, and so forth. Indeed, the PowerPoint that the White House used to make their presentations early on promised to "secure U.S. borders" and "not to repeat the 1986 failure."

Others are saying the same thing. One of the Senators who is involved in the process said, "I am delighted we are going to secure the border." Another Senator said, "This legislation will finally accomplish the extraordinary goal of securing our borders." Another said, "The agreement we just reached is the best possible chance we have to secure our borders. In this legislation we are doubling the border patrol; we are increasing detention space." Another Senator said, "This will restore the rule of law. Without the legislation, we will have anarchy." Another one said, "We started out with 18,000 additional border patrol officers. We will increase the detention capacity." And so on and so forth. Even our former Governor Jeb Bush and Ken Mehlman wrote an op-ed in the Wall Street Journal and said, "It will make sure our borders become secure."

"We have had broke borders in this country for 20 years." That is the truth. "It is time we get them fixed." That is the truth.

Then they add, "And this bill will do just that."

Okay. There are many more I could quote along that line. But I hope, therefore, that every member of our body who understands the Congressional Budget Office and the work that organization does, how it is designed to analyze statutory language in our legislation to give us a budget score and other analysis of what that legislation is all about, they made a tremendously significant announcement yesterday, one that is quite frightening and all of us should pay attention to.

According to the Congressional Budget Office, the new Senate bill will only reduce net annual illegal immigration by 25 percent. It will add 550,000 visa overstays to the illegal population by 2017, and up to 1 million visa overstays by 2027.

In the section titled "Effects on the United States Population," the CBO states, and I quote their article, their report:

CBO estimates that implementing those requirements [enforcement and verification requirements] would reduce the net annual flow of illegal immigrants by one-quarter.

Twenty-five percent. Then they go on to note the problem with visa overstays, in addition, saying this:

Other aspects of the legislation are likely to increase the number of illegal immigrants, in particular, through people overstaying their visas from the guest worker and H-1B programs.

CBO estimates that another 1.1 million people would be added by 2017 as a result of the guest worker program, about half of them authorized workers and dependents, the remainder the result of unauthorized overstays. That figure would grow to 2 million by 2027.

What I want to say to my colleagues is—and those people who have worked hard on the bill to try to create a piece of legislation that politically they think can be passed, and they worked together with special interest groups and everybody but the U.S. Border Patrol, and everybody but the American people who had an interest in immigration, they all plotted on how to write this thing up so they can eliminate political problems and split babies in half—all of that is supposed to create a system that first and foremost would create a lawful system of immigration, would eliminate the illegality and create border security.

Now we have the Congressional Budget Office telling us that at best it is only going to reduce illegal immigration 25 percent. As a price for that, we are supposed to grant amnesty to 12 million people who are here, provide options for chain migration to continue for 8 years, denying during that time highly competitive people from all over the world who want to come here an opportunity to come here, and delay some of the things in the bill that I think are positive and ought to become law.

I want to tell my colleagues once more, think about this as you consider whether you can justify supporting the

legislation. Because if it is going to reduce the illegal flow into this country by 25 percent, and actually through the guest worker program is going to allow more people to overstay, then we have got a problem. You see, visa overstays are already nearly 40 percent of the illegal population. Those are people who come into the country legally, they stay here through their allotted time; they just do not leave when the time is up. They stay, they overstay.

Under the plan we have here that has a temporary guest worker program, that would have after the first year some 400,000 temporary workers here at a given time, their parents could come to visit them, their spouses could come to visit them. Even spouses could come to visit if the spouse does not certify they intend to return and stay in their home country; a real tipoff that they intend to stay illegally in the United States if they are not entitled to stay; they want to stay illegally. So I think those are matters that are important to us.

I also note there is a glaring omission in the trigger language of the legislation, and that omission is the U.S. exit visa, the U.S. visa exit portion. In other words, when you come into the country with a biometric card, you are approved to work as a temporary worker at some place, and you do your duty, you are supposed to stay 1 year, a season, you are supposed to stay 2 years, and then return. What happens when you return or do not return?

Ten years ago we required that by 2005, we have a recording system that records your exit from the country, like you may have when you go to work and you record your time clock out when you leave work. Therefore, we know if the person who came left when they were supposed to leave, and you know if they did not.

That is not in the bill. That is not required as a part of the requirement before the amnesty takes place. I wanted to share that with my colleagues. I think it should cause a great deal of uneasiness for all of us. It makes you wonder how committed the drafters of this legislation—and frankly, a lot of lawyers and people with experience in immigration and some of them not even Senators, were deeply involved in all of this in writing the legislation. I am not sure everybody caught all of these things. We are just now hearing what is in the bill, frankly.

So however they drafted it, whoever wrote this in, time and again you see provisions in the bill—and I have listed 20; we will soon have 25 loopholes of this kind and nature that I think indicate the drafters were not as committed to enforcement as they have suggested. Oftentimes, as I noted, drafters are not the Senators who did not do all of the fine-printing themselves.

I want to note one thing in the CBO report. It has been stated more than once.

Mr. President, I see the majority leader here. I can delay other activity.

I wanted to raise this issue. I would be glad to yield to him. I will wrap up and say one more thing.

It was repeatedly noted that the score by the Congressional Budget Office indicated the bill had minimal cost to the taxpayer over the first 10 years. Now we knew without dispute that in the second 10 and even in the decades that go beyond that, the cost surges. But even in the first 10, they said there would be little, if any, cost. But if you read their latest report in detail, you will note that is only true if you consider Social Security taxes paid by those people who are legalized under this bill.

