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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable BARACK OBAMA, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, help us to be honest with ourselves and with one another. Search our hearts, know our thoughts, and purify our motives so that we will treat others with respect and honor.

Guide our Senators in their work. Help them to bear the cross of change and challenge and to refuse to be intimidated by the difficult. Give them the courage and humility to take their burdens to You and leave them. In all their striving, remind them that it is a greater blessing to give than to receive. Help them this day to know You more fully, love You more deeply, and serve You more faithfully.

We pray in Your hallowed Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BARACK OBAMA led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BARACK OBAMA, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. OBAMA thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

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

The bill clerk read as follows:

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

Pending:

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

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

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

Whitehouse (for Coburn/DeMint) modified amendment No. 1311 (to amendment No. 1150), to require the enforcement of existing border security and immigration laws and Congressional approval before amnesty can be granted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate prior to a vote

on amendment No. 1311, as modified, and the motion to invoke cloture on the substitute amendment No. 1150, with the time equally divided and controlled between the two leaders or their designees.

If no one yields time, time will be charged equally to both sides.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand Senator COBURN will be here shortly and has some time set aside. He indicated he will yield some time to me. I will take a couple of minutes.

First, there are not any of my colleagues on the floor, but I assume the objection that was received last night to my request to dispense with the current business and make pending my amendment No. 1323 will still be in effect. I renew it, and if any change has been made with regard to it, I hope they will permit it, but I assume, based on what I know, that there is still an objection to bringing up that amendment.

I have quite a number of amendments, 10 or more amendments, that have been filed but cannot be made pending because it requires unanimous consent to move those amendments to pending status, and that means if cloture is granted later this morning, those amendments will not be on the list and cannot be given a vote.

I am not trying to run around and move something through to which I understand there is an objection, but I want to make the point that a number of Senators have a number of important amendments that are filed but cannot be made pending, and they will fall and not get a vote if we move forward with this premature cloture vote. So I strongly object to cloture. I believe it denies us the right to amend this bill which is seriously flawed.

I note that the particular amendment I want to bring up is named for Charlie Norwood, a Congressman from Georgia, who died recently. He was a tremendous patriot who shared my

• This “buller” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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concern. We worked together in drafting his amendment that was introduced in the House which was designed to clarify that local law enforcement officers have an opportunity to participate in enforcement of Federal immigration laws simply as they go about their normal course of duties. If they arrest someone for speeding or some offense of that kind, then they could check their records, and if they are here illegally, they could detain them for Federal officials.

Actually, in many instances, that is still doable today, but in a couple of areas it is vague. The lawyers for the departments have objected to their police officers participating because they think there might be a problem.

This is a critically important amendment. If it is not adopted, it indicates to me that the persons pushing this legislation do not want it to work because there are 600,000 to 800,000 State and local law enforcement officers and only about 1,200 ICE agents and only a fraction of them not on the border, 2,000, something of that nature of ICE agents. They cannot cover this country. They have to rely on State and local officers, who, by the way, caught individuals during their crime sprees or plans to attack us on 9/11. They were apprehended in traffic stops. John Malvo was apprehended. Other terrorists have been apprehended for speeding but let go because the local officers were not participating effectively in the system.

One of the weaknesses of this bill is that the professionals who understand how this system works were not invited and were not in the room with the people who wrote this political bill. A bunch of politicians wrote it. They did not understand sufficiently the details that are critical to a successful report.

I note that Kent Lundgren, former chairman of the National Association of Former Border Patrol Agents, has said this is a bill which will not work. "Based on my experience," one individual said, "it is a disaster." Another said that the system will not work as proposed today, that it represents, according to Mr. Hugh Brien, former Chief of Border Patrol for the United States from 1986 to 1989—this is what he said just a couple of days ago: It is a "sell out." It is "a complete betrayal of the Nation." He said it is "a slap in the face" to the millions of Americans who come here legally.

He came here as an immigrant legally. He was former Chief of the Border Patrol, and he made these strong statements about this bill.

I see my friend, Dr. COBURN, is here. I know he has an amendment. I am glad to have made my comments beforehand and I, once again, express concern that amendments are not being accepted, and we should not invoke cloture.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

## AMENDMENT NO. 1311, AS MODIFIED

Mr. COBURN. Mr. President, I understand, as agreed upon, I will have 20 minutes to discuss amendment No. 1311, as modified. I call up my amendment, and in that 20 minutes, I ask unanimous consent that the Senator from Texas be given 1½ minutes of that time to speak.

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

Mr. COBURN. The amendment is pending?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. COBURN. Mr. President, I yield 1½ minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am happy to wait until Senator COBURN is finished, and then I would like to be recognized for 5 minutes following his remarks.

The ACTING PRESIDENT pro tempore. That would exceed the amount of time allotted.

Mrs. HUTCHISON. How much time is allotted to our side?

The ACTING PRESIDENT pro tempore. Your side has 22 minutes 45 seconds.

Mrs. HUTCHISON. Mr. President, let me make an inquiry. I wanted to speak for 1 minute on the Coburn amendment and then for 4 minutes or so on cloture. Is the time allotted only for the Coburn amendment at this time?

The ACTING PRESIDENT pro tempore. There is concurrent debate on the Coburn amendment and cloture for which 1 hour is divided equally between the two sides.

Mrs. HUTCHISON. Mr. President, I say to the Senator from Oklahoma, it is my intention to speak against his amendment and then against cloture. I don't want to take from his time. That is not fair. So I ask the Senator from Oklahoma what is the allocation that he wishes to make?

Mr. COBURN. Mr. President, I was promised 20 minutes last night. I will be happy to try to finish my remarks in less than 20 minutes and give the Senator from Texas the remaining time.

Mrs. HUTCHISON. Mr. President, I appreciate that.

Mr. COBURN. Mr. President, the Coburn-DeMint trigger amendment—that is what this amendment is—is about setting right what has been promised since 1986. It is about requiring that the existing border security and immigration laws we have on the books today be enforced and that the fact they are being enforced be approved by Congress before the amnesty in this bill can be granted.

The Federal Government has an obligation to secure the U.S. borders and enforce U.S. laws. The American people expect that their laws will be upheld. If the U.S. borders are not secure and an estimated 12 million—of which 4.5 million or 5 million have overstayed their

visas and make up part of this 12 million illegal immigrants in our country today.

The United States faces a history since the 1986 amnesty bill of being overpromised and undersold on immigration enforcement by their Government. The Federal Government has failed and has rightfully lost the trust of the people. How can the people trust that this time things will be any different than 1986? This is not about having welcoming arms; this is about the security of this country and the rule of law.

This amendment is the first step to help restore some of the trust Congress has lost. It says that before this bill can go forward, the President must demonstrate to Congress, and Congress must agree, that current laws are being enforced—laws that are on the books.

This amendment is common sense. If the agencies can demonstrate that U.S. borders are secure and immigration laws are enforced, then the American people have reason to believe that this time things will be different. They will demonstrate that compassion, once again, so often seen in the past.

What will the trigger do? This trigger is the legislative mechanism for ensuring that the Federal Government meets certain legal obligations before the process for legalizing illegal immigrants can begin. It is very simple. It will add to the current trigger amendment. It takes several provisions of existing law, laws that are on the books, and requires they be fully implemented before we grant amnesty or legal status to illegal aliens.

What are they? The Department must achieve and maintain operational control over the international maritime borders of the United States, as required by a law passed last year by 80 to 19 in this body—the Secure Fence Act.

All databases maintained by the Department with information on aliens shall be fully integrated, as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002. That is not accomplished yet.

No. 3. The exit portion of the U.S. visa system is to be fully implemented, as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. That is not being enforced.

That the provision of law that prohibits States and localities from adopting sanctuary policies is fully enforced by section 642 of the Illegal Immigration Reform and Responsibility Act of 1996; that the Department employ fully operational equipment at each port of entry in accordance with section 303 of the Enhanced Border and Security and Visa Entry Reform Act of 2002; aliens with border crossing cards are prevented from entering unless their biometric card is matched to them, as required by section 1101(a)(6) of Title VIII of United States Code.

How this trigger works. It requires the agencies that are responsible for

implementing these laws and the various portions of them to report to the President when they have been fully implemented, and that the President review the certifications and either approve or deny them. If the President denies the agency has fulfilled the requirement, according to the law, the President must instruct the agency on what to do and when to bring it up to date. Congress shall then, on an expedited basis, once the President has certified, review the report and pass a resolution affirming the laws have been enforced; that they have been implemented.

