CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to H.R. 6, and 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 debate on the motion to proceed to Calendar No. 9, H.R. 6, comprehensive energy legislation.

Jeff Bingaman, Dick Durbin, S. Whitehouse, Blanch L. Lincoln, Jon Tester, Robert P. Casey, Jr., Patty Murray, Daniel K. Akaka, Jack Reed, Mary Landrieu, Max Baucus, Mark Pryor, Ron Wyden, Joe Biden, Pat Leahy, Claire McCaskill, Amy Klobuchar, Ken Salazar.

Mr. REID. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I had alerted the distinguished Republican leader I was going to do this. I had to do it because we had to do it before the night's business ends.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Colorado still has, I think, 1 minute 10 seconds.

Mr. SALAZAR. Mr. President, parliamentary inquiry in terms of the time available with respect to the Inhofe amendment.

The PRESIDING OFFICER. The Senator has the remaining 45 seconds.

Mr. INHOFE. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Yes, I understand that. Parliamentary inquiry: Since we are talking about two amendments, the Salazar amendment and the Inhofe amendment, then I would assume there would be another 10 minutes equally divided later on this evening if it is the desire of the offerors; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. If they wanted to use the time, obviously it would be respected.

Mr. SALAZAR. Mr. President, parliamentary inquiry again: Just to be clear, then, on the Salazar amendment No. 1384, there will be 10 minutes for debate equally divided between the majority and the minority.

The PRESIDING OFFICER. The Senator is correct.

Mr. SALAZAR. And with respect to the Inhofe amendment, the minority time has expired, and there is 43 seconds left on the majority side?

The PRESIDING OFFICER. The Senator is correct.

Mr. SALAZAR. Mr. President, I conclude by urging my colleagues to vote no on the Inhofe amendment. At the end of the day, what the Inhofe amendment is proposing to do is to undo executive orders that have been signed by both the Clinton administration and the Bush administration. Those executive orders were created in order to be able to have people understand what is happening with respect to the courts, with respect to domestic violence, and with respect to other issues that our government provides services for where they need to be able to understand what is happening with respect to the communication they are receiving.

I urge my colleagues to vote no on the Inhofe amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1374

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1374.

Mr. President, this bill does a laudable job in setting up a new merit-based system for the future. That is the right thing to do for our country, but the bill misses the mark.

Our country needs an immigration system that recognizes we want to attract the best and the brightest from around the world. We have been doing that for many years because we recognize that people who are smart, who are talented, when they come to this country they actually create jobs in this country. They create opportunities for other people in this country.

The current bill unfortunately misses the mark on this merit system. The current bill is actually worse than current law. This bill today is worse than current law, and that is why the high-tech community across the country has come out in opposition to the provisions of the merit-based system in this bill. I want to tell a small anecdote that will illustrate the problems with our current system on attracting talent.

In my office today, a gentleman by the name of Bill Watkins from Seagate Corporation out of California just opened a new branch in Singapore and hired U.S. graduates, foreign students who graduated from MIT and other universities. The reason he hired them to go to Singapore, where he will pay them less money than he would have paid them in the United States, the reason he sent those jobs overseas is because of our immigration policy that basically will educate you in the United States, but then after we educate you, we will send you home.

The amendment I offer today says we are going to actually value people who are educated here, especially in the science and mathematics and engineering fields—we call those the stem fields—in the health sciences fields, we are going to give you even more points than the current bill does so that into the future we will attract the best and the brightest from around the world. It is the idea of being a brain drain to the rest of the world. People from all over the world want to come to America. We want the best and the brightest to come to America because of this fact—whether it is low-skilled or high-skilled workers, 4 percent of the jobs, 4 percent of the people who have jobs in the future will create the jobs for the other 96 percent of Americans. Those are the talented people we want to attract.

Over half of the start-ups in Silicon Valley in the last 10 years have come from immigrants. Those people, when they start up companies, create jobs in America. They create opportunities, some high skilled, some low skilled, but they are creating opportunities for people to pursue the American dream. So while the current bill is going in the right direction, it misses the mark.

So my amendment says we are going to reward those in the sciences, those in the technical fields, those who have a Ph.D. in electrical engineering. We are going to give you enough points to virtually guarantee entrance into this country. It is a good thing. It is why the high-tech community is supporting my amendment.

We also put in this amendment, if you are an immigrant, if you are one of these Z visa holders, we actually want you to be rewarded for doing military service. So we are going to offer another amendment to make sure they can do military service, and then when they do that, we want to reward them to come into this country. To serve in our military should be the greatest honor, and we should reward people with legal permanent status, the ability to get legal permanent status.

We have a shortage of nurses in this country. We give more rewards for people in the health sciences as well in our amendment.

I think this is a critical amendment to improve this bill. If we are going to do a comprehensive immigration reform bill, we certainly shouldn't make it worse than current law, and this bill is worse than current law when it comes to high-tech workers coming into this country. So I would urge all of our colleagues to support this amendment. I know it is a delicate balance that we have between the various people who have brought this bill together, but I truly believe this is an improvement on not only current law, but it is also a great improvement on the current bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, is there anyone who is going to speak on the other side on the amendment?

The PRESIDING OFFICER. The Senator could be recognized, and the person is free under the agreement to

speak later during the course of the evening.

Mrs. HUTCHISON. Mr. President, in that case, I would like to use 4 minutes of my time and then reserve the remainder of my time for if there is opposition to my amendment.

AMENDMENT NO. 1415

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1415.

Mr. President, will the Presiding Officer notify me at 4 minutes so that I may reserve the remainder of my time?

The PRESIDING OFFICER. The Chair will so advise.

Mrs. HUTCHISON. Mr. President, our Social Security system, we all know, is in a very precarious position. In fact, we are trying to pass Social Security reform that would extend the life of our Social Security system. We know we are facing impending insolvency. The trust fund has $2.4 trillion and is supporting 46 million beneficiaries. In 2017, the trust fund will begin paying out more in benefits than it receives in revenue. It is expected to be fully exhausted in 2041. If we pass the bill before us, we will be adding millions of new beneficiaries into the Social Security system, but we will also be allowing individuals who were not authorized to work in this country the opportunity to qualify from illegal work.

Under the current bill, Social Security credits for the time prior to getting a valid card would not be allowed. That is the good part of the bill. However, on a visa overstay or someone who has a card in their name, but they are working illegally, they would still be able to get quarters credited for that illegal work. My amendment would close that loophole.

According to the GAO, about 22 percent of the whole Social Security that an employee would pay over 40 quarters would be approximately $193.42 per month. What I meant to say is, if you take the example of an hourly worker making $9 an hour, they would, in a 40-hour workweek, contribute $193 to the system per month. However, after working 40 quarters, which is the minimum, the payout would be $405 per month for each overstay after the age of 65 and up to the expected life expectancy of 78. So 22 percent would be paid in, while 78 percent would come out. This means over the lifetime of the Social Security for that worker, the payout would be $81,922 but the input would be $23,210. So over the lifetime of that person, the deficit would be $58,712.

Now, it is estimated that 40 percent of the illegals in this country are visa overstays. So if you multiply the 40 percent, which is about 4.8 million people according to estimates, you would get $28 billion that would be a deficit in the Social Security system. That is if it were 1 year of overstay. We don't know how many years people overstay. That is impossible to know right now. But if it were 2 years, it would be $56 billion, and it goes on.

We asked for a scoring of this amendment, and we have a letter from the Chief Actuary of the Social Security Administration.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Mrs. HUTCHISON. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 1384

Mr. SALAZAR. Mr. President, I call up my amendment No. 1384.

Mr. President, I ask that the Chair let me know when I have 2 minutes remaining on my time.

The PRESIDING OFFICER. The Chair will so notify.

Mr. SALAZAR. I ask unanimous consent that Senator PETE DOMENICI be added as a cosponsor to this amendment No. 1384.

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

Mr. SALAZAR. Mr. President, I rise to speak on behalf of my amendment No. 1384 and to urge my colleagues to join me in support of this commonsense legislation that supports English as the common language for the United States of America.

Our amendment is a very simple amendment. It says that the Government of the United States—and here I am quoting:

The Government of the United States shall preserve and enhance the role of English as the language of the United States.

Again, it is:

The Government of the United States shall preserve and enhance the role of English as the language of the United States.

This is a simple and straightforward amendment that recognizes the reality of the United States of America, that we are a people who yearn to speak English, want to speak English, and have the vast majority of our people knowing how to speak English.

This language I have read is also part of a carefully crafted compromise. It is included in the underlying legislation that was worked upon by both Republican and Democratic Senators over a long period of time. It was agreed that this was the language that made the most sense in terms of including a provision relating to the English language in the underlying legislation.