But, you see, that should not be counted and will not be counted in a budget situation, because the money paid to Social Security is set aside for that person's retirement. If they pay into Social Security now, they are going to draw it in retirement later. That is an off-budget matter. That is a Social Security matter. That income should not be counted. When you eliminate that money for Social Security, you come out with a \$33 billion cost in the first 10 years of this legislation, according to our own Congressional Budget Office. Those numbers will surge in the decades to come.

I yield the floor.

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

Mr. REID. Mr. President, for the benefit of all Members, we are very close, we hope, to having two votes. It should be momentarily, in the next 10 minutes. It might be better.

We are trying to work out something on the McConnell amendment and the Feingold amendment. We have been very close to that for some time now. I am told we are very close to it now. We also have staff, both majority and minority staff, working on setting up about a dozen votes for tomorrow on amendments that are pending.

As everyone knows, I offered earlier today to have the staffs work to find out what votes the minority has that they feel would be germane postcloture, so maybe we can come up with a finite list of those. We are willing to be reasonable, but we do have to move this along.

I have had a number of Members say to me: Well, let us take another week or two on this bill; it is worth it. I know how people feel about this bill. We are not spending another week or two on this bill. It is Tuesday. We still have Wednesday, Thursday, Friday to finish this bill, could work into the weekend if necessary. This is an important bill, but we need to finish it. We need to finish this. That is why cloture will be filed tonight. I have offered a unanimous consent request so we would not even have to vote on it Thursday morning; we could vote on it Thursday night. I have also suggested if people are serious about moving this bill, we only need the one cloture vote on a substitute. That is the way it normally works, anyway; you don't have

to turn around and vote on the bill itself. Rarely does that happen. That would only be if someone is trying to stall this matter.

I hope we can dispose of a lot of amendments. I hope tomorrow or the next day we could vitiate the request for cloture and have final passage on the bill. We want to be reasonable. That is why the staffs have been instructed to try to work on a way to get from here to there.

But this stage has been very difficult, because a lot of people who want to offer most of the amendments are people who have no intention of ever voting for this bill, no matter what happens. We are still going to process their amendments. They have a right to their amendments as does anyone else, even though their definition of improving the bill is, I guess, relative.

Mr. President, we still do not have anything here yet.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, as I understand the procedure the leader has been exercising, it is only one or two amendments are allowed to be placed in the pending category, and if one attempts to bring up an amendment, leadership objects.

I tried to bring up an amendment Friday, and there was an objection to make it pending. I tried to bring up an amendment Monday. There was an objection on a very—we are sort of being slow walked. I would ask the leader, would he allow us to bring up a substantial number of amendments and get them pending, so if he files for cloture and got it, you would have a chance to get those amendments voted on? If they are not pending, we will not get to vote on them.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Alabama, he has two amendments that are pending now.

We have found in weeks past, months past, it is important to dispose of amendments that are pending; otherwise, you wind up that the person who offered the last amendment controls what goes on here on the floor. There have been a number of additional amendments that have been filed today. As I indicated, staff is now working on a procedure to dispose of all of the pending amendments, have votes on those tomorrow.

As I have said earlier today, in fact a few minutes ago again, often here in the Senate, when we come to situations such as this, we say: Okay, let's get a list of finite amendments. How many amendments do you want to offer? Then we try to work that out. It is a little difficult to do, because any one Senator can stop that. But we are trying to come up with a finite list of amendments. The two managers, Senators KENNEDY and SPECTER, have worked on this, and their staffs are working on this, along with mine.

Right now there is an effort to move this forward. I hope we can do that.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1170

Mr. DURBIN. Mr. President, there is an amendment that has been filed and may be considered this evening, which I think is extremely important. I wish to speak to it. It is the McConnell amendment, offered by the Republican leader, amendment 1170, to the immigration bill.

This amendment has very little to do with this immigration bill, but it is one of the most important issues any Congress could ever consider. It is about Americans' right to vote.

The right to vote is the most fundamental right in a free and Democratic society. In fact, in *Reynolds v. Sims*, the Supreme Court called it "preservative of other basic civil and political rights."

I think that is fair warning to all of us that when we consider the McConnell amendment, we should understand this is not just another amendment. This amendment goes to the heart of our franchise as Americans. It goes to the heart of our democracy. We have come a long way in our country on the issue of voting rights. Last year, we reauthorized the historic Voting Rights Act, the landmark act passed in 1965 safeguarding the right to vote for millions of Americans who had been denied that fundamental right for generations. The amendment offered by Senator MCCONNELL to this immigration bill will undermine the Voting Rights Act. It will restrict voting rights in America. It will diminish the voting rights of our American citizens, particularly minorities, the poor, the elderly, and the disabled. That is a historic decision. This is not another commonplace amendment; it is an amendment of great moment.

I might add, the McConnell amendment is opposed by nearly every major civil rights group in America today. The McConnell amendment, simply stated, would require that all Americans bring a government-issued, current, valid photo ID with them when they vote. The idea may sound reasonable on its face until you look closely.

The fact is, many Americans don't have a photo ID. Twelve percent of Americans don't have a driver's license. Who are those 12 percent? By and large, they are minorities, the poor, the elderly, and the disabled. A 2005 University of Wisconsin study showed that over 50 percent of African-American and Hispanic adults in Milwaukee don't have a valid driver's license. The McConnell amendment will have a disproportionately negative impact on these groups. It will diminish their right to vote.

Second, the McConnell amendment may be on its face unconstitutional. The State of Georgia passed a photo ID law in 2005, and it was struck down by the courts. A Federal district court judge said it constituted a modern-day

“poll tax” and was presumptively unconstitutional. An appellate panel of three judges, including two Republican appointees, agreed. What gave rise to the Georgia photo ID law? Was there a history of election fraud in that State? No. The Georgia secretary of state said she was unaware of a single documented case in recent years of fraud through impersonation of a voter at the polls.