We are not ever going to gain back the trust of the American people on immigration until we do what we have already passed. It is not about not welcoming people, it is about the rule of law and understanding that only can they have a future if we maintain the rule of law.

Why is this needed? The Gregg amendment did several good things, but it didn't go far enough. It lacked two key elements. It did not require that existing laws be implemented and enforced. Why is it we are debating that existing laws should be enforced? We are ignoring existing laws. And the Gregg amendment did not require congressional approval.

A recent Rasmussen report found two-thirds of Americans believe it does not make sense to debate new immigration law until we can first enforce and control our border and enforce existing laws.

The bill is flawed because it allows those here illegally to adjust to legal status before any of the new or old enforcement provisions are made. It requires those who are here illegally become legal before we have control of the border. This is not about not wanting and admiring and accepting the work ethic of those who come here, but it says we must secure our border.

Remember Fort Dix, NJ? One out of three of those involved in Fort Dix, NJ, were terrorists who came in through our southern border.

This amendment requires before any illegal alien is allowed to adjust their legal status that Congress certify the Department of Homeland Security has operational control of the border.

The second problem: It creates a new temporary worker problem without first having a mechanism in place to verify that temporary workers and visitors leave when their visas expire. We are going to set up a whole new program and we cannot even tell you now when they have exited under the current U.S. visa law. It has never been implemented, the visa exit system. So we have a system that controls who comes into the country but no control over who goes out. You cannot have a temporary worker program if you don't know when they come in or go out under the existing proposed statute under this bill.

The U.S. visa exit component is key to the successful new temporary pro-

gram. The system created in the 1996 bill for the U.S. visa program was supposed to be in place September 30, 1998. The deadline was changed to October 15 and then to March 30, 2001, except the exit portion has never been operational. It has never been implemented.

The third problem addressed: The American public does not trust we will enforce the laws we have; namely, they do not trust the enforcement provisions in this bill, such as the employer verification system, will be implemented. Congress continues to pass laws that do not get enforced and then does nothing to ensure they are enforced. Part of the purpose of the last amnesty was to enhance our enforcement so Americans could maintain sovereignty, as President Reagan put it.

Specifically, on November 6, when President Reagan signed into law the Immigration Reform and Control Act of 1986, he stated this legislation would help meet the challenge to our sovereignty caused by illegal immigration. He highlighted three provisions of the 1986 bill, including employer sanctions—nonexistent—to increase enforcement of our immigration laws, and legalization of those here illegally more than 4 years later. The amnesty happened, yet significant portions of employment sanctions and the increased enforcement measures have been delayed or, in some instances, never implemented.

Americans have a right to question whether things will be different this time. What this amendment will do is ensure that a employer verification system, required by the current trigger, is actually implemented and working properly before we grant legal status to those who are here illegally. It is not enough to allow Presidential certification; that will not likely be reviewed. We have that problem now. Congress must review, discuss, have hearings, and then publicly vote to certify that the provisions required in this bill, and by prior laws, are functioning. That is when we will regain the trust of the American people.

This amendment will provide the transparency and accountability to the public Americans want. Not only that, if the public views the enforcement mechanism as inadequate and not in compliance with our laws, they will be able to hold elected officials accountable at the voting booth.

The May 30, 2007 Rasmussen report revealed the public does not support or trust this immigration bill. Seventy-four percent do not believe illegal immigration will decline if the Senate passes this bill. Forty-one percent believe illegal immigration will increase, as we heard the group of retired Border Patrol agents state.

Interestingly, if those polled had a chance to improve the legislation, 75 percent would make changes to increase border security measures and reduce illegal immigration. Sixty-five percent of Americans are willing to ac-

cept a compromise on illegal status if you can assure them the rest of the laws are going to be enforced. This bill does not require that, and what they are going to get is the same thing they got in 1986.

What this amendment will do is to help improve enforcement at the borders. It will reduce illegal immigration, it will give the public confidence, and it will give elected officials the opportunity to vote on the status of where we are in terms of enforcing the law.

How did we get here? We got here through well-intentioned mistakes. We got here because we gave amnesty in 1986. We said we were going to have employer verification, and we told the American people the borders would be secure. What this amendment does is, it says: Fool me the first time, shame on you. Fool me the second time, shame on me. What this amendment does is assures the American people that this time, as we grant amnesty to those who came here illegally, it is not going to happen again.

There is no assurance in this bill that this is not a repeat of 1986. It is not about not being compassionate to those who are here and are contributing. It is not about saying no. As a matter of fact, 65 percent of the American people want to say yes, if you can prove to them things are going to be different this time. However, under this bill, there is nothing that will say things will be different.

I praise the people who worked on this bill, who put together this compromise. But I think history points us in a direction that says we have to have proof this time. We have to know if we do this again, with at least 12 million people, if we grant amnesty—and I know the President says it is not amnesty, but if you come here illegally and eventually are legal, that is amnesty—if we are willing to do that, this time the American people ought to have the assurance we are not going to do that again; that we are going to have an immigration enforcement policy, an employer verification system, an entrance and exit system, and border security that is going to make sure we don't repeat the mistakes of the past. I believe this bill needs a lot more work. I believe it has a lot of complications that are unforeseen, and complications that we are aware of at this time.

I wish to take a moment to thank the majority leader for allowing me this time, and Senator KENNEDY for working with me to allow me this time to talk about this amendment. I believe we have a critical problem in our country. The President's ratings are low, but our ratings are even lower. The trust of the American people in this institution is less than a third of the people in this country.

How do we build it up? We build it up by passing this amendment. We build it up by showing them we understand their concerns, we understand they are

willing to accept and allow people who came here illegally to live here as citizens and get on that pathway to citizenship provided we do the necessary things to not go back to this again. This bill is severely lacking in demonstrating that proof to the American people.

We have to build their confidence. We have to regain the trust of the American people that we will, in fact, this time do what is necessary to secure our borders and control our borders. We are at risk, as the discovery of the Fort Dix belated plan reflects, in terms of our own national security. So it is not all about immigration, it is about national security, and there is nothing in this bill that forces the President of any party who is in charge or forces the Congress to do anything different than we have done in the past.

I believe it is highly important we have this trigger mechanism for the assurance of the American people that we have a secure border; that we have a visa entrance and exit system that works; that we have employer verification that works; that those key things are intact before we grant legal status to those who are here illegally.

I say again I appreciate Senator KENNEDY working with me in allowing me the time to do this, and Senator REID for his graciousness for this time.

I yield to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 6 minutes 15 seconds.

Mrs. HUTCHISON. I thank the Chair.

Let me say first I thank the Senator from Oklahoma for allowing me to have the rest of his time, and I don't disagree with one thing he said. I agree with his purpose. However, I have to oppose the amendment for this reason:

Last year, the House put in the Secure Fence Act specificity about exactly where the fence would go. There was no requirement that the local people, private property owners, cities that are right on the Rio Grande River would have any input whatsoever. I do not think Congress can say that the priority fencing is 15 miles on either side of the port of entry of Laredo. It might be 10 miles. We might be spending billions of dollars that are unnecessary putting in 15 miles. It might not even be possible to put it in certain places because of the geography and the topography.

We have an amendment in the underlying bill that does require local input so that Congress is not mandating, but, instead, the Border Patrol chiefs, who have been designated by the Department of Homeland Security, will make these decisions.

Mr. COBURN. Will the Senator yield for a question?

Mrs. HUTCHISON. I am happy to yield.

Mr. COBURN. Would that not negate the direction of the Secure Fence Act of last year?

Mrs. HUTCHISON. It would most certainly—it doesn't negate the purpose.

Mr. COBURN. No, no. I agree. But it would relieve that problem as you saw in the Secure Fence Act of last year, of 2006.

Mrs. HUTCHISON. Would what?

Mr. COBURN. Your underlying language would alleviate that problem in the 2006 Secure Fence Act?

Mrs. HUTCHISON. It doesn't relieve the specificity of miles of fence. It does relieve the specificity of exactly where it goes.

Mr. COBURN. So that would supersede whatever we had in the Secure Fence Act in my amendment?

Mrs. HUTCHISON. That is correct.

Mr. COBURN. So therefore your argument, I believe, is moot, because if you have that in the underlying bill, then that problem is solved and you should be able to support this amendment.

Mrs. HUTCHISON. Unfortunately, I am afraid the amendment overrules that minor revision in the Border Fence Act to which, frankly, I have to say to the Senator from Oklahoma, we had agreement from the leadership on both sides of the aisle in both Houses that we would take out that particular part. But the leadership changed, and we were not able to vote against and hold up the bill because it was the Defense supplemental bill to which that Border Fence Act was attached. To have held up the bill would have been to hold up our Defense supplemental, which of course overrode everything. That is why we waited to try to fix that minor part in this bill, which we have done and which would be undercut by the Coburn amendment.