As I said earlier in opposition to Senator INHOFE's amendment, this is in fact a States' rights issue. The States of America ought to decide whether they are going to call English the official language of their State, as they did in Colorado; or they should decide, as they did in New Mexico in their constitution in 1912, to recognize English and Spanish as part of the language within their State. That was their right as New Mexicans. It is their right in Hawaii to be able to recognize a language other than English. It is a matter that ought to be left to the States. It would be a Washingtonian kind of thing to require these mandates upon the States, and it is something that we as the Senate should reject. Our language in amendment No. 1384 preserves that ability of the States to be able to enact their own legislation with respect to the English language.

Finally, I only say that in my own personal history the native language in my home was Spanish. My family had lived along the banks of the Rio Grande River in southern Colorado for a period of 407 years. During all that time, they preserved their Spanish language, but they also honored and preserved the English language. My father and mother, who were veterans of World War II, had eight children who became college graduates. They understood the importance of English as something that would help them live the American dream, as all eight of their children have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, if I am in order, I will speak in strong support of my amendment No. 1339 which will be voted on later tonight.

The PRESIDING OFFICER. The Senator is so entitled.

AMENDMENT NO. 1339

Mr. VITTER. Mr. President, there has been a lot of discussion in this debate on the immigration bill about enforcement provisions. There has been a lot of discussion about triggers in this bill to ensure that enforcement actions are taken, are paid for, and are enacted before other aspects of the bill, such as the Z visa program and the temporary worker program, go into effect.

My grave concern is that these triggers are wholly inadequate and represent thinking that is backward from where it needs to be. If you look at the triggers designed in the bill, they were arrived at, again, as I would put it, in a backward fashion.

The question was asked: Well, it is going to take about 18 months to be ready to enact the other provisions of the bill, so what enforcement are we teed up to do during the next 18 months anyway? We will define that as the enforcement trigger for the bill.

I simply think that is the wrong way to arrive at a trigger. The key question has to be: What needs to be done? What is the totality of significant measures that needs to be done in order to have real enforcement at the border and real enforcement at the workplace? Let's make that totality the trigger in the bill. Of course, the triggers are far less than that.

One perfect example is the subject of this amendment. The US–VISIT Program has been authorized since 1996, but it is not near operational. This is the program that would establish an entry and exit system so we know absolutely who comes into the country on visas and when those people leave, if they leave on time under their visa, or if they do not and are, therefore, overstaying their visa.

Without such a system, we cannot possibly know who is in the country and who is overstaying their visa. This

is a very serious part of our illegal immigration problem. As of 2006, the illegal population, by most estimates, included 4 million to 5.5 million overstays. So visa overstays are a big part of the problem. We know from 9/11, that visa overstays accounted for many of the terrorists at the center of the 9/11 plot.

So how can we have meaningful enforcement without this US–VISIT system, including the exit portion of the system? We cannot. The simple answer is that we can't. My amendment No. 1339 would include full implementation of this exit system of the US–VISIT Program into the trigger of the bill. Therefore, the other significant portions of the bill, such as temporary workers, such as Z visas, et cetera, cannot take effect until the full trigger is pulled, including full implementation of the US–VISIT system.

If we are serious about enforcement, we have to pass this amendment. If we are serious about enforcement, we have to recognize that 4 million to 5.5 million illegals in this country are visa overstays, and we cannot get our hands around that visa overstay problem without full implementation of this system, which has been authorized but nowhere near implemented since 1996.

So I urge all my colleagues to come together and build up the trigger and enforcement provisions of this bill with the Vitter amendment No. 1339.

With that, I yield back my time.

(Mr. SALAZAR assumed the Chair.)

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

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

AMENDMENT NO. 1202

Mr. OBAMA. Mr. President, I come to the floor tonight to speak about the new point system created in this bill—a proposal that will radically change the way we judge who is worthy of lawful entry into American society.

For decades, American citizens and legal permanent residents have been able to sponsor their family members for entry into our country. For decades, American businesses have been able to sponsor valued employees. The bill before us changes that policy—a policy that, while imperfect, has worked well, and this bill will now replace it with a new, untested, unexamined system to provide visas to immigrants who look good on paper but who may not have any familial or economic ties to our country.

I have serious concerns about this new experiment in social engineering, not only because of the lack of evidence that it will work but because the bill says the new point system cannot be changed for 14 years. For that reason, I come to the floor today, joined by Senators MENENDEZ and FEINGOLD, to offer amendment No. 1202 to sunset the point system after 5 years.

I am pleased that immigration experts, religious organizations, and immigrant advocacy organizations have all endorsed our amendment.

These groups have endorsed our amendment because the point system in this bill constitutes a radical shift in immigration policy, premised on the view that there is something wrong with family and employer-sponsored immigration. If this program were merely supplementing the current system rather than significantly replacing it, it would not have caused as much concern.

Religious organizations and immigrant advocacy groups have also endorsed my amendment because the decisions about what characteristics are deserving of points—and how points are allocated for those characteristics—were made without a single hearing or public examination.

They support the amendment because the new points system shifts us too far away from the value we place on family ties and moves us toward a class-based immigration system, where some people are welcome only as guest workers but never as full participants in our democracy. Indeed, the practical effect of the points system is to make it more difficult for Americans and legal permanent residents with family living in Latin America to bring them here.

Our current immigration system delivers the lion's share of green cards—about 63 percent—to family members of Americans and legal permanent residents, while roughly 16 percent of visas are allocated to employment-based categories. The bill before us would reduce visas allocated to the family system in order to dramatically increase the proportion of visas distributed based on economic points. Once implemented, these new economic points visas would then account for about 40 percent of all visas, while family visas would account for less than half of all visas, with the remainder going for humanitarian purposes.

Under the new system, just a few of the current family preferences would be retained in any recognizable form. Spouses and children of U.S. citizens would still be able to come, but parents of U.S. citizens would no longer be counted as immediate family. Thus, most parents seeking to join their children and grandchildren in the United States would be denied green cards.

The rest of the current family preferences—siblings, adult children, and many parents—would be eviscerated.

The new points system would also eliminate employment-based green cards altogether, forcing employers recruiting workers abroad to rely exclusively on short-term H–1B and Y visas. This proposal takes an admittedly problematic employment-based visa system and replaces it with a far more problematic temporary worker visa system.

The design of the points system leaves numerous questions unanswered. Beyond pushing workers from Latin America to the back of an endless line with no hope of ever reaching the front, the new points system leaves unspecified the crucial question of how migrants with sufficient points will be prioritized. Government bureaucrats would thus be left with unprecedented discretion to determine which immigrants have acceptable education, employment history, and work experience to merit admission into the country.

Taken together, the questionable design of this points program and the fundamental shift away from family preferences in the allocation of visas raises enough flags that we should not simply rubberstamp this proposal and allow it to go forward.

Let me be clear. Senators MENENDEZ, FEINGOLD, and myself are not proposing to strike the program from the bill, but this system should be revisited after a reasonable amount of time to determine whether it is working, how it can be improved, and whether we should return to the current family and employer-based system that has worked so well.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OBAMA. Mr. President, I ask for 1 additional minute.

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

Mr. OBAMA. Mr. President, we live in a global economy, and I do believe America will be strengthened if we welcome more immigrants who have mastered science and engineering. But we cannot weaken the very essence of what America is by turning our back on immigrants who want to reunite with their family members, or immigrants who have the willingness to work hard but might not have the right graduate degrees. That is not who we are as a country. Should those without graduate degrees who spoke Italian, Polish, or German instead of English have been turned back at Ellis Island, how many of our ancestors would have been able to enter the United States under this system?

Character and work ethic have long defined generations of immigrants to America. But these qualities are beyond the scope of this bill's points system. It tells us nothing about what people who have been without opportunity can achieve once they are here. It tells us nothing about the potential of their children to serve and to lead.

In short, the points system raises some serious concerns for me. I am willing to defer to those Senators who negotiated this provision and say we should give it a try, but I am not willing to say this untested system should be made virtually permanent. For that reason, I urge my colleagues to support to sunset this points system after 5 years so we can examine its effectiveness and necessity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think it is very appropriate you be occupying the Chair during this moment in this debate. My good friend from Illinois says to those who have worked so hard to get this bill to the point it is at: Nothing personal, but I can't live with this provision.

Bipartisanship is music to the American people's ears. When you are out there on the campaign trail, you are trying to bring us all together. You are trying to make America better. Why can't we work together? This is why we can't work together because some people, when it comes to the tough decisions, back away because when you talk about bipartisanship, some Americans on the left and the right consider it heresy, and we are giving in if we adopt this amendment.

The 12 million who have lived in fear for decades, my Republican colleagues and a majority have told our base we are not going to put them in jail and we are not going to deport them. No matter how much you scream, no matter how much you yell, we are going to make them right with the law, we are going to punish them, but we are not going to play like they don't exist, and we are going to do things differently in the future.

If you care about families under this bill, people are united in 8 years who would be 30 years getting here. If you care about families wanting to wake up one morning and not be afraid, this bill does it.

This amendment in the name of making the bill better says that bipartisanship doesn't have the ''bi'' in it. It means everybody over here who has walked the plank and told our base you are wrong, you are going to destroy this deal. And that is exactly what it is, a deal—a deal to make America more secure, to give people a chance to start their lives over again and to have a new system that has a strong family component but will make us competitive with the world because some people don't want to say to the loud folks: No, you can't have your way all the time.