Cries of voter fraud are heard over and over again. It is one of Karl Rove’s inspired strategies to keep raising this issue. But these are phantom cries. Look at the numbers. Since 2002, 196 million votes have been cast in Federal elections. Do you know how many voter fraud convictions there have been from those 196 million votes? Fifty-two out of 196 million. Most of these were for vote-buying and voter registration fraud, neither of which would be stopped by a photo ID.

Sadly, and cynically, photo ID laws are being pushed by some for partisan reasons.

Seventh Circuit Judge Terrence Evans wrote, while dissenting in a recent Federal case that upheld a photo ID law in Indiana:

Let’s not beat around the bush. The Indiana voter photo ID is a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic. We should subject this law to strict scrutiny . . . and strike it down as an undue burden on the fundamental right to vote.

We have recently learned about the troubling role played by partisan political appointees at Alberto Gonzales’s Justice Department in clearing the Georgia photo ID law. According to press reports, the career staff at the Justice Department made a recommendation to object to the Georgia photo ID law because they believed it would have a discriminatory impact on minority voters. But the career employees at the Department of Justice were overruled by the political appointees of the President and Alberto Gonzales.

One of these political appointees, Bradley Schlozman, was rewarded by receiving a U.S. attorney appointment in Kansas City, MO—job well done for Mr. Schlozman. He went to Kansas City and decided he would continue to pursue the Karl Rove strategy of voter fraud. By any objective measure, Mr. Schlozman was unqualified to be a U.S. attorney. As he testified earlier today at a Senate Judiciary Committee hearing, Mr. Schlozman had never worked as a prosecutor and never even tried a case. But by embracing this phantom voter strategy of Karl Rove in Georgia, Mr. Schlozman earned his stripes and was promoted. In the eyes of Karl Rove, Kyle Sampson, and Monica Goodling, he was a “loyal Bushie.”

I was proud to cosponsor a resolution in 2005 by my colleague, Senator OBAMA. The resolution condemned the Justice Department’s approval of the Georgia photo ID law and expressed the sense of Congress that requiring a

photo ID in order to vote places a discriminatory burden on voting rights. The McConnell amendment is an attempt to impose the Georgia photo ID law on America. This measure was debated and defeated in 2002 when we enacted the Help America Vote Act. It should be defeated again now.

I realize the photo ID requirement was proposed a few years ago by a bipartisan commission. But since that commission report was issued, new research conducted for the bipartisan Election Assistance Commission has shown that photo ID requirements reduced turnout in the 2004 election by 3 percent. It showed that with voter ID requirements, Hispanics were 10 percent less likely to vote and African Americans 6 percent less likely. Is that what we should do in Congress—create barriers for minorities to vote?

The McConnell amendment is unfair and unconstitutional. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time until 7:20 this evening be for debate to run concurrently with respect to the McConnell amendment No. 1170 and the Feingold amendment No. 1176, with the time equally divided and controlled between Senators MCCONNELL, FEINGOLD, or their designees; that no amendment be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes to be agreed to; that if they do not receive 60 affirmative votes, then the amendment be withdrawn; that the amendments be voted in the order listed in this agreement; and that there be 2 minutes equally divided prior to the second vote and that the second vote be 10 minutes in duration.

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

Mr. REID. I ask unanimous consent that when the Senate resumes consideration of S. 1348 tomorrow, June 6, there be 2 hours of debate equally divided and controlled between Senators KENNEDY and CORNYN or their designees, with the time to run concurrently on the Cornyn amendment No. 1184, as modified, and a Kennedy amendment relating to the same subject, with no amendments in order to either amendment prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Kennedy amendment, to be followed by a vote in relation to the Cornyn amendment, with 2 minutes of debate equally divided prior to the second vote, and with the above occurring without further intervening action or debate.

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

Mr. REID. I would hope this would set the process in order that we can work through all these amendments. The staffs have been working, lining up other amendments, for votes on those.

This is the third time now I have asked for a list of finite amendments. We hope they will be germane amendments but finite amendments. We will see if we can have a period of time that we ask for those. When that time arrives, those would be all the amendments that would be available on this bill. We have done that on many previous occasions. I hope it works.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a group of Senators who constructed this bill have been meeting and are trying to follow the plan that the majority leader has just articulated. We would ask the cooperation of all those who have amendments to be in a position to move promptly tomorrow with time agreements to see if we can’t show sufficient progress tomorrow to see the light at the end of the tunnel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1176

Mr. FEINGOLD. Mr. President, I urge my colleagues to support amendment No. 1176. This amendment contains the language of S. 621, the Wartime Treatment Study Act, a bipartisan bill I have introduced with my friend from Iowa, Senator GRASSLEY.

This amendment would create two fact-finding commissions: one commission to review the U.S. Government’s treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. Government’s treatment of Jewish refugees fleeing Nazi persecution during World War II. This amendment would help us to learn more about how recent immigrants and refugees were treated during World War II.

The United States fought a courageous battle against the spread of Nazism and fascism. But we should not let justifiable pride in our Nation’s triumph in World War II blind us to the treatment of some Americans by their own government.

Many Americans are aware that during World War II, under the authority of Executive Order 9066 and the Alien Enemies Act, the U.S. Government forced more than 100,000 ethnic Japanese from their homes and into relocation and internment camps. Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this unfortunate episode in our history finally received the official acknowledgment and condemnation it deserved.

But that same respect has not been shown to the many German Americans, Italian Americans, and European Latin Americans who were taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps. This amendment would simply create a commission to review the facts and circumstances of the U.S. Government’s

treatment of German Americans, Italian Americans, and other European Americans during World War II. It is time for a full accounting of that sad chapter in our history.