I find myself having to oppose the amendment of the Senator from Oklahoma, even though in many ways I understand his purpose and agree with his purpose. Nevertheless, I must protect the rights of my constituents—cities and private property owners. We have to have the input from those local people, and the Border Patrol should be the ones deciding exactly where those fences are needed, not the Congress, most of whom have not ever visited Laredo, TX.

I do hope we can defeat the Coburn amendment and go forward with the bill—well, not go forward with the bill as it stands today but certainly with this part of the bill.

I would like to use the remainder of my time to talk about cloture because I am most certainly strongly against cloture on the underlying bill that is before us. Not that there isn't some good in this bill, but this bill is not ready to be closed out.

The good parts of the bill are the border security parts. Border security has specific benchmarks that must be met before the trigger is pulled for the guest worker program to go forward. That is a good part of this bill.

I added an amendment at midnight last night that shores up the Social Security protection in this bill. There

was a loophole in the underlying bill that would have allowed people to gain Social Security credit for hours worked illegally, for days and months and years worked illegally. That would have hurt our Social Security system. We fixed that last night. That is a good part of this bill. There are good parts that need to be worked on to make this a better bill.

However, closing this bill out now would be worse than the present law today, or the present lack of law today. We have chaos in this country with the estimated 12 million, maybe even 20 million illegal people here. We know there are security lapses. We have to fix that. I respect very much the bipartisan work that has been done on this bill, but it is not yet ready. The 5-year sunset of the guest worker program is a killer. We could not possibly say that we are going to fix the chaos that happened after the 1986 act because there were not laws for a guest worker program that worked—oh, but it is only going to last 5 years. That would add to the chaos.

Mr. President, I ask unanimous consent for 1 more minute.

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

Mrs. HUTCHISON. I also wish to make sure I have the opportunity to propose an amendment that would take the amnesty out of this bill. I could never vote for cloture until we have the opportunity to address the amnesty issue.

My amendment would require every person who is seeking a Z-1 or Z-A visa, the people who are going to try to work in our country legally, to return home to apply from there. I think that would make a huge difference in this bill. It would take out the amnesty because it would say, if you are going to work in our country today or tomorrow or 2 years from now or 25 years from now, you will apply from outside the country to come in legally so we have control of our system.

I hope we can avoid the cloture so we can work on this bill in a positive, productive way and do what is right for our country today, tomorrow, and in the long term.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we have worked long and hard on this piece of legislation. It is a very complicated bill, as it should be, because we have a complicated problem—that is immigration. We have come a long way since we started the debate on this matter. It is fresh in my mind what went on last year when we had the debate on an immigration bill that passed the Senate. Last year we worked long and hard. We had 23 rollcall votes prior to cloture. Seven amendments in addition to that were done by voice vote last year. Postcloture, we had 3 that went by voice, there were 11 that were voted on.

This year we have had 28 rollcall votes on amendments. We have had 14 amendments by voice, a total of 42 amendments. So we are way ahead of where we were last year.

I understand that people were concerned yesterday about not having enough amendments. I think everyone had an opportunity to offer amendments. But it is interesting—we had people who were saying: This amendment that passed is a deal breaker. On the other side: We had an amendment that passed that is a deal breaker. So I guess whether a bill is improved is in the eye of the beholder because there was certainly disagreement about what improved or didn't improve the bill. I also think it is interesting people agitated for amendments and then, when the vote didn't go their way, they were upset.

This is a bill we have pushed down the road a long way. I hope we can finish it. I spoke last night—I don't know what time it was, it was 4:30 a.m. European time. I called to see if Mr. Bolton, the President's Chief of Staff, was with the President. He was. I didn't want to disturb him at that time of day. But I did have a good long conversation with the Secretary of Homeland Security, Judge Chertoff. That was 10:30, 11 o'clock last night. I explained to him how this legislative process works. He asked me to go over it with him again because he wanted to make sure he understood it.

I told him, as much as any piece of legislation we have had here—other than the supplemental appropriations bill this past 6 months—this is the President's bill. He has worked long and hard. He has had Cabinet officers working with Democrats and Republicans to come up with a bill, the so-called compromise. Some call it a grand compromise, but it is at least a compromise. I told him the vast majority of Democrats want this legislation to move forward. I think someone should get word to the President that, if this bill goes down with the vast majority of the Democrats voting for this action to move forward—if the Republicans vote against it, he and I discussed what the headline is going to be. The headline is going to be: Democrats Vote To Continue This Bill, the Republicans Vote Against It—The President Fails Again.

I don't think that is good. I think we need to show we have the ability to work with the White House.

I know there are some people who would like us to stay on immigration for the rest of this work period. We have 3 weeks left. It would make some people as happy as larks to be able to spend the rest of this work period on immigration. Why? Because some don't want us to go to the next two matters we are going to have to deal with.

No. 1 is energy. When we went home during the Memorial Day break, there were two things people wanted to talk to me about. One of them wasn't immigration. The Iraq war and gas prices,

that is what people wanted to talk about wherever I went. I spent a lot of time in Nevada, but I traveled to other places in the country. It was the same there: Iraq, end this war, and do something about these gas prices.

We are going to take up energy. That will be what we do after we do the immigration bill. So I know some people don't want us to go there. After we finish that, we have the obligation to do, for our military and our country, a Defense authorization bill. Again, there will be a debate on Iraq. I am sure some will want to talk about timelines. I am sure some will want to talk about readiness. I am sure there will be people wanting to talk about transitioning the mission. Maybe there will be some efforts to do away with the original authorization of the war. I don't know for sure. That is an issue some people would just as soon we stay away from.

I know people would like us to stay on this forever, but the question is, When is enough enough?

Mr. President, I ask unanimous consent that the cloture vote be delayed to occur today at 5 p.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object—there is objection on this side of the aisle to moving the cloture vote to later today. Let me repeat publicly what I have said earlier, both publicly and privately, to my good friend the majority leader.

Republicans are going to need more amendments. We have had 12 rollcall votes on our side of the aisle on this bill to date. I think, at a very minimum, we need to have the same number of Republican rollcall votes on this bill we had last year. I think we can get there. We are not going to get there by shutting off additional important and worthwhile amendments on this side of the aisle. But it is certainly not my goal to not get this bill to passage, provided we have fair treatment on this side of the aisle.

I do think we made progress last night. I think we can make a lot of progress today. But we are not there yet. So I wish to make it clear that I urge a "no" vote on cloture, shortly. But again, having said that, I think we have a chance to get enough amendments processed to possibly finish this bill in the near future.

Therefore, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am disappointed because, as I indicated, last year we had 14 votes postcloture. But I have learned a little bit about this place, that sometimes you have to do indirectly what you cannot do directly. It makes so much sense that, if people want more amendments, it would be wise to agree to our suggestion that we put over the cloture vote to later this evening. We could process amendments during that time and have a cloture vote tonight.

I understand there is going to be an objection, but I am going to do indi-

rectly what I can't do directly. That is, everyone should know, if cloture is not invoked this morning—if the Republican leader says he is going to recommend to all his folks that they vote no on cloture, I am sure cloture will not be invoked. But everyone should know, we are going to have another cloture vote this early evening. We are going to process as many amendments, in the meantime, as we can. I hope there could be some more work done on what other amendments postcloture; that is, germane amendments. I know of a couple that are germane. I have told people they can have votes on those. I repeat what I have said on this floor several times, what I have told the managers of the bill and I have told individual Senators: We are not going to block, as we can do, procedurally, votes on the germane amendments that are postcloture. We are going to go ahead and process as many of those as we can reasonably do. If we have to spend the 30 hours doing it, we will. Otherwise, we will get a list of amendments that the Parliamentarian will determine are germane, and we will set up a period of time to vote on those and move on.

So I would hope that everyone understands that if cloture is not invoked, we are going to go ahead, and I will get on the right side of the issue, as we have to do here procedurally, to have the ability to bring this up early evening time. During that period of time, I hope the people who feel they have not had enough amendments are assuaged and we can go ahead and have a cloture vote and move forward. I had a member of our caucus explain it this way, Mr. President. She said: It is like running a marathon. I told her afterward that I was envious that she had thought of this and I hadn't because I have run a few marathons. She described it so well. It was Senator CANTWELL from Washington. She said: You know, about the 22nd-mile mark, you are really tired, and you think, maybe I should have quit earlier. But I can see the end up here now, and I am going to go ahead and finish the race.