Let me tell you, this is about as bipartisan as you will get, Mr. President. Some of us on the Republican side have been beat up and some on the Democratic side have been beat up because we have tried to find a way forward on a problem nobody else wants to deal with.

To my friend, Senator KENNEDY, thank you for trying to find a way, as much as we are different, to make this country better, more secure, to treat 12 million people in a way they have never been treated and, in my opinion, deserve to be treated, to have a chance to start over.

What a sweet idea it is to have a second chance in life. Well, they are not going to get it if this is adopted, and America will be all the worse for it. What a great opportunity we have as a country not to repeat the mistakes of 1986, by having a merit-based immigration system that has a strong family component but frees up some green cards so we can be competitive.

So when you are out on the campaign trail, my friend, telling about why can't we come together, this is why.

Mr. OBAMA addressed the Chair.

The PRESIDING OFFICER. The Senator has no time.

Mr. OBAMA. I understand, but I wish to respond to my colleague from South Carolina since it appears to be directed at me.

Mr. KENNEDY. I yield 2 minutes of my time.

Mr. MCCAIN. I object unless the Senator from South Carolina has sufficient time as well.

Mr. OBAMA. I would like to give additional time. When the Senator from South Carolina addresses me directly, I feel it is appropriate for me to respond.

The PRESIDING OFFICER. The Senator from Massachusetts has the opportunity to yield time.

Mr. KENNEDY. I think I am entitled to yield time. I am in charge of the time on this side. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts yields 2 minutes to the Senator from Illinois.

Mr. OBAMA. Mr. President, I have a very simple response to what we just heard. I think it is important to consider the actual amendment before us as opposed to what appeared to be a broad-based discussion of the bill overall.

What this amendment specifically does is it says we will go forward with the proposal that has been advanced by this bipartisan group. It simply says we should examine after 5 years whether the program is working. The notion that somehow that guts the bill or destroys the bill is simply disingenuous and it is engaging in the sort of histrionics that is entirely inappropriate for this debate. This is a bill that says after 5 years, we will examine a point system in which we have had no hearings in the public. Nobody has had an opportunity to consider exactly how this was structured. It was structured behind closed doors. And the notion that after 5 years we can reexamine it to see if it is working properly, as opposed to locking it in for 14 years, that somehow destroys the bipartisan nature of this bill is simply untrue.

I ask all my colleagues to consider the nature of the actual amendment that is on the floor as opposed to the discussion that preceded mine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1415

Mrs. HUTCHISON. Mr. President, I wish to use the final minute of my time on my amendment No. 1415 and say I want to make sure we are doing everything to be fair to the people who pay into our Social Security system. We know we will be adding more people in this bill, but we want to make sure they are people who have worked legally in the system. Therefore, I hope we will adopt my amendment No. 1415, cosponsored by Senator GRASSLEY.

I ask unanimous consent to have printed in the RECORD a letter from the office of the Chief Actuary of the Social Security Administration in which he says the average annual savings in the bill from my amendment would be approximately $300 million this year, and over the 75-year period there will be more savings up front, fewer savings toward the end of the 75 years, but the average would be about $300 million per year. That is into our Social Security trust fund.

It is a matter of fairness to the people who have paid legally, and I hope everyone will support amendment No. 1415.

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

SOCIAL SECURITY ADMINISTRATION,
OFFICE OF THE CHIEF ACTUARY,
Baltimore, MD, June 6, 2007.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: Matthew Acock of your staff and Derek Kan of the Republican Policy Committee have requested that we produce preliminary estimates of the effect of two amendments to S. 1348, as amended with A. 1150, on the financial status of the Social Security program. They emphasized the need for at least preliminary estimates as quickly as possible. We have developed preliminary estimates for these amendments consistent with the analysis provided to Chairman Max Baucus on the current bill S. 1348/1150.

AMENDMENT 1301: OPTION TO REFUND PAYROLL TAXES FOR Y-VISA GUEST WORKERS

Your amendment number 1301 to S.1348 would provide Y-visa workers who have completed their time in this status and have returned to their home country the option to get a refund of employee payroll taxes from Social Security and Medicare. Exercising the option would preclude obtaining credit for these earnings toward Social Security or Medicare benefits. It would also preclude returning to the United States as a Y-visa guest worker in the future.

We assume that only those Y-visa workers who have no intention of returning to the U.S. would exercise the option. Such workers, without exercising the option, would often have made the payroll tax contributions with no expectation of receiving any benefits in the future because the limit of 6 years in Y-visa status is not sufficient to obtain insured status for most Social Security benefits (unless the U.S. and the worker's home country have an in-force totalization agreement). Thus, refunded payroll taxes under the amendment would represent a reduction in revenue for the OASDI program.

Of the 200,000 Y-visas granted each year we estimate that roughly two thirds would ultimately exercise the option to receive their employee payroll taxes back as a refund. Those not exercising the option would be individuals who either attain legal permanent resident status in the U.S. or overstay the Y-visa and continue residing in the U.S. on an unauthorized basis. We estimate that the reduction in revenue from this amendment, assuming it is enacted along with S. 1348/1150, would be a negligible worsening in the long-range OASDI actuarial balance. The average annual cost over the 75-year long-range projection period would be about equivalent to $200 million this year.

AMENDMENT 1302: WITHHOLDING OF SOCIAL SECURITY EARNINGS CREDITS FOR Z-VISA WORKERS WHEN NOT LEGALLY AUTHORIZED TO WORK

S. 1348/1150 provides for legalization of current undocumented immigrants who were

working in the United States on January 1, 2007. This amendment would prohibit assigning credit toward OASDI benefits for years in which earnings were received but the worker was not legally authorized to work. The effect of the amendment would restrict the use of such earnings credits for Z-visa holders who obtained a legitimate Social Security number (SSN) before January 1, 2007. S. 1348/1150 already includes this restriction for workers who would first obtain a legitimate SSN after 2006.

We estimate that almost one half of the 6.5 million individuals expected to gain legal status under S. 1348/1150 (through Z-visas and agricultural visas) would be affected by this amendment. We estimate that the long-range actuarial balance would be improved by 0.01 percent of taxable payroll.

We are hopeful that these quick preliminary estimates will be helpful. We will be working on more detailed estimates and must caution that due to the preliminary nature of estimates mentioned here, the more detailed estimates could differ somewhat. We look forward to continuing to work with you on this important legislation.

Sincerely,

STEPHEN C. GOSS.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

AMENDMENT NO. 1151

Mr. INHOFE. Mr. President, the distinguished Senator from Colorado and I have each had 5 minutes on my amendment. I have not had 5 minutes in rebuttal of the amendment of the Senator from Colorado. Let me tell you what is going on. I know a lot people in this Chamber are going to think no one is going to figure this out. I am going to say it over and over again after this is over if the outcome is as I anticipate it will be.

First, this is probably the first time in 20 years we have had an honest effort where we can make English our national language in the United States of America. This is something all the polling data shows is in the nineties—91 percent, 93 percent of the people in America who want to have this amendment adopted.

In fact, a Zogby poll last month in May showed 76 percent of the Hispanics in America want to have English as the national language.

The Salazar amendment is precisely what the underlying bill is. The underlying bill—and I can read it to my colleagues, but I have done it three times on the floor already—yes, it does put into law the controversial Executive Order 13166. My colleagues have heard a lot about this from their constituents.

It says you are entitled to have your information, if you receive Government money, in any language of your choosing—Swahili or any other language. That is what is in the underlying bill. That also is in the Salazar amendment.

This is what is going to be happening. My colleagues have a chance to change all of this when they vote on the Inhofe amendment, which is I believe the third amendment in line tonight. What I don't want my colleagues to do is vote for my amendment and then vote for the Salazar amendment. All that does is put it right back where the bill is now. In other words, it would do away with my amendment and put it back as the language is in the underlying bill.

So there is no reason in the world to do it, unless someone is trying to cover up their true position. If my colleagues believe we should join the other 50 countries, such as Kenya, Ghana, and other countries around the world, that have English as their official language, then this is a chance to do it. If my colleagues do not believe it, then this is their chance to vote against the Inhofe amendment.

It is an act of hypocrisy if colleagues vote for the Inhofe amendment and then vote for the Salazar amendment to undo the Inhofe amendment. That happened a year ago. Democrats and Republicans did that. However, this time it will not go unnoticed.

It is interesting that every President back to and including Teddy Roosevelt in 1916 said very emphatically that we should have English as our official language, as our national language. It was said by President Clinton, it was said by the other President Roosevelt, by both President Bushes, and everyone has been for it.

I have a listing I wish to make part of the RECORD that shows all of the polling data in the last 5 years. It shows that between 85 and 95 percent of the American people want this amendment adopted. My colleagues can turn their backs on them or they can try the old trick they do around here all the time: Vote for the Inhofe amendment, and then turn around to vote to undo it if they want.