A second commission created by this amendment would review the treatment by the U.S. government of Jewish refugees who were fleeing Nazi persecution and genocide and tried to come to the United States. German and Austrian Jews applied for visas, but the United States severely limited their entry due to strict immigration policies, policies that many believe were motivated by fear that our enemies would send spies under the guise of refugees and by the unfortunate antiforeigner and anti-Semitic attitudes that were, sadly, all too common at that time.

It is time for the country to review the facts and determine how our immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany.

It is urgent that we pass this legislation. We cannot wait any longer. The injustices to European Americans and Jewish refugees occurred more than 50 years ago. Many of those who were harmed are no longer with us, the rest are very elderly.

Americans must learn from these tragedies now, before there is no one left. These people have suffered long enough without the comfort of an official, independent study of what happened to them, and without knowing that this Nation recognizes their sacrifice and resolves to learn from the mistakes of the past.

This amendment does not call for reparations. All it does is ensure that the public has a full accounting of what happened. I urge my colleagues to join me in supporting the bipartisan Wartime Treatment Study Act as an amendment to this immigration legislation.

THE PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

AMENDMENT NO. 1170

Mr. McCONNELL. Mr. President, as we move forward on this immigration bill, we need to make sure we protect voters and the 15th amendment by protecting against illegal voting. The Constitution maintains that voting is a privilege reserved for U.S. citizens. Noncitizens do not have this right. Those who don't abide by our laws are not free to influence our political process or our policies with a vote.

The bipartisan Carter-Baker Commission on Federal Election Reform proposed requiring photo ID cards to ensure those who are voting are the same people as those on the rolls and that they are legally entitled to vote.

Photo IDs are needed in this country to board a plane, to enter a Federal building, to cash a check, even to join a wholesale shopping club. If they are required for buying bulk toothpaste, they should be required to prove that somebody actually has a right to vote.

Some have said this legislation penalizes those who are unable to afford a photo ID. In fact, it establishes a grant program to provide no-cost photo IDs to those who cannot afford them.

ID cards would reduce irregularities dramatically. In doing so, they would increase confidence in the system. An overwhelming majority of Americans support this attempt to ensure the integrity of our elections.

An NBC News-Wall Street Journal poll, last year, showed that 62 percent of respondents strongly—that is strongly—favor requiring a universal, tamperproof ID at the polls. Nineteen percent said they mildly favor IDs. Twelve percent were neutral.

Add that up, and you have over 80 percent who think this is a good idea. America is very accustomed to showing a photo ID to do virtually anything.

Ninety-three percent of those who were asked for their opinion were either undecided or in favor of implementing the control, as I indicated.

Two dozen States already require some form of ID at the polls. That is 24 of our States. Almost half of them already have this requirement.

My amendment simply establishes a Federal minimum standard that is consistent and allows States wide flexibility in determining the kind of ID required.

We need to harden antifraud protections at the polls to protect the rights of all voters. Voting is the cornerstone of our democracy, and we must preserve its integrity.

I yield the floor.

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

• **Mr. OBAMA.** Mr. President, this week, the Senate is debating how to reform our Nation's immigration policies, and while this is a contentious debate, there is one point I think all sides agree upon—U.S. citizenship is a prized possession. The most fundamental right afforded to us as U.S. citizens is the right to vote. I am disturbed that there is an amendment being offered on this bill that seeks to limit citizens' access to that right.

Senator McCONNELL has offered an amendment that requires U.S. citizens to show identification before they can exercise the most important right afforded them by the U.S. Constitution. Proponents of this bill argue that this identification is necessary to combat voter fraud. In fact, before the last elections in 2006 we heard a great deal about the threat of voter fraud.

This administration staked a lot on that so-called threat. We have learned in recent months that such a threat just did not exist. The St. Louis Post-Dispatch said it best, when, in an April 17, 2007 editorial, the paper called this whole "voter fraud" issue a "snipe hunt": "In a snipe hunt, gullible kids are taken out to the woods, handed sticks and gunny sacks and told track down the elusive snipe. Meanwhile, their pals, who know a snipe is a bird

of marsh and shore and generally found nowhere near the woods, yuck it up."

Well, in this snipe hunt, the Senate is supposed to fall prey to the ruse that there are folks out there just lining up on election day to fraudulently cast their vote and we in the Senate and in Congress need to get our sticks and gunny sacks ready, so we can snare some of these fraudulent voters. Well, let me tell you, I am not going to fall for it.

Because the facts say something different. A 5-year study by the Election Assistance Commission shows that voter fraud is almost non-existent. A report from the Missouri Secretary of State shows that no one in the State tried to vote with a fake ID in 2006. The Carter-Baker commission said that in 2002-2004 fraudulent votes made up .000003 percent of the votes cast. That is a lot of zeros. Let me say it a different way. Out of almost 200 million votes that were cast during these elections, 52 were fraudulent. To put that into some context, you are statistically more likely to get killed by lightning than to find a fraudulent vote in a Federal election.

The Department of Justice, which in 2002 created a voter fraud task force, has admitted that only 86 people were convicted of voter fraud-related crimes in the last 5 years and only 24 convictions during the last 3 years—a rate of 8 per year.

So, because 24 people nationwide in the last years may have voted despite their ineligibility to do so, we here in the Senate are supposed to pass a bill requiring all citizens to show ID when they vote.

That would be a mistake, and you only have to look to the State of Georgia to see why.

Georgia's photo ID requirement was a poll tax for the 21st century. It was a law that required some of the poorest in our country—those who probably don't have access to transportation—to possibly travel great distances and pay up to \$35 just for the privilege of making their voice heard.