That is how I feel. There are times during this debate that I feel we would all be better off having walked away from it. It was hard. All of these phone calls coming into our offices, people accosting you as you walk out of the building, lobbying groups for and against this. But we have withstood that. Now, as Senator CANTWELL said, I think we may be about at the 24-mile mark.

As with a marathon, Mr. President, there are times when you are running a marathon that you feel euphoric—I feel so strong, I am out here alone, I am able to travel those miles—and then, just like that, it can change. Well, the euphoria is gone. The determination is here. I think we need to complete this marathon. So I am disappointed we are not going to have cloture today. But everyone should know we will have cloture again later on in the day.

I ask unanimous consent, Mr. President, that the cloture vote on the bill be delayed to occur only if the substitute amendment is agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I know the manager of the bill is here. The two leaders have used a lot of time. If you would like us to extend the time—OK. We can go right to the amendments. Thank you for being so patient.

Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided before the cloture vote.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, what is the time? When are we going to have the Coburn vote, and when is the cloture vote? How much time are we allocated?

The ACTING PRESIDENT pro tempore. There is 17 minutes remaining to the Senator from Massachusetts. There will then be a vote on the Coburn amendment and then the vote on cloture, with 2 minutes prior to cloture.

Mr. KENNEDY. Mr. President, I am not sure we will need all of the 17 minutes. I think we had initially planned to vote close to the hour. I think that is very possible.

I thank Senator COBURN for raising these issues. These issues which are included in his amendment are not greatly dissimilar from the measures in terms of adding additional what we call "triggers" to the legislation.

Let me just go back a step and relate why we have real reservations about the Coburn amendment. When we examined the broken immigration system—and we have had scores of hearings in the immigration committee and the Judiciary Committee—what was offered on a number of different occasions said: We can solve our problem just by building a fence in the southwest border or just by having strong security in the southwest border. It is 1,800 miles down there, and we can fence off different areas and then use different kinds of technology, and that is going to solve the challenges we are facing with immigrants coming across the border.

As we continued on through the course of the hearings, we say that in and of itself will not work. As Governor Napolitano said, if we just put a fence down along the southwest border, you put a 40-foot fence in, there are going to be 41-foot ladders that are going to come over that.

What you need to do, as Governor Napolitano and others testified, including the Secretary of Homeland Security, who said: You need to have a comprehensive measure. You have to have a comprehensive measure if we are going to secure the borders. We need to have a comprehensive measure, which

means we have to do all we possibly can to secure the borders by the latest in technology, and I will mention that in a moment. But, also, if we are going to secure those borders, we are going to have to recognize that there is going to be pressure even on those borders. So we have to organize and structure some kind of way for people to come in the front door. Otherwise, they are going to go over the back door, which means they are going to scale the various fences.

We say: No, we want to protect American workers. So we worked out an elaborate program to make sure that anyone who is going to come into the United States through the front door is not going to displace an American worker. We worked out a process and a system to make sure there are no American workers who want to take that job, there are only those who want to come in to be able to work in those areas. We have gone through that in the course of the debate.

But you need not only that—if you want to make sure you are not going to still have some leakage in there, you are going to have interior enforcement. You are going to have it in the employer situation. You have to have that. Otherwise, we are going to go back to what has been roundly criticized here, and legitimately so—1986. So you have to have important interior enforcement in the workplace. So we had to include those provisions in this legislation as well.

Then, if you are really going to have some kind of opportunity to make sure you are going to look out after the national security interests of the United States, you are going to have to know who is here, not that you are just going to have millions of people living in the shadows—we do not know their names, we do not know their addresses, we do not know where they are living—we have to bring them out. To bring them out, we cannot just do that, bring them out automatically, because they have broken the law. So we worked out a system where these individuals pay heavy fines, and effectively they will go to the back of the line. So anybody who has been trying to get in here legally will be able to do so before they will have any kind of opportunity to move ahead toward effectively normalizing their lives and moving on to the opportunity for a green card.

So it became very apparent that all of these elements work and work together, and if we accept the Coburn amendment, we are interrupting this whole kind of a process. What we have heard time and time again is that if you interrupt this process, then you have a breakdown in the whole kind of condition and you are going to be inundated with the undocumented aliens.

We want to stop the Border Patrol—highly trained, highly committed, highly dedicated individuals—from chasing after landscapers across the border. We want them to be looking after terrorists and the criminal ele-

ment, right? Right. Therefore, you have to make sure you are going to have the other aspects of the security measures put in place. What does that mean? That means internal security. But the Coburn amendment suspends that program, suspends the interior security in terms of the employers hiring the undocumented aliens. With that, it is a continuation of a broken and a failed system.

I would just say finally that this proposal, in terms of our security interests, may not be perfect, but it does provide the 20,000 additional agents, it does provide 200 miles of vehicle barriers, 370 miles of fencing, 70 ground-based radars and cameras, four unmanned aerial vehicles, detention rather than catch-and-release programs, and many other kind of features.

We have followed what has been recommended by the Department of Homeland Security to get the best security we could. But the idea that we are going to suspend some of those elements which have been intertwined—and as Secretary Chertoff said very eloquently: You need them all. I appreciate the fact that the good Senator from Oklahoma says: Well, let's hold certain parts back until we get everything in place. Our answer is: You better start getting everything in place if you really want to have a secure border.

I withhold the remainder of my time and yield 5 minutes to the Senator from Mississippi.

Mr. LOTT. Mr. President, first, let me yield to the Senator from South Carolina, who has a unanimous consent request to make. I yield for that purpose.

Mr. DEMINT. Mr. President, I am speaking on behalf of Senator GRASSLEY, who I understand last night got an agreement that he could bring up 10 of his amendments this morning. I am not here to speak on them but just to give the numbers and to bring them up, as was agreed last night.

Mr. President, if I can request from Senator KENNEDY that I just read off those amendment numbers.

Mr. KENNEDY. If the Senator would yield on my time, that is the intention of the leadership. What we would like to do is try to work out these groups of amendments with the Republican leadership. We intend to do that as soon as we get to the beginning of the vote. Rather than make that judgment at this particular time, we would ask if the Senator would defer. We will work those out. Obviously, we are going to work them out with the Republican leaders because we have been instructed to cooperate, to work and do as much as we possibly can during the day. I know our leader has given those assurances to the Senator.

I am just reluctant to shortchange the process now. But I will certainly work with the Senator during the course of these votes here and do the best we can, and he, obviously, can preserve his rights for later in the morning.

Mr. DEMINT. I thank the Senator. Senator GRASSLEY understood that these could be brought up before the cloture vote. I will certainly defer to our leadership to work these in, but our commitment to him is that we bring them up before cloture.

Mr. LOTT. I reclaim my time. I thank the Senator from South Carolina for doing that and assure him and Senator GRASSLEY that we are going to protect Senator GRASSLEY's interests and that he will be part of the discussion.

Let me just talk about where we are. You know, when you have the legislative process in full bloom in the Senate, it sometimes is bumpy. Of course, last night we proved once again the absolute rule that if the Senate is in voting, you know, at midnight or 1 o'clock, we are going to mess up. It happens every time, and yet leaders continue to do it. I used to do it. It is one of the dumbest things we do around here. But, look, this is a part of the process. This is a worthwhile effort.

If anybody in America likes where we are with illegal immigration, and legal immigration, if they think what we have now is good or tolerable, fair or responsible, then, fine, let's try to kill this bill—kill it with amendments, kill it with debate, vote it down. I don't think that is responsible. This is one of the biggest issues facing this country, and the question is, Do we have the courage, tenacity, and the ability to get anything done anymore? If we cannot do this, we ought to vote to dissolve the Congress and go home and wait for the next election. Can we do anything anymore?

I don't like a lot of these amendments. I don't like a lot that is in the bill. I was in and out of the meetings, but I was not one of the people who worked in the so-called "grand bargain." Some people are acting now as if it was a sinister operation. I don't believe so. Everybody knew there was an effort under way. Republicans were involved, Democrats were involved, the administration was involved, conservatives, liberals, agriculture—everybody. Now we are going to pick it to death. I just don't think this is responsible.

I am getting calls. But I would say to my constituents: Do you have no faith in me after 35 years that I am just going to buy a pig in a poke here or be for something that is bad?