One thing that was stated by the Senator from Colorado was there are a lot of statutes this would negate. I remind my colleagues, if they read this bill, it says: Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services or provide materials in any language other than English.

I have a list I also want to be made part of the RECORD that shows there are many statutes where they mandate languages other than English. A good example is the Court Interpreters Act. That is put in there to protect the sixth amendment to the Constitution, so people can be advised of their rights.

Again, my colleagues are going to have the opportunity to vote to make English our national language. I hope they will adopt this. They will certainly be serving their constituents well if they do. But if they do, they shouldn't turn around and undo what they just did because that is not going to go unnoticed.

Mr. President, I ask unanimous consent that the polling information and the list of selected Federal laws requiring the use of languages other than English be printed in the RECORD.

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

NATIONAL ENGLISH AMENDMENT POLLS

Polls: All types of pollsters of all groups, liberal and conservative, immigrant and nonimmigrant, with all wordings show consistently high levels of support for making English the official language of the United States:

1. A Zogby Poll conducted on May 17–20, 2007 showed that 83 percent of Americans favor official English legislation, including 76 percent of Hispanics. 94 percent of Republicans, 72 percent of Democrats, and 83 percent of Independents are favorable to official English legislation.

2. An April 2007 McLaughlin & Associates poll showed 80 percent of all Americans indicated that they would support a proposal to make English the official language.

3. A December 2006 Zogby International poll showed that 92 percent of Americans believe that preserving English as our common language is vital to maintaining our unity.

4. A June 2006 Rasmussen Reports poll showed that making English the nation's official language is favored by 85 percent of Americans; this figure includes 92 percent of Republicans, 79 percent of Democrats, and 86 percent of those not affiliated with either major political party.

5. A March 2006 Zogby International Poll showed 84 percent of likely voters support making English the official language of government operations with commonsense exceptions.

6. A 2004 Zogby poll showed 92 percent of Republicans, 76 of Democrats and 76 percent of Independents favor making Englisgh the official language.

7. In 2000, Public Opinion Strategies showed 84 percent favored English as the official language with only 12 percent oppposed and 4 percent not sure.

8. A 1996 national survey by Luntz Research asked, ''Do you think English should be made the Official Language of the United States?'' 86 percent of Americans supported making English the official language with only 12 opposed and 2 percent not sure.

Latino immigrants support the concept of Official English:

1. An April 2007 McLaughlin & Associates poll showed that 80 percent of all Americans, including 62 percent of Latinos, would support a proposal to make English the official language.

2. A March 2006 Zogby poll found that 84 percent, of Americans, including 71 percent of Hispanics, believe English should be the official language of government operations.

3. My favorite poll is this one: In 2004 the National Council of LaRaza found that 97 percent strongly (86.4 percent or somewhat (10.9 percent) agreed that ''The ability to speak English is important to succeed in this country.''

STATUTES

SELECTED FEDERAL LAWS REQUIRING THE USE OF LANGUAGES OTHER THAN ENGLISH

The following are provisions of the United States Code which expressly require the use of languages other than English:

1. The Food Stamp Act of 1977—(7 U.S.C. §2020(e)—Under certain circumstances, requires states to provide written and oral assistance in languages other than English.

2. Immigration and Nationality Act—(8 U.S.C. §1224)—Provides interpreters during examinations of aliens seeking entry to the United States.

3. Domestic Violence Prevention—(8 U.S.C. §1375a(a))—States that information for nonimmigrants shall be in languages other than English.

4. The Equal Educational Opportunities Act of 1974—(20 U.S.C. §1703(f))—Upheld in Lau v. Nichols, (1974), this Act necessitates some accommodation for students who don't speak English.

5. Language Instruction for Limited English Proficient and Immigrant Students—(20 U.S.C. §6823)—Requires state plans for educating limited English proficient students. Describes how local schools will be given flexibility to choose the language instructional method to be used, so long as the plan is scientifically-based and demonstrably effective.

6. Plans for Educating Limited English Proficient Student—(20 U.S.C. §6826)—Calls for plans for educating limited English proficient students, including demonstrations that teachers are multilingual.

7. Authorizes Grants for Educating Limited English Proficient Students—(20 U.S.C. §6913)—Authorizes and mandates grants for educating limited English proficient students without limitation on language used.

8. Education of Limited English Proficient Students—(20 U.S.C. §6932)—Requires research on education of limited English proficient students.

9. Language Instruction Educational Program Definition—(20 U.S.C. §7011)—Defines ''language instruction educational program'' as one that may include instruction in both English and the child's native language to enable participating children to become proficient both in English and in a second language.

10. Parental Notification of Identity of Limited English Proficient Students—(20 US.C. §7012)—Provides for parental notification of identification of a student as limited English proficient, including use of language other than English to notify the parent.

11. Native American Languages Act—(25 U.S.C. §2902–2906)—Preserves, protects, and promotes the use of Native American languages. States that nothing in the Native American Languages Act shall prevent the use of federal funds to teach English to Native Americans.

12. The Court Interpreters Act—(28 U.S.C. §1827(d))—Invoking the Sixth Amendment right to confront witnesses, requires the use of interpreters in certain judicial proceedings.

13. Labor Protection Notices for Migrant Workers—(29 U.S.C. §§1821(g), 1831(f))—Migrant and farmworker labor protection notices must be in languages other than English, according to the level of fluency of the workers.

14. Migrant Health Centers and Alcohol Abuse Programs—(42 U.S.C. §§254b(f), 245c, 4577b)—Federally-funded migrant health centers and alcohol abuse programs that serve a significant non-English-speaking population must have interpreters.

15. Substance Abuse and Mental Health Administration Reorganization Act—(42 U.S.C. §§290aa(d)(14))—Requires some services in languages other than English.

16. Disadvantaged Minority Health Improvement Act—(42 U.S.C. §300u–6(b)(7))—Requires the Office of Minority Health to provide multilingual services.

17. Voting Rights Act—(42 U.S.C. §§1973b(f)(1), 1973aa–1a)—Restricts elections and election-related materials published only in English in the bilingual ballots and voting materials sections of the Voting Rights Act.

18. Older Americans Act—(42 U.S.C. §3027(a)(20)(A))—Requires state planning agencies to use outreach workers who are fluent in languages other than English when there is a substantial number of limited-English proficient older persons in a planning area.

19. Community Development Grants—(42 U.S.C. §5304)—Requires applicants for community development grants to explain how they will meet the needs of non-English-speaking persons.

20. Child Development Grants—(42 U.S.C. §9843)—Permits grants for child development (Head Start) programs for limited English proficient children.

21. Domestic Violence Hotlines—(42 U.S.C. §10416)—Requires a plan to provide domestic violence telephone hotline operators in Spanish.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think there are 2 minutes left on the discussion of this issue.

I hope our colleagues listened to the extraordinary history of the Salazar family. It is the living of the American dream. It is respect for the Spanish language and Spanish tradition, and the reverence that it has for English today.

I am disappointed in the Inhofe amendment because the Inhofe amendment doesn't add one nickel, it doesn't add 1 hour for those who want to learn English. To learn English in my home city of Boston, MA, immigrants have to wait 3 years in order to gain admission to a class to learn English. There are long waits in all parts of the country. If we had some effort to try and provide the opportunity for those who do not know English to learn English, I think we would be much better off.

Finally, as the Senator from Colorado has pointed out, the great civil rights protections of Title VI of the 1964 Civil Rights Act and Executive order 13,166 as well as protections dealing with public health and safety that we have found to be so important in terms of ensuring the health and the safety and the security of our people. Providing information needed to protect health and safety depend on communication—communication—and we have developed a process, a way of respecting different traditions in order to be able to do that.

The Salazar amendment retains and respects that tradition, and it is the way we should be proceeding and embracing this evening for the reasons he stated so well.

AMENDMENT NO. 1374

Mr. President, I wish to yield time on the Ensign amendment. I think I have 5 minutes on the Ensign amendment in opposition?

The PRESIDING OFFICER. The Senator is correct. The Senator has 5 minutes on the Ensign amendment.

Mr. KENNEDY. Mr. President, the Ensign amendment basically rearranges what we call the merit-based system that has been included in this legislation. This was the subject of a good deal of debate: Do we want to develop a merit-based system that has been developed in some other countries. It has had some success in some areas, some challenges in others.

During the debate there was a question about how we would develop a merit-based system to take in the needs of the United States. There are important needs in high skills, but we also understand from the Department of Labor that 8 out of the 10 areas of occupations are basically low skill, what they call low skill. Those may be teachers, they may be managers, or professional people in some areas, but they are basically individuals who have very important skills that are essential to the American economy.

We had debate about how we were going to work out that merit system, and in that whole process we worked diligently to find a system that is going to respect the higher skilled but also provides some opportunity for the low skilled as well to be able to gain entry and then to gain what we call the sufficient points to move far forward and able to gain green cards and eventually citizenship.