We have to remember this is a group that is disproportionately poor and without easy access to all the documents necessary for a government-issued ID. So even if this ID card were completely free, how easy would it be for an 85-year-old grandmother to find her birth certificate? Who would drive the destitute all the way to the nearest Federal building to get one of these cards? While the McConnell amendment authorizes "such sums as may be necessary" to pay for these ID cards, it is a frightening proposal to condition the right to vote on the appropriations process.

After Hurricane Katrina ravaged the gulf coast, our country awakened to the plight of the most vulnerable Americans—the ones who, when the storm hit, couldn't just hop in their SUVs, fill up with \$100 worth of gas, put some bottled water in the trunk, drive off with their credit card in hand,

and check into the nearest hotel until the calamity passed. We learned that, when we pass laws and make policy in this country, our government too often forgets these Americans—that we too often ignore their needs.

Now, here is an amendment doing that again. This time, by limiting access to one of our most fundamental and constitutional-protected rights: the right to vote.

I would ask that all my colleagues reject the amendment so we can move on to the important business at hand.●

Mr. KENNEDY. Mr. President, I oppose the amendment of the Senator from Kentucky. The McConnell amendment would limit the ability of many American citizens to exercise the fundamental right to vote. It is nothing more than a 21st century poll tax.

The 24th amendment states that “The right of citizens of the United States to vote . . . shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.”

This amendment would force all citizens to obtain a government-issued photo ID in order to vote. Many citizens who have voted for years don’t own the government-issued photo identification needed to meet the requirement. They would have to pay for the ID or at least for the underlying documents needed to get one.

Among the persons who will be hardest hit are the elderly, minorities, and persons with disabilities. That is who this amendment is targeting.

Many seniors don’t have photo ID because they don’t need a driver’s license. But they should still have the right to vote.

Many Americans who are blind or have other disabilities also don’t have a photo ID because they don’t have driver’s licenses either. But they should still have the right to vote.

Some religious minorities, such as the Amish, want to vote, but their faith does not allow them to have their pictures taken. We should never require citizens to violate their religious beliefs or to pay to cast a vote.

Many African Americans, Latinos, and Native Americans also lack photo ID. Under this amendment, these citizens would lose the right to vote if they don’t get a government-issued photo ID.

Some citizens in this country were never issued a birth certificate, particularly African-American seniors born in the South or rural areas and Native Americans. If we pass this amendment, we turn our backs on them.

Many voters had their lives devastated by Hurricane Katrina. What about them? What about the elderly grandmother displaced by Hurricane Katrina who lost all of her possessions in the hurricane and now lives hundreds of miles from her birthplace and home? If she doesn’t drive, how is she going to get the documents she needs to vote under this amendment? If she is

retired or lost her job because of the storm, she may not be able to afford the documents. Separated from her family and neighbors, she may not have anyone to help her fill out the forms and get to the right government agencies to obtain the documents she needs.

This country failed the victims of Hurricane Katrina. Are we going to disenfranchise them as well?

Supporters of the amendment say, “Don’t worry. Under this amendment, States will give out free identification cards to those who can’t afford them.” That sounds good in theory, but what about in practice? Citizens will still have to deal with State and local bureaucracies to prove who they are.

Poll taxes have a dark and notorious history in this country. When we considered a poll tax ban in the 1965 Voting Rights Act, poll taxes were a tried-and-true tactic to prevent African Americans and poor whites from voting. I introduced an amendment to the 1965 act to ban poll taxes in all elections—Federal, State, and local. We had days and days of debate on the Senate floor about poll taxes. Not everyone agreed on how to fix the problem. The final amendment made clear that poll taxes infringe the right to vote and directed the Attorney General to challenge them in court.

A year later, in *Harper v. Virginia Board of Elections*, the Supreme Court held that poll taxes are unconstitutional. The Court declared that “the right to vote is too precious, too fundamental to be so burdened or conditioned” on the ability to pay.

We thought that poll taxes and other blatant barriers to the right to vote were vestiges of a bygone era. But today, Republican-controlled State legislatures around the country are attempting to enact photo identification laws.

Federal and State courts have already struck down State laws similar to the McConnell amendment. In Georgia, a Federal court has stopped two different attempts to impose a photo identification requirement. Judge Murphy ruled the first an unconstitutional poll tax because of the cost that hundreds of thousands of Georgians without photo identification would have to pay to obtain them.

The State’s second attempt made the IDs free, just as this amendment supposedly does, but it was still struck down as unconstitutional. The court held that Georgia’s interest in combating non-existent voter fraud didn’t justify the “severe burden” on voters without photo identification who would have to get through several layers of bureaucracy to obtain the documents required. A State court also ruled that the Georgia law violated the State constitution because it disenfranchised citizens who were otherwise qualified to vote.

A similar proposal recently was struck down in Missouri. The judge spelled out the problem loud and clear.

For some, he said, the burden of a photo ID requirement may not seem great. But “for the elderly, the poor, the undereducated, or otherwise disadvantaged, the burden can be great if not insurmountable, and it is those very people . . . who are the least equipped to bear the costs or navigate the many bureaucracies necessary to obtain the required documentation.”

Supporters of this modern-day poll tax claim it is just common sense. “What’s the big deal?” they ask. After all, if you need a photo ID to get on a plane or rent a movie or drive a car, it is only reasonable to require such an ID to vote.

But voting is a right in this country and not simply a privilege. We need to restrict who can get on a plane or drive a car, but we should never restrict the precious right to vote. As Judge Callahan put it in the Missouri case, “While a license to drive may be just that—a license and not a right, the right to vote is also just that—a right and not a license.”