Last year, I voted against what we came up with because I did not think it got better; it got worse. But we have an obligation to try, and we should not get all in a twit because we made one mistake or we don't get the one we wanted. Look, I voted for amendments that passed and amendments that failed. Get over all of that. This is a big issue. This is the U.S. Senate, the great deliberative body. Are we going to belie that description or are we going to step up to this challenge and try to get it done right?

We should vote down cloture now. Cloture should not have been filed. You can't ram the Senate. You can't ram the minority around here. It just will not work. All it does is make people get madder, and it takes longer.

So we are going to have a vote on cloture, and we are going to defeat cloture because more amendments are legitimately pending. But I am serving notice that I am going to be a part of trying to help to find a way to get to a conclusion, to a vote. Vote it up. Vote it down. But to try to kill it with all of those amendments that are being thrown up here for the purpose of killing it, to me, is not an appropriate way to proceed.

Our leaders work through difficult times. They are being pulled and pushed by members on both sides. This is the time where we are going to see whether we are a Senate anymore.

Are we men or mice? Are we going to slither away from this issue and hope for some epiphany to happen? No. Let's legislate. Let's vote. I think the majority leader has a right to expect that at some point we end it, try to cover as many objections and as many amendments as we can. But at some point we have to get this done.

Unfortunately, the idea that then we are going to go to a debate on a non-binding, irrelevant amendment by Senator SCHUMER, if we defeat this legislation, if we fall off into that kind of character debate on a nonbinding resolution—we are fixing to drop off into a basement we haven't been in in a long time.

I urge my colleagues, let's step back from the precipice. Let's legislate. Let's find a way to take up things. Do we need to take up energy? Yes. We need an energy policy. We need it now. But can we do it? I want to be a part of a process that gets results for the American people. I don't know why else you would want to serve in this institution.

I appreciate the legislative leadership Senator KENNEDY has been providing. I know it is not easy. His own colleagues and those of us over here have been beating him up. He is a nice poster child, and I thank him very much for what he does. One thing I have learned the hard way: when it comes to legislating, when you are dealing with Senator KENNEDY, you better bring your lunch because you are going to get educated. You are going to learn a lot, and you are going to get a result. Hopefully, it is going to be a good one. Good luck.

Mr. KENNEDY. And a dinner too. I thank my friend from Mississippi, and I commend him for a constructive and positive attitude. Those of us who know him and respect him know that he is a fierce fighter for his values, but he also is an institutionalist. He understands the responsibilities of this institution in dealing with the Nation's challenges.

How much time remains?

The PRESIDING OFFICER (Mr. BROWN). The Senator has 2 minutes 30 seconds.

Mr. KENNEDY. Mr. President, there are going to be few issues that come before the Senate that are more important than immigration reform. Our immigration system is broken. This is a national security issue. It is an internal kind of security issue. It is basically also a fairness and humane issue about how we are going to treat each other. It involves all of these factors. We are going to have a cloture petition that is going to be filed. There is no sense or expectation that it will be a defining moment because we have heard now that it will not be achieved. But we have every intention of continuing today, Democrats and Republicans, working all day long and into the early evening responding to some of the questions and issues that have to be raised. We will do our very best, as we did until midnight last night, all through yesterday, to give opportunities for Members to introduce amendments and get an expression by the Senate because the country expects us to take action.

I am convinced with the goodwill that has been expressed this morning, we have a real opportunity to see the beginning of a light at the end of the tunnel. Hopefully, by late afternoon we will have a clear direction about where we are going.

I thank the leadership for all it has done. I hope the Senate will reject the Coburn amendment.

We will have the cloture rollcall now, and since we can certainly assume it will not be enacted, we will announce a series of votes, and we will continue to move forward on the legislation over the course of the day.

I yield back the remainder of my time. Is the vote on the Coburn amendment first?

The PRESIDING OFFICER. It is.

Under the previous order, the question is on agreeing to Coburn amendment No. 1311, as modified.

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

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 South Dakota (Mr. JOHN-SON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

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

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

The result was announced—yeas 42, nays 54, as follows:



[Rollcall Vote No. 202 Leg.]

## YEAS—42

Alexander	Crapo	McConnell
Allard	DeMint	Nelson (NE)
Baucus	Dole	Pryor
Bayh	Dorgan	Roberts
Bond	Ensign	Rockefeller
Bunning	Enzi	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hatch	Snowe
Cochran	Inhofe	Stabenow
Coleman	Isakson	Sununu
Conrad	Landrieu	Tester
Corker	Lott	Thune
Cornyn	McCaskey	Vitter

## NAYS—54

Akaka	Feingold	Menendez
Bennett	Feinstein	Mikulski
Biden	Graham	Murkowski
Bingaman	Hagel	Murray
Boxer	Harkin	Nelson (FL)
Brown	Hutchison	Obama
Brownback	Inouye	Reed
Byrd	Kennedy	Reid
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Kyl	Schumer
Casey	Lautenberg	Specter
Clinton	Leahy	Stevens
Collins	Levin	Voinovich
Craig	Lieberman	Warner
Dodd	Lincoln	Webb
Domenici	Lugar	Whitehouse
Durbin	Martinez	Wyden

## NOT VOTING—3

Johnson	Kerry	McCain
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The amendment (No. 1311), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture.

Who yields time?

The Republican leader is recognized for 1 minute.

Mr. MCCONNELL. Mr. President, I said earlier this week that Republicans would not allow themselves to be stuffed on this bill. The Senate isn't a factory. We don't push things down the line. But one has to wonder whether the Democratic majority has been told otherwise based on the number of times it has moved to stifle debate on important legislation over the last 5 months.

Let's look at the last Congress. On this date in the 109th Congress, Republicans had sought to limit debate only nine times. On this date in the Congress before that, Republicans had filed for cloture nine times. On this date in the Congress before that, Republicans had filed for cloture only two times.

Contrast that with the current regime. To date in this Congress, the Democratic leadership has sought to cut off debate not two times, not nine times, but 32 times.

This is what is called a power grab. But the result won't be power, it will be failure. At this rate, the Democratic leadership will have achieved at least one impressive thing—just one—in the 110th Congress: an all-time record for cloture filings because it is well on pace to shatter the existing record.

There is a saying about courtship: Shoot for two, end up with zero. So far, this would be a fitting epitaph for a Congress that has sought to do much but has accomplished little.

Republican patience was wearing thin before we took up this bill, and we said so, repeatedly. The Democratic leadership knew on a bill of this magnitude, Republicans would do more than complain about it. We would insist that minority rights be honored. They weren't. For this reason I will oppose cloture on the bill and encourage my colleagues to do the same.

Democrats and Republicans have said from the outset that this bill would only pass if it was a bipartisan effort. Once it hit the floor, that meant minority Members would have the chance to be heard through a fair and full amendment process. That is the way to fix this bill.

Mr. REID. Mr. President, I think the distinguished Republican leader has outlined the problem, the problem that exists with the Republicans in the Senate.

The reason there weren't a lot of cloture motions filed in the last Congress is, as the distinguished Republican leader has pointed out, we believed in legislating, not delaying. Most of the motions that have been filed regarding cloture have been on motions to proceed to bills—dilatory tactics by the Republicans—and it is very frustrating to them that in spite of that—in spite of that—we have been able to accomplish much, including ethics lobbying reform, minimum wage, 9/11 Commission recommendations. We did the budget. We were able to do the continuing resolution. We did stem cell research. We have done some very good work, and we are going to continue to do that.

We have spent a lot of time on the Republicans delaying what the American people want us to do, and that is legislate. In spite of that, we were able to move on and do some significant legislating, as we are going to continue to do.

As I said this morning, we want to finish this legislation in a positive vein. The minority said they wanted more amendments. They got more amendments. We don't know if there is a magic number, but we will work and make sure—I think we are in the process now of lining up four amendments on each side. We should dispose of those fairly quickly. I have indicated that we are willing to do whatever is necessary postcloture to take care of as many of the postcloture germane amendments as we can. We are happy to do that. This is very important.

I spoke last night to the Secretary of Homeland Security, one of the people who represented the President in these negotiations. This bill that is on the Senate floor is not a Democratic bill. It is a bill that has been worked on by Democrats and Republicans in cooperation with the President of the United States and his people. My message to Secretary Chertoff last night was that—it seems a little unusual to me when we have worked so hard and we have offered opportunities for all of these amendments, and we are going to

offer more. My message to him is, why in the world would anyone object to delaying the cloture vote? But that is what has happened.

I think that is unfortunate because I told the Secretary of Homeland Security, Judge Chertoff, the message in the newspaper is going to be: Democrats Support Cloture to Continue Debate on Immigration; Republicans Oppose It—President Bush Fails Again.