The Ensign amendment absolutely emasculates that amendment and virtually closes out all of the low-skilled possibilities for people who might come on in as temporary workers or may come on in under other provisions of this legislation. Under the Ensign amendment, all of those individuals, the lower skilled, are effectively eliminated and closed out, make no mistake about it. Make no mistake about it.

Finally, we have provisions in the legislation dealing with the higher skills, called the H–1B provisions. That is directly related to higher skills. We have addressed that issue in other provisions of the legislation.

For those reasons, I would hope the Ensign amendment would not be accepted.

AMENDMENT NO. 1339

Mr. President, on the Vitter amendment, let me add some additional points to this debate. A great deal of time was spent listening to Secretary Chertoff, to making recommendations about what is going to be in the national security interest to preserve our borders. That was one of the most important parts of the development of this legislation.

Senator ISAKSON came forward with a very important suggestion and a proposal with regard to ensuring that we were going to have true national security, protection of our national security before other provisions were going to be set forth. We have had good chances during the period of these past months to work with Homeland Security and to work with all of the Members of this body to ensure we were going to have effective provisions to protect national security. We even accepted a Gregg amendment which we believed added to the provisions that were accepted.

It is our belief those provisions are sufficient, the allocations of resources for the border, the utilization of enhanced border patrols, the enhanced border security, which has been outlined time and again during the course of this debate. They are sufficient. So I would hope at the time that amendment is addressed it would not be accepted.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1316

Mr. MCCAIN. Mr. President, I rise in opposition to the Dorgan amendment. I was a little surprised to see it in order, but that happens quite often around here. This is the same amendment we voted on a couple of weeks ago. It was a close vote, I realize, but I didn't know we were going to have a practice of second chances on amendments after they were defeated.

It seems to me this is something that is very unnecessary. But if we get into the custom here with so many amendments that we vote again and again, I don't think that is good for this process. I think the process that has taken place so far has been very commendable. Both managers have done a great job, but this is another attempt to do away with the temporary worker program. It is another attempt to kill this legislation. That is what it will do. That is exactly what this amendment does.

We had vigorous debate on it once, with a long period of debate, and it was defeated. Now, basically, we are having another vote again. I don't think that is appropriate. But more important, one thing that hasn't changed, I say to my colleagues, if you pass this, it kills the bill. We have made too much progress with too much debate and with too much consensus to revisit the same issue over again and have it carry this time.

I am sure the sponsor of the amendment has some reason for bringing it up again, but I don't think there is a good reason, and I hope we will reject this amendment because it has already been rejected.

I urge my colleagues to vote ''no'' on the Dorgan amendment.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I take the time on the Dorgan amendment myself. How much time remains on this?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. Mr. President, I have opposed the Dorgan amendment each time for very important and basic reasons. We are attempting to secure our borders. We are going to secure our borders. We know, even when we secure our borders, we are going to have pressure on those borders to come through. People are either going to come through the front door or they are going to come through the back door.

What do I mean by that? If they are coming through the back door, they are going to be the undocumented and the exploited undocumented workers, such as we have seen in my own city of New Bedford, where they are arrested and exploited and are driving down wages. If they come through the front door, they are going to meet the needs of American industry when we find there are no existing options for American workers. There is going to be the requirement that you have to get American workers first. We have accepted that and restated that with the Durbin amendment. But if they are able to gain entry into the United States, they are going to have the kind of protections that are included in the legislation.

I have listened to those who have been opposed to the temporary workers, saying there are no rights and protections for these temporary workers. They ought to read the bill. They ought to read the bill, because any temporary worker who is going to be hired is going to be guaranteed the prevailing wage, they are going to be protected by the OSHA provisions, they are going to be protected by workmen's compensation, and they are going to have the opportunity, we believe, over a period of time, if they have come in, to try to improve themselves, to learn English, to involve themselves in an employment program to begin to go up the ladder in terms of getting a green card. So that is the choice.

If we act to eliminate the temporary worker program, we are going to find what we have at the present time, that hundreds of individuals die in the desert; that we are going to have those individuals who are able to gain entry in the United States and are undocumented and they are going to be exploited, as they are exploited today, and they will drive down wages, as happens today. That happens to be the situation.

Some like some temporary worker programs better than others, but we have the one we have in this bill and we have every intention to try and make it work. We have set up a careful system in the bill to accommodate the concerns about the size of the temporary worker program. There is, as well, a market-based adjustment that is crucial to the provision in the bill, and I think it would be a great mistake to effectively emasculate the temporary worker program. That is what the Dorgan amendment would do.

Mr. President, I believe that I am the only one who has time that is remaining. If that be the case, I would be glad to yield back the remaining time.

I ask if the Chair would be good enough to state the amendments, the first amendment that would be before the Senate at this time. We have a series of different votes, and I think we ought to have the opportunity to make sure all of us understand exactly what we are voting on.

I believe the hour of 10 o'clock has arrived, and I yield whatever time remains, and I think we expect yeas and nays votes on all of them.

AMENDMENT NO. 1183

The PRESIDING OFFICER. The question occurs on the Clinton amendment, No. 1183.

Mr. KYL. Mr. President, I make a point of order that the pending Clinton amendment, No. 1183, to S. 1348, violates section 201, the pay-as-you-go point of order of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. KENNEDY. Mr. President, I move to waive the applicable provisions in the Budget Act and 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 the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

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

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—44

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Kennedy	Nelson (NE)
Bingaman	Kerry	Obama
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Salazar
Casey	Leahy	Sanders
Clinton	Levin	Schumer
Conrad	Lieberman	Stabenow
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Mikulski	

NAYS—53

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Pryor
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Byrd	Gregg	Snowe
Carper	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Corker	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	

NOT VOTING—2

Dodd	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 1374

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1374, offered by the junior Senator from Nevada, Mr. ENSIGN.

Who yields time? The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, my amendment goes to the merit-based system. We have a serious problem in this country where we are graduating incredible engineers from our high-tech universities. When they graduate, we say: You must go home.

I had a company in my office today from Silicon Valley. They are opening an office in Singapore, hiring American graduates, foreign-born graduates from American universities, opening in Singapore because they cannot hire them in this country. There are not enough visas.

My amendment fixes the merit-based system and says we want to attract the best and the brightest from around the world. The high-tech community supports my amendment because they think the underlying bill is flawed.

Mr. President, India and China will graduate 600,000 to 700,000 engineers. We will be graduating 65,000 to 70,000. Half of ours are foreign-born. We do not have enough of that brain power coming into this country like we have had in the past. Those who came here will come here and create opportunities for other people in the United States.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the merit-based system that is included in this legislation as it exists at the present time is heavily skewed toward the high skills. I would say 75 to 80 percent of those who are going to qualify in the merit-based system are going to be for the highly skilled.

There is the reservation under the skill system, 25 or 30 percent for lower skills because our economy designed high skills, and the Department of Labor says 8 out of 10 occupations that our Nation needs are low skills: teacher's aides, home health aides, and others.

That has been worked out. That is the way it is. Under the Ensign amendment you would completely skew it to shortchange all of the low skills, all for the high skills. We are taking care of the high skills with the H–1B program. If we need to do something about that, then let's have amendments to do it.

But this way effectively is saying to millions of people who have come here and have been absolutely indispensable to our economy that they are never going to have a chance to be part of the American dream.

I hope the amendment will be defeated.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. 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) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—42

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bennett	Dorgan	Pryor
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Conrad	Inhofe	Tester
Corker	Isakson	Thune
Cornyn	Lincoln	Vitter
Crapo	Lott	Warner

NAYS—55

Akaka	Graham	Mikulski
Bayh	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Brownback	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Kyl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lieberman	Voinovich
Collins	Lugar	Webb
Craig	Martinez	Whitehouse
Durbin	McCain	Wyden
Feingold	McCaskill	
Feinstein	Menendez	

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1374) was rejected.

AMENDMENT NO. 1384

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1384 offered by the Senator from Colorado, Mr. SALAZAR. Who yields time?

Mr. SALAZAR. Mr. President, I ask for a ''yes'' vote on Salazar 1384 and a ''no'' vote on Inhofe 1151, and the 2 minutes under that time I will yield to Senator DOMENICI from New Mexico.

Mr. INHOFE. Parliamentary inquiry, before the Senator speaks: Is the 2 minutes equally divided?

The PRESIDING OFFICER. It is 2 minutes equally divided. The senior Senator from New Mexico is recognized.

Mr. SALAZAR. Parliamentary inquiry: The senior Senator from New Mexico is recognized for 2 minutes to speak on both amendments?

The PRESIDING OFFICER. We are now considering only the Salazar amendment. There are 2 minutes to be divided equally.