When proponents of this amendment stand up to explain why America needs this legislation, listen carefully. During the floor debate on a similar proposal in the House, the amendment’s Republican supporters strained to convince us that we have a major problem because noncitizens and others are posing as eligible voters. But they couldn’t give us any evidence.

The fact is, voter fraud simply isn’t a major problem. It certainly isn’t a serious enough problem to justify disenfranchising Americans on a massive scale—which is exactly what this proposal would do.

Proponents of this 21st century poll tax have no evidence that it is needed because all the facts show it is not needed. Here is what the hard evidence tells us about voter impersonation in this country:

A recent article in the New York Times found that voter fraud is exceedingly rare. It found that, over a 5-year-period, the Justice Department, despite focusing its effort on prosecuting individuals for voter fraud, a top priority of Karl Rove, “turned up virtually no evidence of any organized effort to skew federal elections” through fraudulent voting. There have been only 86 convictions nationwide. That is less than 90 instances of anyone voting who wasn’t supposed to vote in the entire country in 5 years. In addition, according to the article, many of these people, voted or registered to vote by mistake, without knowing they were not eligible.

Statewide surveys in Ohio after the 2002 and 2004 elections found only four instances of ineligible persons voting or attempting to vote—four out of over 9 million votes cast during those elections. That is a rate of 0.00004 percent.

In Georgia, where state legislators cited voting fraud as the need for a photo ID law, secretary of state Cathy Cox could recall only one case of voter fraud involving the impersonation of a

registered voter during her 10 years of service.

Out of nearly 200 million votes cast since 2002, only 86 individuals nationwide have been convicted of election fraud. And many of those offenses involved conduct that would not be remedied by a photo identification requirement.

The evidence also makes very clear that this proposal would disenfranchise millions of citizens who are eligible to vote.

A University of Wisconsin study found that in Milwaukee nearly 50 percent of African-American and Latino men did not have government-issued photo identification.

According to AARP, 36 percent of voters in Georgia over the age of 75 don't have government-issued photo identification.

Georgia Secretary of State Cox found that nearly 700,000, or 1 in 7, registered voters in Georgia do not have a driver's license or State-issued non-driver's license, which this amendment would require in order to vote.

According to the Department of Transportation, 6 to 12 percent of eligible voters do not currently have the identification the amendment would require.

The American Association of People with Disabilities estimates that nearly 4 million Americans with disabilities would be disenfranchised if this proposal takes effect.

Native Americans living on tribal lands, often without street addresses and with traditions that don't permit the taking of their picture, would also be disenfranchised by this law.

The Center on Budget and Policy Priorities estimates that 11 million U.S.-born citizens do not have a birth certificate or passport readily available to them and therefore could be disenfranchised under this amendment. The burden falls unequally on some geographic regions as well as on our most vulnerable populations:

It hurts the elderly—some 2.3 million elderly Americans lack the required documents.

It hurts rural residents, since approximately 4.5 million rural Americans lack the documents necessary to establish their citizenship.

It hurts citizens living in the South and Midwest—8.4 million residents of Southern and Midwestern States don't have the documents this amendment would require to vote.

It hurts the poor—nearly 3 million citizens making less than \$25,000 a year lack a passport and birth certificate.

It hurts African Americans—2 million African Americans lack a passport and birth certificate. Many elderly African Americans have no birth certificate because they were born at home at a time when hospitals were closed to African Americans because of racial discrimination. One study estimates that a fifth of all African Americans born in 1939 and 1940 were never issued birth certificates.

Under the Bush administration we are running historic deficits and our debt is mounting. We can't afford the cost of a program designed to fight a nonexistent problem.

At a time when Americans have serious concerns about the proper functioning and integrity of voting machines, the Republican Party responds with a solution in search of a problem. They want to pass a law that threatens to disenfranchise millions of eligible voters. To those who were disenfranchised in the 2000 and 2004 elections by wrongful purges, erroneous registration lists, poll worker errors, uncounted provisional ballots, of long lines, this is our answer?

If the Senator from Kentucky is serious about election reform, we stand ready to work together. But it is cynical to take such a serious and important issue, so fundamental to democracy, and use it for partisan politics.

Last July, Congress reauthorized the Voting Rights Act with broad bipartisan support. The reauthorization passed overwhelmingly in the House and by a unanimous vote in the Senate. Republicans and Democrats came together to tear down barriers to the ballot box.

Now some on the other side of the aisle want to erect new barriers to voting by telling Americans they need a passport to vote. If we adopt this amendment, we undermine the Voting Rights Act's important protections. This amendment would disenfranchise many of the same voters we tried to protect with that historic legislation last year.

Mr. President, that is unfair, undemocratic, and unconstitutional. I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin has 1 minute 37 seconds. The Republican leader has 2 minutes 7 seconds.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I assume we will not have the time before the vote, then. This is the remaining time we have, correct?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. FEINGOLD. I thank the Presiding Officer.

Mr. President, my amendment, again, contains the language of S. 621, the Wartime Treatment Study Act, a bill I have introduced with my friend from Iowa, Senator GRASSLEY. It is not controversial.

It would simply create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.

These commissions would complete the work of the Commission on War-

time Relocation and Internment of Civilians, created by Congress in 1980 to study the relocation and internment of Japanese Americans during World War II. Thanks to that commission, this unfortunate episode in our history finally received the official acknowledgement and condemnation it deserved.

My amendment would simply allow that work to be completed. It is time to pass this legislation, now, before all the individuals affected by these policies are gone. I urge my colleagues to support the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Who yields time?

The time for the Senator from Wisconsin has expired.

Mr. REID. Mr. President, is the time up?