Let's have some successes around here. We need to work with the President. He needs to work with us. Here is a way that it can be done.

I know there are people who want us to stay on this bill for the rest of this work period, but we have other things we need to do that some do not want us to work on. When we went home for our Memorial Day break, what were the issues people talked about more than anything else? Ending the war in Iraq and gas prices. So when we finish this, we are going to move on to energy—gas prices. When we finish that, we are going to move to the Defense authorization and again have a debate on ending the Iraq war. I know people don't want us to do that, but we need to do that. That is what the American people want us to do.

So I cannot accomplish directly what I think should be done, and that is have a cloture vote that is successful right now. But I can do indirectly what I can't do directly. If the cloture vote doesn't succeed, I will change my vote so I will be on the winning side, and I will bring up the cloture vote later today. We are going to continue working this bill.

As my friend, the distinguished junior Senator from Washington said this morning in a caucus we had, she said: You know, what we have done here is like a marathon. When you run a marathon, you run 22 miles, you have 4 miles more to go, and you look back and think of all the times you wanted to quit, but right now, as tired as you are from running a marathon, you can see the end.

The race is up there and we need to continue. This is a marathon. We owe it to the American people to move forward on this legislation to improve a broken system. That is what we are trying to do. I hope my Republican colleagues vote for cloture. If they don't, they will have another opportunity later today and, hopefully, we can process some amendments in the interim.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, one of the pressing items the distinguished majority leader failed to mention was he filed cloture on the motion to proceed to a motion that would allow us to express our views about the appropriateness of the continued service of the Attorney General. There are plenty of people around here who have had something to say about that. There have been hearings about it, calls for resignation. The distinguished majority leader wants to use up floor time,



precious floor time in the Senate so that we can express ourselves on the Attorney General's service, something each of us could do individually at any point we want. That is not exactly a pressing item.

If we want to finish this bill, the message is clear. There needs to be at least as many Republican rollcall votes this time as last year. The way to do that is not to invoke cloture and try to stuff the minority, as has been done 32 times already this year. The way to do that is to process amendments, make it possible for amendments to get pending, continue to discuss them, finish the bill when we get to an appropriate level with our amendments that produces a degree of comfort on this side of the aisle that we have had an adequate opportunity to express ourselves on probably the most important issue we will deal with in this entire Congress. This is no small matter. It is a big issue, a big problem, and it requires broad bipartisan cooperation to bring a bill such as this to a conclusion. Therefore, I urge a "no" vote on cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have a lot to say about the failed Attorney Generalship of Alberto Gonzales, but this is not the time to do that. I may not have that opportunity because the only issue that will be before the Senate is a simple vote on a motion to proceed. If the minority does not wish to proceed to have a vote of confidence on him, it will not happen. If there were ever an opportunity for a legislative body to speak about what is going on in the administrative branch of Government, it is with what is happening in that Justice Department.

All you need to do is read the newspaper today to find out what is going on in that Justice Department. Should we have confidence in Alberto Gonzales? I don't think so.

But we are on immigration. This is a day for getting along. I am going to do the best I can to get along, and I hope everyone will do that and continue to work on a bipartisan basis to move forward on immigration.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.

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

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Senate amendment No. 1150, an amendment in the nature of a substitute offered by the Senator from Nevada, Mr. REID, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "yea."

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

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

The yeas and nays resulted—yeas 33, nays 63, as follows:

[Rollcall Vote No. 203 Leg.]

#### YEAS—33

Akaka	Feingold	Menendez
Bayh	Feinstein	Mikulski
Biden	Harkin	Murray
Brown	Inouye	Nelson (FL)
Cantwell	Kennedy	Nelson (NE)
Cardin	Klobuchar	Obama
Carper	Kohl	Reed
Casey	Lautenberg	Salazar
Clinton	Leahy	Schumer
Dodd	Lieberman	Whitehouse
Durbin	Lincoln	Wyden

#### NAYS—63

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Baucus	Domenici	Pryor
Bennett	Dorgan	Reid
Bingaman	Ensign	Roberts
Bond	Enzi	Rockefeller
Boxer	Graham	Sanders
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hagel	Smith
Byrd	Hatch	Snowe
Chambliss	Hutchison	Specter
Coburn	Inhofe	Stabenow
Cochran	Isakson	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Tester
Conrad	Levin	Thune
Corker	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCaskill	Webb

#### NOT VOTING—3

Johnson	Kerry	McCain
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The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII the clerk will report 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 Calendar No. 144, S. 1348, comprehensive immigration legislation.

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

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1348, a bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

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

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

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 204 Leg.]

#### YEAS—34

Akaka	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Brown	Kennedy	Obama
Cantwell	Klobuchar	Reed
Cardin	Kohl	Salazar
Carper	Lautenberg	Schumer
Casey	Leahy	Whitehouse
Clinton	Lieberman	Wyden
Dodd	Lincoln	
Durbin	Menendez	

#### NAYS—61

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

#### NOT VOTING—4

Johnson	Levin
Kerry	McCain

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote on which cloture was not invoked.

The PRESIDING OFFICER. The motion to reconsider is entered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. I ask unanimous consent that I be recognized at any time today when I return to the floor.

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

Mr. REID. So it doesn't frighten people, the only reason I intend to do that is because we are working on a unanimous consent agreement now, and Senator DODD can speak or Senator SESSIONS can speak or whoever wants to talk—they can do that. At least we can get the consent done. What we are working on now is to have three Republican amendments, three Democratic amendments. I hope we can get that done very quickly.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I wish to make a few comments on the process and the substance of the bill. I will take a few minutes, I alert my colleagues.

This is one of the most complex pieces of legislation that has come before the Senate. There have been months and months of negotiations. I was part of those negotiations, at least on the Republican side, trying to put a bill together with some good, solid principles that would help fix our immigration problem because I think most people agree that the immigration system in this country is broken.

We now find ourselves deep into this process—but certainly not all the way through the process—because of the complexity of the issues we are dealing with. Yesterday afternoon a bipartisan group of folks sat down to discuss several of the issues. The more you talk about this bill, the more you realize that when you fix one problem, it creates another problem or problems. For example, have you fixed the problems with the Z visa program and the problems with the temporary worker program? Have you fixed the problems related to when folks are going to leave the country? Especially with the temporary worker program, is there going to be a strong and reliable exit visa system in place so you know that when temporary workers' visas expire they are actually going to exit?

That is easy to do, as we found out yesterday, in airports. It is much more difficult to do when it comes to land based exits. But we do have to design a system that is strong and effective. Otherwise, this temporary worker program will result in millions of people staying here illegally in the future.

What we have been arguing for on this side is to make sure we get this

right. It is too important a piece of legislation to rush it through the Senate because of other priorities. Right now, I do not think that the American people believe there is an issue with much higher priority than fixing our immigration system. The system literally is broken, and we have to design an immigration system that is good for America.

In the long run, we want to be a welcoming country, a land of immigrants, but also a nation of laws, where people respect the rule of law.

I have several amendments I would like to get offered before debate is shut down on this bill. What fixes there are in this bill, as far as whether people who are here illegally get Social Security, but these fixes do not go far enough. On this topic, I have an amendment that actually would fix the Social Security problem.

When we began negotiating this bill, at least amongst Republicans, we said to the American people that if the foreigners who are now here illegally are going to get a chance to get a green card and eventually citizenship, they must not be put at the front of the line. I have heard it argued, that such illegal immigrants are not put at the front of the line. That is because there was a little sleight of hand done. They actually got their own separate line. So you have people legally applying for a green card from outside the country over here. The folks who are here illegally today, they have their own separate line. They only compete amongst themselves. But anybody here illegally today, who can prove they have been here before the first of the year, is virtually guaranteed a green card, while those waiting outside the country literally can take years, if not decades to receive the same status.

Regarding the merit-based system that was put into the bill, I have another amendment that would say to Z visa holders: You can stay here. But if you want to get a green card and eventually citizenship, you would get in line with all of the other merit-based immigrants who seek that same goal. Not at the front of the line, not at the back of the line, the Z visa holders would get in line with everybody else who is applying for a green card. Then whether an applicant received a green card would be decided based on merit. It is a reward system. Merit is not just whether you have an advanced degree or not. Merit means you have had a steady job. Merit means health insurance. Merit means you have learned English and learned it well, taken an American civics class and learned what America is about.

We should apply the same standards to the Z visa holders that we are applying to the rest of the folks who are applying for green cards and eventually citizenship from outside of the United States.