Mr. SALAZAR. I ask unanimous consent that the senior Senator from New Mexico be given 2 minutes to speak on both Salazar 1384 and Inhofe 1151.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SALAZAR. I yield 1 minute on Salazar 1384 and request a ''yes'' vote and yield the time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I, too, ask for a ''yes'' vote on the Salazar-Domenici amendment which everybody should understand says that the English language is the common language of the United States. I come from a State that is different from most of yours in that we have had a long history of trouble regarding what language we speak; this has been so from the very time New Mexico started to become a State. The legislature of the United States played around with New Mexico in an effort to see if there could be enough Anglos so there wouldn't be a majority of Spanish speakers at the State's infancy. We were told we had to wait for Statehood until there was a majority of English speakers in New Mexico, and the U.S. Supreme Court later said the Congress could not do that to New Mexico. New Mexico could do what they desired. We voted in a State constitution that still stands that says English and Spanish are common languages and you can speak both languages.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, this is very simple. I hope everyone understands and is listening. We are going to have an opportunity in a few minutes to vote on another amendment which we will describe at that time with 2 minutes equally divided.

If you are opposed to English as the national language of the United States, then vote for the Salazar amendment. That is exactly what it does. His amendment says anyone who receives Federal money is entitled—this is an entitlement—to have the documentation in any language he or she chooses. It could be in Swahili, French, any other language.

So if you are opposed to English as the national language, go ahead and vote for this amendment. But keep in mind, when you do, that 91 percent of Americans are on our side of this issue and want English to be the national language, and 76 percent of the Hispanics, as a result of a poll that was taken in May of this year—a Zogby poll—are for English as the national language.

I ask you to defeat the Salazar amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to Salazar amendment No. 1384.

Mr. SALAZAR. 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 clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—58

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Bennett	Harkin	Obama
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Brownback	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Coleman	Lincoln	Warner
Collins	Lugar	Webb
Conrad	McCaskill	Whitehouse
Domenici	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murkowski	

NAYS—39

Alexander	DeMint	Martinez
Allard	Dole	McCain
Bond	Ensign	McConnell
Bunning	Enzi	Pryor
Burr	Graham	Roberts
Byrd	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Smith
Cochran	Hutchison	Stevens
Corker	Inhofe	Sununu
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich

NOT VOTING—2

Dodd	Johnson	y

The amendment (No. 1384) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the amendment be modified to be a first-degree amendment.

Mr. INHOFE. Mr. President, reserving the right to object—I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

AMENDMENT NO. 1151

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1151 offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Oklahoma is recognized for 1 minute.

Mr. INHOFE. Mr. President, last year, a year and a month ago, we had this same vote. Sixty-two people in this Chamber voted in favor of it, and I will ask them to do the same again. This, very simply—we talked about this many times—makes English the official, the national language of the United States as opposed to giving an entitlement to anyone, to any other language, which is in, of course, the amendment we passed.

If this amendment passes, it will go to conference, and we will have an opportunity to do something in conference to decide whether it is a combination of these or one or the other should prevail. So I ask that you do what 90 percent of your constituents want you to do and that is vote yes on the Inhofe amendment to make English the national language of the United States of America.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Colorado is recognized for 1 minute.

Mr. SALAZAR. Mr. President, I ask my colleagues to vote no on 1151 for three reasons. First, it is in violation of the very delicate compromise, the bipartisan compromise that has been put together by both Republicans and Democrats. Second of all, it is an absolute transparent attempt to undo the Executive Orders of President Bush and President Clinton and the implementation memorandums from both of those Presidents. Third, this is a States' rights issue.

Fourth, for me, I remember having my mouth washed out with soap as a young man for speaking the Spanish language, which is my native language. I love English and we should encourage people to speak English.

This amendment is nothing but a divisive amendment among the people of the United States. I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—64

Alexander	Dole	Mikulski
Allard	Dorgan	Murkowski
Baucus	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Cardin	Hutchison	Snowe
Carper	Inhofe	Specter
Chambliss	Isakson	Stevens
Coburn	Klobuchar	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thune
Collins	Lincoln	Vitter
Conrad	Lott	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Craig	McCain	Wyden
Crapo	McCaskill	
DeMint	McConnell	

NAYS—33

Akaka	Feingold	Menendez
Bayh	Feinstein	Murray
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Cantwell	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Domenici	Levin	Stabenow
Durbin	Lieberman	Whitehouse

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1151) was agreed to.

AMENDMENT NO. 1415

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1415 offered by the Senator from Texas, Mrs. HUTCHISON.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator ALLARD be added as a cosponsor on the amendment.

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

Mrs. HUTCHISON. Mr. President, the underlying bill does not allow Social Security credits for work done with a fraudulent card. However, it does allow credit for work done on visa overstays. We all know that is estimated to be about 40 percent of the 12 million estimated illegal immigrants.

Mr. President, if we don't pass this amendment, it could jeopardize the integrity of the Social Security system for all the hard-working people who are going to depend on that for their retirement. It would be a loss of about $28 billion per year. I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Texas. She has worked with the managers of this legislation. We are prepared to accept this amendment. We thank her for the courtesy, and we hope the membership will support her amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1415) was agreed to.

AMENDMENT NO. 1339

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1339 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, this amendment is very simple and straightforward. It would add to the enforcement trigger mechanism of the bill that the US–VISIT Program be fully operational. This is the entry/exit system program that has been authorized since 1996 but has never been put into operation.

As Senator HUTCHISON just mentioned, we all know a huge part of the

illegal immigration problem is visa overstays. The latest estimate, in 2006, is that 4 million to 5.5 million visa overstays are illegal immigrants in this country. We cannot get a handle on that problem without the US–VISIT system knowing when people are leaving the country and, thus, whether they are overstaying their visa. Yet that is not part of the enforcement mechanism in the bill at all.

Let's vote for this amendment and make it part of the bill.

Mr. KENNEDY. Mr. President, there was no difference among all of us in trying to ensure that we were going to have a secure America. We worked very closely with Secretary Chertoff. In this legislation, we have increased it to 27,000 detention beds, 20,000 border guards, 375 miles of fencing, 275 vehicle barriers, 70 ground-based radars and cameras, sensors, and 4 unmanned aerial vehicles. We accepted the Isakson trigger, saying that the other aspects of this legislation will not go into effect until these are committed. Then we accepted the Gregg additions. We are in the process now of trying to negotiate with the administration to get mandatory spending to make sure all these are done, and done expeditiously.

The Secretary of Homeland Security thinks we have met our responsibilities. I hope the amendment will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—48

Alexander	DeMint	Murkowski
Allard	Dole	Nelson (NE)
Baucus	Dorgan	Pryor
Bennett	Ensign	Roberts
Bond	Enzi	Rockefeller
Brownback	Grassley	Sessions
Bunning	Hagel	Shelby
Burr	Hatch	Smith
Byrd	Hutchison	Snowe
Chambliss	Inhofe	Stabenow
Coburn	Isakson	Stevens
Coleman	Landrieu	Sununu
Corker	Lincoln	Tester
Cornyn	Lott	Thune
Craig	McCaskill	Vitter
Crapo	McConnell	Webb

NAYS—49

Akaka	Cantwell	Collins
Bayh	Cardin	Conrad
Biden	Carper	Domenici
Bingaman	Casey	Durbin
Boxer	Clinton	Feingold
Brown	Cochran	Feinstein
Graham	Levin	Reid
Gregg	Lieberman	Salazar
Harkin	Lugar	Sanders
Inouye	Martinez	Schumer
Kennedy	McCain	Specter
Kerry	Menendez	Voinovich
Klobuchar	Mikulski	Warner
Kohl	Murray	Whitehouse
Kyl	Nelson (FL)	Wyden
Lautenberg	Obama	
Leahy	Reed	

NOT VOTING—2

Dodd Johnson

The amendment (No. 1339) was rejected.

Mr. KYL. 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. 1202

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided on amendment No. 1202 offered by the Senator from Illinois, Mr. OBAMA.

Mr. OBAMA. Mr. President, this amendment is very simple. It sunsets after 5 years the points system that has been structured in this bill. I wish to emphasize that I think the authors of this legislation deserve credit for working diligently and coming up with a carefully balanced bill, but the points system we are transitioning to is a radical departure from the one we have had in the past. The question is, do we, after 5 years, take a look and see whether it is working properly? Is it one that is inhibiting families from unifying in this country? Is it something that is making it easier or harder for employers to operate effectively in a lawful fashion?

What this amendment simply says is that after 5 years, we will reexamine the bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OBAMA. I leave it there. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from South Carolina is recognized for 1 minute.

Mr. GRAHAM. Mr. President, I say to my colleagues who worked to put this bill together, they know what this does. The deal is that in 8 years people will be reunited as families who never would have seen each other for maybe 30 years. We have united families in 8 years. The Z visa people have a chance to start over, but only after the backlog is cleared.

The merit-based system is the vehicle to be used after 8 years so they can come into our system and maybe one day be a citizen and get a green card. If we sunset the merit-based system at 5 years, there is no vehicle left, and to us over here, what would my colleagues say if we sunsetted the Z program in 5 years? My colleagues would walk, and they should.

This is not right. This does not help us as a country.

This destroys the vehicle to solve a problem that has been neglected for 20-something years.