The PRESIDING OFFICER. There is 1 minute 41 seconds left of the Republican leader's time.

Mr. REID. Mr. President, I ask unanimous consent that we start the vote now.

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

VOTE ON AMENDMENT NO. 1170

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1170.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 41, nays 52, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—41

| | | |
|-----------|----------|-----------|
| Alexander | Craig | Hutchison |
| Allard | Crapo | Inhofe |
| Bennett | DeMint | Isakson |
| Bond | Dole | Kyl |
| Bunning | Domenici | Lott |
| Burr | Ensign | Lugar |
| Chambliss | Enzi | Martinez |
| Coburn | Graham | McConnell |
| Cochran | Grassley | Roberts |
| Coleman | Gregg | Sessions |
| Corker | Hagel | Shelby |
| Cornyn | Hatch | |

| | | |
|---------|---------|--------|
| Smith | Stevens | Vitter |
| Specter | Thune | Warner |

NAYS—52

| | | |
|-----------|-------------|-------------|
| Akaka | Harkin | Nelson (NE) |
| Baucus | Inouye | Pryor |
| Bayh | Kennedy | Reed |
| Bingaman | Kerry | Reid |
| Boxer | Klobuchar | Rockefeller |
| Brown | Kohl | Salazar |
| Byrd | Landrieu | Sanders |
| Cantwell | Lautenberg | Schumer |
| Cardin | Leahy | Snowe |
| Carper | Levin | Stabenow |
| Casey | Lieberman | Sununu |
| Clinton | Lincoln | Tester |
| Collins | McCaskill | Voinovich |
| Conrad | Menendez | Webb |
| Dorgan | Mikulski | Whitehouse |
| Durbin | Murkowski | Wyden |
| Feingold | Murray | |
| Feinstein | Nelson (FL) | |

NOT VOTING—6

| | | |
|-----------|---------|--------|
| Biden | Dodd | McCain |
| Brownback | Johnson | Obama |

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 52. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1176

The PRESIDING OFFICER. There will be 2 minutes equally divided prior to the vote with respect to the Feingold amendment.

Who yields time? The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment contains the language of S. 621, the Wartime Treatment Study Act, which is a bill I have introduced with my friend from Iowa, Senator GRASSLEY. It is noncontroversial.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator from West Virginia is correct. Will the Senate please be in order. Will Senators and staff take their conversations out of the Chamber so the Senator can be heard.

Mr. BYRD. Mr. President, the Senator is about to speak. Other Senators should listen. So I will stand right here until we get order. May we have order in the Senate?

Mr. FEINGOLD. Mr. President, I thank the Senator from West Virginia.

Mr. BYRD. Look at the people up there. There are people up there. They ought not be in that well when there are votes going on. Read your rule book. Come on.

The PRESIDING OFFICER. The President pro tempore is correct.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I again thank the Senator from West Virginia.

This bill would simply create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and

another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.

These commissions would complete the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980 to study the relocation and internment of Japanese Americans during World War II. Thanks to that commission, this unfortunate episode in our history finally received the official acknowledgment and condemnation it deserved. My amendment would simply allow that work to be completed. It is time to pass this legislation now before all of the individuals affected by these policies are gone. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, there are two problems with the legislation, as detailed in a 5- or 6-page memorandum from the Department of Justice, Richard Hertling, the principal Deputy Assistant Attorney General who opposes this legislation. First, it falsely asserts in the findings matters that slander America incorrectly. It finds that thousands of individuals were subjected to devastating violations of civil rights through arrest, internment, property confiscation, deportation, and detrimental effects still being experienced; whereas, the Department of Justice asked the senior historian at the U.S. Holocaust Museum about this language and he found that language was outrageously exaggerated and was inaccurate.

That is in the legislation. When asked would Senator FEINGOLD accept an amendment that prohibited reparations—and reparations have been done in some of these cases—that language was not accepted.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Wisconsin.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 67, nays 26, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—67

| | | |
|-----------|-------------|-------------|
| Akaka | Gregg | Nelson (NE) |
| Baucus | Hagel | Pryor |
| Bayh | Harkin | Reed |
| Bingaman | Hutchison | Reid |
| Boxer | Inouye | Roberts |
| Brown | Isakson | Rockefeller |
| Burr | Kennedy | Salazar |
| Byrd | Kerry | Sanders |
| Cantwell | Klobuchar | Schumer |
| Cardin | Kohl | Shelby |
| Carper | Landrieu | Smith |
| Casey | Lautenberg | Snowe |
| Clinton | Leahy | Specter |
| Coburn | Levin | Stabenow |
| Coleman | Lieberman | Sununu |
| Collins | Lincoln | Tester |
| Conrad | Lugar | Thune |
| Dorgan | McCaskill | Voinovich |
| Durbin | Menendez | Webb |
| Feingold | Mikulski | Whitehouse |
| Feinstein | Murkowski | Wyden |
| Graham | Murray | |
| Grassley | Nelson (FL) | |

NAYS—26

| | | |
|-----------|----------|-----------|
| Alexander | Craig | Kyl |
| Allard | Crapo | Lott |
| Bennett | DeMint | Martinez |
| Bond | Dole | McConnell |
| Bunning | Domenici | Sessions |
| Chambliss | Ensign | Stevens |
| Cochran | Enzi | Vitter |
| Corker | Hatch | Warner |
| Cornyn | Inhofe | |

NOT VOTING—6

| | | |
|-----------|---------|--------|
| Biden | Dodd | McCain |
| Brownback | Johnson | Obama |

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 26. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we are working in good faith to move this bill forward. We had seven rollcall votes before the recess and six additional amendments adopted by voice vote. That is 13. Yesterday, we adopted four more amendments by voice vote. Today, we had four rollcall votes. Tomorrow morning, we will vote on the Cornyn-Kennedy amendment, eligibility for legalization program, and then we are prepared to enter a unanimous consent agreement for the 10 remaining amendments that are pending. We have done quite well. We will have done 23 rollcall votes when we finish these 3 tomorrow, and we adopted 10 by voice vote. I know the staff has been working on this for some time now. I hope we can work out an arrangement to get rid of the pending amendments and move on to other amendments people talked about all day they want to offer. I think that is appropriate.