As we are going through this afternoon, we are trying to figure out how many amendments would be fair. The

bottom line is what is fair is to get a good bill that will fix the immigration system for the United States; not to just have a process where we look like we have a certain number of amendments but actually where we design a bill we can all be proud of. Right now there are still very serious flaws with this bill.

I will not take up any more of my colleagues' time, but I wished to say a few words about the process and about how important it is to get this bill right for the present and the future of the United States.

I yield the floor.

AMENDMENT NO. 1199

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, my amendment prevents this bill from dividing millions of families by making it easier for U.S. citizens and their parents to unite. I offer it with the cosponsorship of my good friends, Majority Leader Senator REID and Senator MENENDEZ.

The amendment has also been endorsed by over 25 organizations including the American Jewish Committee, the National Council of La Raza, the Episcopal Church, and the U.S. Conference of Catholic Bishops.

Under current law, parents are defined as immediate relatives and exempt from green card caps. Yet this bill arbitrarily and irresponsibly excludes parents from the nuclear family and subjects them to excessively low green card caps and a restrictive visitor visa program as well.

This amendment does three things. First it increases this newly established cap from 40,000 to 90,000. 90,000 is the average number of green cards issued to parents each year. Last year, however, 120,000 parents entered the U.S. on green cards. If this bill is really serious about eliminating backlogs, then it ought to set practical caps. It is not the place of the Congress to tell American citizens to wait a year or two or three or more to see their parents.

Second, it extends the newly created temporary parent visitor visa from 30 to 180 days. To think that a parent can only be with his child or grandchild for 1 month out of 12 is simply unacceptable. Yet under this provision, a tourist can be in America six times longer than the parent of a citizen. That is not the America I know; nor is it an America that cherishes family values. Parents must be allowed to stay with their families for longer.

Third, this amendment prevents collective punishment for parent visitor visa overstays. Under this bill, if the overstay rate exceeds 7 percent for 2 years, either all nationals of countries with high overstay rates can be barred or the entire program can be terminated. This type of collective punishment is wrong and unjust. We should not punish law abiding people because of the misdeeds of others.

My amendment does not strike at this bill's core; nor is it a partisan

issue. It is one of basic fairness to our fellow citizens. I especially reject the notion that imposing such excessive restrictions are necessary to reduce "chain migration." The fact is that once parents of citizens obtain visas, they usually complete the family unit and are not likely to sponsor others.

What is at stake here is whether Congress should dictate to U.S. citizens if and when they can unite with their parents; if and when their parents can come and be with their grandchildren; if and when U.S. citizens can care for their sick parents here on American soil.

It is our duty to remove as many obstacles as we can for our fellow citizens to be with their parents. None of us would stand for anyone dictating the terms of that union to us. Why should we then apply a double standard for other citizens of this country? We must craft a law that is tough yet just.

I know that the distinguished ranking member of the Judiciary Committee, Senator SPECTER, may raise a question with respect to how the Dodd-Menendez amendment is currently drafted, arguing that by upping the subceiling on parent immigrant visas from 40,000 to 90,000 annually, my amendment introduces discretion to the Department of Homeland Security in deciding what to do on issuing family immigrant visas among the subceilings as we get close to the annual cap of 567,000 contained in the bill.

I would have preferred to raise the overall 567,000 annual cap currently in the bill by the additional 50,000—the increase my amendment provides for the parent immigrant visa subceiling.

But had I done so, I would likely have faced a 60-vote threshold due to a budget point of order as my colleague Senator MENENDEZ did last night on his family unification amendment.

There is nothing scientific about the 567,000 annual immigrant visa cap currently contained in the bill. Am I to believe that this grand compromise bill will be destroyed if an additional 50,000 parents of American citizens are granted green cards annually so they can be closer to their American children and American grandchildren?

The so called discretionary authority granted to the Department of Homeland Security that Senator SPECTER may argue is created by this amendment can easily be fixed in conference by raising the current cap by 50,000.

I refuse to let the technicalities of the subceilings and overall ceilings contained in this complex legislation cloud the real issue Senators will be deciding as they cast their votes on this amendment; namely, do my colleagues believe that parents and grandparents are important members of the American nuclear family or do they believe that they are merely distant relatives—irrelevant to the daily lives of our families?

I believe the former. I would suspect most of my colleagues do as well.

And so, I urge my colleagues not to think of this amendment in terms of

numbers and caps, but in terms of its human impact. I urge them to vote for it in order to remove the obstacles created by this bill which will prevent American citizens—we are talking about American citizens—from having their loving parents be with them to share the joys and challenges of the American family.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of organizations supporting this amendment at the end of my remarks.

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

(See Exhibit 1.)

Mr. DODD. I will cite a couple of them for my colleagues. The 25 or 30 organizations include the American Jewish Committee, the National Council of La Raza, the Episcopal Church, the U.S. Conference of Catholic Bishops, among many other organizations; Asian American organizations, Asian American Justice Center. There is a long list here. As I say, I will include that as requested in the RECORD.

But, again, Mr. President, this ought not to be a complicated proposal for my colleagues. It is one that I think all of us should endorse and support. I don't see this violating the core agreement. It is not the deal breaker that we hear about, but it is merely doing what I think most Americans and most of our colleagues would agree on: letting U.S. citizens have the opportunity, at least to a larger extent than this bill would allow, to have their parents be a part of the family unit, that nuclear family.

#### EXHIBIT 1

DEAR SENATORS: We, the undersigned organizations, write to share with you our support of the Dodd amendment to the proposed immigration bill. Under current law, parents of U.S. citizens are defined as immediate relatives, along with spouses and minor children, and are exempt from visa limitations.

The proposed legislation removes them from this category, subjects them to an annual cap of 40,000 green cards, and creates a new parent visitor visa category that would allow them to stay in the United States for only 30 days. Typically, 90,000 visas are issued each year to parents—the proposal reduces the number of visas available by more than half. The agreement also penalizes all parents from a particular country by barring them from entering into the United States should the rate of overstay of parents from that country be above 7 percent in two consecutive years.

The debate around this provision goes to the heart of the value we place on family. Parents are not distant relatives but absolutely vital members to most families. Often, parents enable their adult children to work by providing free and trusted care for their grandchildren. Immigrant parents also contribute their labor and talents to small, family owned businesses. The American economy also benefits from having dollars earned here, be spent here instead of having to be sent overseas to family members left behind.

Contrary to some arguments, immigrant parents coming through the family system will not burden taxpayers or the economy. In fact, as non-citizens, they are generally ineligible for a majority of federal public benefits unless they earn them through sufficient

work. Moreover, their adult children must sign affidavits of support and prove that they have sufficient resources to support their parents.

The Dodd amendment recognizes these close family ties and the economic and societal benefits that accrue when they are honored by:

Increasing the green card cap to 90,000. The number 90,000 represents the average annual number of green cards issued to parents. The proposed bill slashes this number by more than half to 40,000. This amendment would ensure that sufficient numbers of green cards are available for parents to come to the United States.

Extending the parent visa to 180 days, and making it renewable and valid for three years. These are already accepted timeframes for other temporary visas, 180 days is the length of a tourist visa; H-1Bs are valid for three years. The proposed bill, however, limits parents to an annual stay of 30 days, and does not specify long-term validity. This is too short an allotment—particularly for parents who come to help their children.

Making penalties for parent visa overstays applicable only to guilty parties. The proposed bill states that if the overstay rate among visa holders exceeds 7 percent for two years, all nationals of countries with high overstay rates can be barred from this visa program or the program can be terminated. Sponsors of overstays are also barred from sponsoring other aliens on this visa. This amendment strikes language that unfairly collectively punishes those who have not violated the law, allowing law-abiding parents to continue to unite with their children.

The Dodd amendment unites parents with their families in the U.S. by increasing the annual cap on green cards for parents; extending the duration of the parent visa; and ensuring that penalties imposed on overstays are not unfairly applied to others. We are asking that you vote for this amendment.