I ask my colleagues to vote no for the sake of the country.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 1202.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—42

Akaka	Feingold	Murray
Baucus	Hagel	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Kerry	Reed
Boxer	Klobuchar	Reid
Brown	Kohl	Rockefeller
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

NAYS—55

Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Bennett	Ensign	Murkowski
Bond	Enzi	Pryor
Brownback	Feinstein	Roberts
Bunning	Graham	Salazar
Burr	Grassley	Sessions
Cardin	Gregg	Shelby
Carper	Hatch	Smith
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Stevens
Coleman	Kennedy	Sununu
Collins	Kyl	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—2

Dodd Johnson

The amendment (No. 1202) was rejected.

AMENDMENT NO. 1316

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1316 offered by the Senator from North Dakota, Mr. DORGAN.

Mr. REID. Mr. President, will this be the last vote?

The PRESIDING OFFICER. This will be the last vote; that is correct.

The Senator from North Dakota is recognized for 1 minute.

Mr. DORGAN. Mr. President, this is a sunset of the temporary worker program in 5 years. It is a new bill, a new program, with more questions than answers. It seems to me that we ought to ask some questions at the end of 5 years.

In the fifth year, we will have 600,000 jobs assumed by temporary workers coming in; in the fourth year, 400,000 jobs, and on and on. So the question is, How many of them are going to leave? What if they do not leave? Are we going to come back to the floor with a new immigration bill, talking about illegal immigration? Why don't we sunset after 5 years to see if this has worked?

Let me make a final point as we vote. We have had a lot of discussion about immigration, but no one on the floor of the Senate is talking about the impact on American workers. All of these jobs the temporary workers will assume are going to compete with people at the bottom of the economic ladder in this country. They are called American workers as well.

Let us sunset this and evaluate what we are doing, what kind of contribution to illegal immigration this will amount to, and what impact it has on American workers. Let us sunset this at the end of 5 years.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the third time we have dealt with this issue. As much as I respect the Senator from North Dakota, he doesn't care more about American workers than I do.

The fact is, if you have a secure border, workers are either going to come in through the front door or the back door. If they come in through the back door, as they are now doing, they are going to be exploited and humiliated. If they come through the front door, as a result of the fact that there is no American worker prepared to take that job, they are going to get labor protections, the prevailing wage, OSHA protections, workmen's compensation, and they are going to have those kinds of protections which they do not have now.

You may not like the temporary worker program, but we have to have predictability for a period of time. In the legislation are correcting mechanisms for this program. Let us at least give it a chance to work.

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

The PRESIDING OFFICER. All time has expired.

Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 1316.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—49

Baucus	Enzi	Obama
Bayh	Feingold	Reed
Biden	Harkin	Reid
Bingaman	Inhofe	Rockefeller
Boxer	Inouye	Sanders
Brown	Klobuchar	Schumer
Bunning	Kohl	Sessions
Byrd	Landrieu	Shelby
Cardin	Lautenberg	Stabenow
Casey	Leahy	Sununu
Clinton	Levin	Tester
Conrad	McCaskill	Thune
Corker	Menendez	Vitter
DeMint	Mikulski	Webb
Dole	Murray	Wyden
Dorgan	Nelson (FL)	
Durbin	Nelson (NE)	

NAYS—48

Akaka	Crapo	Lott
Alexander	Domenici	Lugar
Allard	Ensign	Martinez
Bennett	Feinstein	McCain
Bond	Graham	McConnell
Brownback	Grassley	Murkowski
Burr	Gregg	Pryor
Cantwell	Hagel	Roberts
Carper	Hatch	Salazar
Chambliss	Hutchison	Smith
Coburn	Isakson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stevens
Collins	Kyl	Voinovich
Cornyn	Lieberman	Warner
Craig	Lincoln	Whitehouse

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1316) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I know the hour is late and we have had a long day. I think it has been a very productive day. Due to the delay in getting amendments actually voted on, of course, the amendment I had voted on this morning had been pending for a full 2 weeks before we were able to secure an agreement to vote.

I ask unanimous consent to call up some of my pending amendments so we can get them pending. I ask unanimous consent that my amendment 1400, which is at the desk, be called up for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I would have to object. We are in the process of attempting to clear up these. We have had a very full day. I want to thank the Senator from Texas for his cooperation. We will try to address these in an orderly way. We have been trying to process some of these back and forth. I think we have made extraordinary progress today. We are trying to make sure everyone's voice and interests positioned on those issues are going to have an opportunity to be heard. Now I have to object. I will work with the Senator and see if we cannot arrange time for consideration.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I know it has been a long day. But the majority leader has filed a cloture motion which will be voted on tomorrow. There is concern that there are many amendments that have been filed which have not been allowed to be called up and be made pending.

While I think there have been some recent indications that there is more of a willingness to allow amendments to be considered, I am very concerned, because of the procedural posture we will find ourselves in very soon, that some of these amendments will not be allowed to be considered.

I am concerned as well that may very well affect how many of us are required to vote on cloture. I think there has been a recent spirit of cooperation which I hope continues. But if there is going to be an insistence on a vote on cloture, and at the same time a denial of the opportunity of many of us to call up amendments and actually have them considered and voted on, I do not think we will have any alternative but to vote against cloture.

I regret the reluctance to allow us to call up amendments continues at this time. If permitted, I want to call up at least four of my amendments: 1400, 1208, 1337, and 1399. But I understand there has been objection lodged. There likely will be objection lodged to additional unanimous consent requests.

I would note for the record here that there are a lot of other amendments that have not been allowed to be considered, and we have got a lot of work to do before we can consider that everybody has had the opportunity to call up amendments and have them voted on.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would state for the record that last year before cloture was successfully invoked on immigration, the Senate disposed of 30 amendments with 23 rollcall votes. This year, after votes just completed, the Senate has disposed of 41 amendments, with 27 rollcall votes, 11 amendments more than when we last considered this bill under the other party's control. Not counting side-by-side alternative amendments, there have been 18 Democratic amendments offered, compared to 21 Republican amendments. Counting side by sides, it is 21 Democrats, 22 Republicans. So I would say to my friend from Texas, by standards of the last debate on the immigration bill, we have considered 11 more amendments, we have had more rollcall votes, there have been more side by sides and other votes offered from the Republican side than the Democratic side.

So I say at this point this has been a fair and complete process. It is now 12:20 in the morning. We have worked a long day; probably have 2 long days ahead of us. But to argue that Members have not had their chance to express themselves through the amendment process is not reflected in the actual vote.

Mr. CORNYN. Mr. President, I do not dispute the numbers. They are what

they are. But I would point out that this bill did not go through the Judiciary Committee. Last year when the McCain-Kennedy amendment and the bill considered in the Judiciary Committee, I believe there were 62 amendments filed. I think there were a lot more filed than that, but actually 62 amendments. So there was a process at the Judiciary Committee level last year which gave people an opportunity to have their positions heard. That has not been the case this year. I would point that out as an obvious point of distinction. I hope there is not going to be any attempt to try to force this bill through before Senators are ready to consider all or at least a reasonable number of amendments, because I do not think we will have any alternative but to vote against cloture, to allow debate to continue and allow additional amendments to be heard.

Mr. DURBIN. Mr. President, in the interests of allowing Senator CORNYN and other Senators to offer amendments, I make a unanimous consent request that cloture votes be postponed tomorrow until 4 p.m. so Senator CORNYN and others who wish to can offer amendments before the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, I believe a demonstration of willingness to allow us to call up amendments and have them debated and actually voted on would have been reflected in the last 2 weeks. As I have pointed out, I was denied for a full 2 weeks an opportunity to have the very first amendment I called up actually scheduled for a vote. I know the distinguished deputy majority leader is acting in good faith. But I think we need to have a vote on that cloture motion at the time it is currently scheduled. So I would respectfully object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have offered amendments on a number of occasions and had asked those amendments be made pending, and set aside the pending business to make certain amendments pending. I have had objection.

At this time I once again ask that amendment No. 1323, which we referred to as the Charlie Norwood amendment, that deals with empowering State and local law enforcement officers to participate through the normal process, if they choose, be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, it is pretty clear what has been occurring is very few amendments have had the opportunity to get a real debate. This is an important amendment. It deals with whether local law enforcement can actually participate in any meaningful way in the enforcement of Federal immigration laws. I will tell you what the facts are, with the help from my fine staff chief counsel, Cindy Hayden.

We wrote a law review article for Stanford University Law School that dealt with this issue, and it is a very important issue. It is one well-understood by the legal professionals who have been behind the scenes crafting this legislation.

The ninth circuit has held that visa overstays, which make up 40, maybe 45 percent, and in the future, if this bill becomes law, maybe more than 50 percent of the people illegally in the country, would be visa overstays.

Those persons, if involved in some traffic accident, like many of the terrorists were before 9/11—they were stopped for traffic violations by local police officers, but because that is not a normal criminal violation, as is the case for people who have come across the border, they are not detainable under the ninth circuit ruling by local police officers.