Tonight, we are going to, because we agreed to lay down a Domenici amendment and one I am going to offer dealing with earned-income tax credit—those will be the two amendments we are going to lay down tonight. Anyway, somebody else is going to do it. There are two amendments we are going to lay down tonight, so we will have two more that will be pending tomorrow,

and I hope we can arrange votes on those amendments. Once we finish those amendments, I hope other Senators will offer amendments. I hope they will consider some germane amendments.

In addition to the amendments that are pending, we have a number of amendments that are at the desk, I understand, and we have taken a look at those, and maybe we can work something out on those amendments.

This is a difficult bill, we understand that. I hope the offers I made today are considered serious. I repeat, I am not going to go through the litany of amendments, the unanimous consent requests. One is we would vote cloture—rather than Thursday morning, do it Thursday night. That is certainly something we could consider. Anyway, there are all kinds of alternatives we can do to move this bill forward if people want to do that.

As I said, there is no need to run through the unanimous consent requests I did previously. We will call it quits for the night. There is no more business on this bill.

Mr. President, I ask, so the managers don't have to stay around—I wonder if we can move to a period for morning business.

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

Mr. REID. That way, the Senator from Alabama can speak, and I would certainly consent to, when we take up the bill tomorrow, his remarks appearing as though we are working on the pending legislation.

Mr. SESSIONS. I am sorry, I did not hear the majority leader.

Mr. REID. I asked unanimous consent that there be a period for morning business. I know the Senator from Alabama wishes to speak. I assume it is on matters dealing with immigration.

Mr. SESSIONS. Mr. President, with regard to that, I have amendments I offered last Thursday and Friday and Monday that were not accepted. I was going to ask if those amendments could be made pending in addition to the nine amendments which were filed this week which I would like to make pending so we can have votes on them.

Mr. REID. I withdraw my consent for morning business, Mr. President. I think we have a couple of amendments that are part of the 10 we are going to try to get rid of tomorrow.

Mr. SESSIONS. Mr. President, for clarification, two amendments are basically the same amendment. We would only vote on one pending that I offered last week. In addition, last week, I filed two more amendments, and an objection was made to making them pending. So I renew my offer to at least make those two amendments pending. I filed them this morning.

Mr. REID. I say to my friend from Alabama, I think we have made a suggestion, and it is appropriate to move forward, that with regard to the 10 or 12 amendments now pending, we will set up times to vote on these, either by motions to table or if we can work out side-by-sides, whatever it takes, and then move to other amendments.

Certainly, the Senator from Alabama has been patient. We understand he has other amendments he wants to offer. But I object at this time until we get some plan for tomorrow to dispose of these amendments we have.

I have indicated a number of different alternatives, and others may come up with better suggestions. One is, let's get a list of finite amendments from the minority. We will add ours in with those, and we have done that on a number of occasions here. It will have to be done by unanimous consent, but it is worth a try. We can have a list of how many amendments people think are appropriate on this bill. Let's see if we can get that done by tomorrow morning.

We know the Senator from Alabama has a number he wishes to make part of that list, and other Senators have amendments they want to make part of that list. I have seen Senator THUNE, Senator DEMINT, and Senator COBURN here. There are other people who want to offer amendments, I understand, but let's get a finite list of who wants to offer amendments and what the amendments are.

Mr. SESSIONS. Mr. President, I take that as an objection to my request.

Mr. REID. Yes, I did object. I am sorry I didn't make it clear.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Would the majority—

The PRESIDING OFFICER. The majority leader controls the time.

Mr. REID. We are on the bill still; is that right?

The PRESIDING OFFICER. Yes, we are.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 144, S. 1348, Comprehensive Immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

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

The junior Senator from Alabama is recognized.

IMMIGRATION

Mr. SESSIONS. Mr. President, I appreciate the role of the majority leader. I have great affection for the majority leader. He is an effective leader for his agenda. But with regard to what is happening now, we need to fully understand that by utilizing the ability he has as a leader and as other members of his party—they have objected to calling up amendments and making them pending. When you object to making an amendment pending, all you have is a filed amendment. And when you file cloture, amendments that are not pending are not entitled to be voted on.

So, in effect, we are at the mercy of the majority leader. He has not allowed a full and vigorous offering of amendments and votes on those amendments. I know people can sometimes ask for too many votes and abuse the process, but we really are dealing with a monstrous bill that is very complex and has a loophole here and a loophole there that can place the bill in such a situation that it really is not enforceable and will not work, and there are a host of problems, a host of loopholes in the bill. This bill has been moving forward to passage under the railroad system we have here.

Let me remind everybody how it happened. First, 2 weeks before we had our recess, the old bill, last year's bill that the House refused to even take up, was brought up without committee hearings this year and brought up by the majority leader under rule XIV for consideration and debate. So about a week goes by, and then come last Tuesday before our recess, Tuesday morning, he plops down on this floor an amendment but really a complete substitute. If put in proper bill language, it would probably be nearly a thousand pages. It is a substitute, a bill never seen before, a bill—except maybe a few days by people who got their hands on it—a bill that has never gone through committee was put down, and the majority leader indicated he wanted to vote on it that week and we were going to have