So it is a weird thing. Several other circuits seem to have held differently. But the ninth circuit case was most on point. Lawyers for police departments all over America are telling their police departments: You may not have authority to hold anybody, so even if you apprehend someone you are concerned about who could even be a terrorist, like those people involved in 9/11, or like John Malvo, who was involved in those murders, was stopped for traffic violations, we do not have a system in place to even allow local police to detain them for even a short period of time until they are turned over to the Federal authorities.

That is the way the system ought to work. There are 600,000 to 800,000 State and local law enforcement officers in America. We are not trying to mandate that they do anything. But in the course of their business, their normal duties, if they come upon people in violation of the law, they ought to be able to hold them and turn them over to the Federal authorities.

I am disappointed we are not getting to move forward on that amendment, very disappointed. We had this matter sort of fixed in Judiciary Committee last year. Then an amendment came up—somebody figured out the significance of it, and that amendment took it out. Ever since, any effort to get that to be made a part of this fix has been undermined and blocked.

I say to my colleagues, I do not believe anybody can say they have a commitment to having an enforceable immigration system if they throw roadblocks up that undermine the ability of State and local law enforcement to participate in their normal course of their duties by detaining people they come upon who are here illegally. You would think that would be an easy thing to get done. I have said before, it seems when it comes to immigration, many things can be accepted, many things people approve of. But if you come up with something that actually is very effective, that is what gets objected to. This is something that is critical. It is a testament and a test of our will and our seriousness as a body.

If we are not prepared to pass legislation like the Norwood amendment, named after former House Member Charlie Norwood from Georgia, who died recently, if we are not prepared to do that, we are not serious about this.

I will say one more thing. Time and time and time again, I have heard Members of this body say: Oh, we cannot vote for this amendment, or you must vote against that amendment. Why? Because we have an agreement. A compromise. It violates our compromise. Well, who was in on that compromise? I am frankly getting tired of that. That is not satisfactory to me.

The question really should be, is this amendment good or not good for the legitimate interests of the Nation? No one small group of people have a right to meet in secret with special interest groups and write an immigration bill and ram it down the throat of this Senate. I oppose it. It is not right. You can agree or disagree on these amendments, but do so on the merits, whether or not it actually makes sense, not on some deal made by some advocacy group or some business interest. That is not what this Senate is all about.

I hope today the people will begin to see that a small group of Senators who meet in secret and plot out a bill, that if printed in actual bill language would be 1,000 pages, don't have the power to say we can't have amendments and we can't change it, and if you do get an amendment up, we are all going to stick together and vote it down because it doesn't comply with our little compromise.

The masters of the universe are playing a tough game here. I have called them that affectionately. I respect the Members who have attempted to do what maybe they thought was right. But when you look at the bill, it is a product of a political compromise. A group of politicians met in secret and wrote a bill that is exceedingly technical, exceedingly important.

Let me tell you who was not there in this meeting. The American people were not there. Who was advocating for the American people?

I will tell you another group who was not there. That is the law enforcement agencies that are charged with enforcing our laws at the border. They weren't there. As a matter of fact, they had a press conference a couple of days ago. They were at the national press club and made a presentation. These are senior retired officials who had many decades of experience in enforcing our laws at the border. They uniformly condemn this legislation, as do the Border Patrol Agents Association. They condemn it roundly. Hugh Brien, himself an immigrant, became chief of the Border Patrol from 1986 to 1989. I started making notes on C–SPAN the night before last. I just happened to

turn it on. He said this bill is a ''sell out, a complete betrayal of the nation, a slap in the face to millions coming here legally.''

He referred to the people in 1986 who passed the 1986 act and promised it would do things as our masters and our mandarins, who said the bill was going to work and it never worked. He said:

Based on my experience, it's a disaster.

Kurt Lundgren, national chairman of the Association of Former Border Patrol Agents said this:

There are no meaningful criminal or terrorist checks in the bill.

He said:

Screening will not happen.

He said:

Congress is lying about it.

With regard to the proposal that record checks would be performed within 24 hours, he said:

There's no way records can be done in 24 hours. As to the proposal that Senator CORNYN tried to fix that allows gang members, MS–13 international gang organization groups to get amnesty by simply saying they renounce their allegiance to the gang, he said:

What planet are they from?

Jim Dorcy, an agent for 30 years and inspector general with the Department of Justice that handled investigations into all these areas involving the Border Patrol, internal investigations, he said:

The 24-hour check is a recipe for disaster.

Referring to the bill, Mr. Dorcy, 30 years with the Border Patrol said:

I call it the al-Qaida dream bill.

Roger Brandemuehl, chief of the Border Patrol from 1980 to 1986, second one I am calling on here that was chief of it, said:

We have fallen into a quagmire.

He said:

The so-called comprehensive reform is neither comprehensive nor reform.

He said:

It's flawed.

He set forth some principles that he thought would actually work. When asked had he been consulted by the masters of the universe who cobbled this bill together, a bunch of politicians who have never arrested anybody in their lives, they joked about it. They never have been consulted. Nobody wanted to know what they knew or cared about.

I will just wrap up and say I am not comfortable with the way this bill is going. I think we have been slow-walked in the way the majority leader and the group that is trying to move this bill forward is doing this. They are objecting to having amendments pending. So when cloture is filed, if an amendment is not pending, it fails. It can't be voted on postcloture. So this way they have been able to maintain control over the amendment process and will be able to maintain it, even if cloture is obtained tomorrow. I don't know what will happen tomorrow, but I know this: There are a lot of good amendments. I have seen some of the amendments Senator CORNYN has that are important. I know some of the amendments I have are important to having a good, lawful immigration system. There remain major flaws in this legislation. We should not pass it in its present form.

In rebuttal to the constant refrain that somehow this bill is going to end the lawlessness and create a lawful system, I point out that the Congressional Budget Office, just 2 years ago, issued their analysis of the bill and concluded there would only be a 25-percent reduction in the number of people coming into our country illegally. We have gone through all this, and we are only going to get a 25-percent reduction in the number of people who come here illegally, when we arrested last year over a million people. What kind of system is this?

I wish the principles and goals contained in the talking points that were bandied about early on in this process could have been achieved. I had hoped they would and said some good things about it because I thought some of the principles involved in this year's process were a bit better than last year, but the truth is, when you read the fine print, very little progress was made in those directions, and the major flaws continue. I just wish it weren't so. But that is my opinion of it. I don't think we are on the road to improving the bill. I don't think we are proceeding effectively to allow full debate and amendment.

I yield the floor.

AMENDMENT NO. 1311, AS MODIFIED, TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Good morning, Mr. President.

On behalf of Senator COBURN, I call up amendment No. 1311 and ask that the amendment be modified with the changes at the desk and then be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for Mr. COBURN and Mr. DEMINT, proposes an amendment numbered 1311, as modified.

The amendment, as modified, is as follows:

(Purpose: To require the enforcement of existing border security and immigration laws and Congressional approval before amnesty can be granted)

Strike section 1 and all that follows through page 4, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

The provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act,

including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as previously directed by the Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, the Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in

order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.'',

TITLE I—BORDER ENFORCEMENT

SUBTITLE A—ASSETS FOR CONTROLLING UNITED STATES BORDERS.

SEC. 101. ENFORCEMENT PERSONNEL.

(a) Additional Personnel—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 501 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

Mr. COBURN. Mr. President, I rise to clarify the record of my vote on Bingaman amendment No. 1267. I intended to vote against the amendment. I do not support the amendment and I wish to explain why.

The Bingaman amendment No. 1267 would have allowed certain future legal temporary workers to renew their work visas from the United States, rather than being required to leave the country for a period of time to reapply. In order to have a true temporary worker program, workers must only come to the U.S. for a season and then return to their home country. If workers are instead permitted to stay in the U.S., they will likely establish economic and familial roots, and will not want to leave when their legal visa has expired. People who want to take part in our society should seek legal citizenship, rather than extending upon an agreement that was intended to be temporary. I encourage those who have respected our laws and want to live in our country to apply for a green card and become a U.S. citizen.

MORNING BUSINESS

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

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

63RD ANNIVERSARY OF D-DAY

Mr. CHAMBLISS. Mr. President, I stand before you to honor the memory of the heroes who sacrificed their lives on the beaches of Normandy 63 years ago today. It was these brave men who stared into the face of the stark unknown and forged on to military victory. Supreme Allied Commander and future President Dwight D. Eisenhower led the decisive invasion, now known as D-day, that brought liberation throughout Europe.

It was on June 6, 1944, at 6:30 a.m., that the first assault wave of a great armada rolled onto the beaches of Normandy, France. Operation Overlord commenced and everyone involved knew there was no turning back. And while the size and scope of the operation were colossal, so were the risks. The success of the battle hinged on the element of surprise, and with literally thousands of men involved in the planning, its secrecy hinged on those same men. It is clear these men were the epitome of unfailing loyalty, courage, and solidarity. The invasion had been postponed a day due to weather, and it was only after assurances from a meteorologist that conditions would improve that General Eisenhower agreed to proceed. But still, cloudy skies caused drop zones to be overshot, and