Respectfully,  
 American Friends Service Committee  
 American Immigration Lawyers Association  
 American Jewish Committee  
 Asian American Justice Center  
 Asian & Pacific Islander  
 American Health Forum  
 Asian Pacific American Labor Alliance,  
 AFL-CIO  
 Association of Asian Pacific Community  
 Health Organizations  
 Association of Community Organizations for  
 Reform Now  
 Congressional Asian Pacific American Caucus  
 Congressional Hispanic Caucus  
 Dominican American National Roundtable  
 Hebrew Immigrant Aid Society  
 Hmong National Development  
 League of United Latin American Citizens  
 Legal Momentum  
 Mexican American Legal Defense and Education Fund  
 National Asian Pacific Center on Aging  
 National Council of La Raza  
 National Federation of Filipino American Associations  
 NETWORK, A National Catholic Social Justice Lobby  
 Organization for Justice & Equality  
 Service Employees International Union  
 Southeast Asia Resource Action Center  
 The Episcopal Church  
 The Jewish Council for Public Affairs  
 Unitarian Universalist Association of Congregations  
 United Methodist Church, General Board of Church and Society  
 U.S. Citizens for United Families  
 U.S. Conference of Catholic Bishops  
 World Relief

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to add Senators DURBIN and BOXER as cosponsors of amendment No. 1392.

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

Mr. MENENDEZ. Mr. President, I rise to offer strong support for Senator DODD's amendment. I appreciate his leadership. I am proud to be a cosponsor of this amendment in order to protect, again, the right of U.S. citizens.

Before I get to the heart of what Senator DODD seeks to do, I think it is time for a little review of where we are. I do not quite understand the process of a grand bargain in which there are alleged core elements of it that are inviolate, that cannot be touched, and then see amendment after amendment, such as confidentiality, that undermine the ability of the earned legalization process and others that ultimately seem to undermine the efforts of what I thought was that grand bargain, and yet don't seem to disrupt the apple cart. Yet when amendments such as the family reunification amendment I offered last night, the one that Senator DODD is offering now, when they are raised: Oh, this will be a deal killer. This bill has become more punitive. It has become more onerous. It has become more impossible to achieve comprehensive immigration reform with every amendment that has passed. It has moved increasingly to the right in the process—on confidentiality, on Social Security, on earned-income tax credit, on incarceration, on visa revocation. The list goes on and on.

Yet the grand bargainers don't seem to be affected by those. But when we try to keep families together, it is a calamity.

Under current law, we recognize that parents are integral to the family structure and that they remain so even after their children have grown up. That has been our bedrock principle. As such, we correctly characterize parents as part of an immediate family which exempts them from the green card caps when applying for legal permanent residency. Unfortunately, under the grand bargain, it removes these individuals from the immediate relative category and sets an arbitrary, insufficient annual cap for green cards for the parents of United States citizens at 40,000.

This is less than approximately a third of what last year was the number of visas for parents. It is less than half of the average number of visas issued in the past 5 years. By saying that parents are no longer members of the immediate family, I don't know how much more nuclear this family can continue to get under, particularly, Republican proposals. I always thought, listening to the debates on family values, that parents—the matriarch, the patriarch—were core elements of a family. They take existing law, the right of a United States citizen to

claim their parents as part of an immediate family, and do away with that right and then supplant it with a limitation where we will give you a limited right to bring up to, collectively across the country, 40,000. By saying parents are no longer members of the immediate family and imposing unreasonable caps on the amount allowed to rejoin their U.S. citizen children, we are not only breaking up families, we are also effectively creating an entirely new backlog, even as we are trying to eliminate it with this legislation.

This not only changes the spirit of our immigration policy, it also, once again, deemphasizes family structure, all without a single hearing on the issue of family or the value of family in our immigration system in either the 109th or the 110th Congress.

This is not only about the rights of potential immigrants to enter the country. Rather, more importantly, this is about the rights of United States citizens who wish to live with and possibly care for their parents. As it stands under the legislation, the right of those American citizens to be reunited with their parents is virtually totally undermined. From a moral perspective, this undermines the family values I so often hear my colleagues talk about.

I have heard the words of the late Pope John Paul who, clearly, from a moral perspective, said:

Attention must be called to the rights of migrants and their families and to respect for human dignity.

I have heard it from President Bush when he said:

Family values don't end at the Rio Grande.

I guess when it comes to your parents, it does. But this agreement, similar to his proposal before, belies those words. Besides the moral imperative to keep families united, practically speaking, a breakdown of family structure often leads to a breakdown of social stability. People living with stable families are more likely to succeed, more likely to contribute to our Nation, more likely to strengthen our communities, less likely to be anything but an exemplary citizen. U.S. citizens want to be together with their family members. That is a natural human instinct. Yet here we are debating a provision of this legislation that undermines the very essence of family.

This may be the next-to-last shot the Senate will have on standing up for some values for families. I will be offering another amendment on the new point system that will determine future immigration that, hopefully, will give more points to families as part of an overall new system, but ultimately the Dodd amendment and my amendment are likely to be the last opportunities for the Senate to put its votes where its values are.

In this case, Senator DODD makes an important point. For those who argue the chain migration issue—and I won't take out my chain again to remind people how we dehumanize family

members, and we want to make them an abstract object so we can do away with it—the bottom line is, if a U.S. citizen is already claiming their parents, they have ended the chain, if we want to even refer to it in those terms, because that parent can only come here by virtue of a U.S. citizen claiming them. So it means it has to be their son and daughter. That basically ends the chain. This is not a chain migration issue. This is the core of family reunification, to have parents with their children, with their grandchildren who, by the way, under U.S. law, that U.S. citizen is responsible for them financially without question; otherwise, they don't qualify. They don't get their petition approved. It is not just a familial relationship that gives you the ability to claim as a U.S. citizen your parents, you must also show the financial ability to sustain them when you claim them; otherwise, even that right is extinguished.

Here we have a foolproof situation—no chain migration, no public charge, and, ultimately, the opportunity to strengthen family. If the Senate cannot vote for the Dodd amendment, it simply does not believe in family values.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Vermont.

Mr. SANDERS. I thank the Chair.

In a moment, I want to talk about an amendment I will be offering with Senator GRASSLEY to the immigration reform bill. That is amendment No. 1332. I should mention this amendment has been endorsed by the AFL-CIO. It was endorsed by the Programmers Guild and by the Institute of Electrical and Electronics Engineers.

Before I speak about the amendment, it is important, as we debate the immigration bill, to talk about what is happening to the lives of Americans who live in the middle class and the working families of the country. I fear that in this long and complicated immigration bill, sometimes we lose track of the impact of this bill on the lives of American workers. This bill deals in a reasonable way in terms of dealing with the very serious problem of illegal immigration. It says we must strengthen our borders and not allow people to so easily come into the country. That is long overdue, and it is absolutely right. It says finally we must begin to hold employers accountable for the illegal immigrants they are hiring, something the Bush administration has been very reluctant to do. That is extremely important.

This bill also carves out a path to citizenship which, frankly, is the right thing to do. But also what this bill does not do is analyze effectively the impact of various aspects of this legislation—the guest worker program, H-1B program—on the lives of American workers. The basic premise under which this bill operates in those areas is a false one. What it says is there are

jobs out there, large numbers of jobs, that American workers won't take. I think that is true to some degree, but this bill grossly exaggerates that problem. Because the truth is, if employers paid living wages for jobs, we would be very surprised at the number of people in this country who would be delighted to hold those jobs. But if people are going to pay starvation wages and not provide health care or other benefits, yes, it is true American workers may not gravitate to those jobs.

The truth is, over the last many years, there has been a war going on in this country, and that is not the war in Iraq. It is not the war in Afghanistan. It is the war being waged against the American middle class, the American standard of living, and, indeed, the American dream itself. This is an issue, unfortunately, we do not discuss enough on the floor of the Senate. It is not discussed enough in the corporate media.

The American public understands that since President George Bush has been in office, over 5.4 million more Americans have slipped out of the middle class and into poverty. The American people understand that nearly 7 million more Americans have lost their health insurance, and we are now almost at the level of 47 million Americans without health insurance. The American people understand that for the average American family, their income has fallen by over \$1,200 and 3 million more Americans have lost their pensions.

What does all of this have to do with the immigration bill? It has everything to do with the immigration bill, because we have to take a hard look at what various aspects of this bill do in terms of bringing workers into this country and what it means to people who are struggling on \$8 or \$9 an hour or, in fact, what it means to young people who someday aspire to hold a professional position. That is an issue we have not focused enough attention on.

Some people say: Yes, it is true, poverty is increasing. Yes, it is true, there are millions of people working at the minimum wage or near. But if you have a college degree, you don't have to worry. There are plenty of these good professional jobs out there that pay people good wages. The truth is, even college graduates in today's economy are not getting ahead. From the years 2000 through 2004, we have seen the wages of college graduates decline by 5 percent. According to a new study by researchers at MIT, earnings of the average American worker with an undergraduate degree have not kept up with gains in productivity over the last 25 years. In other words, despite an explosion in technology and worker productivity over the past 30 years, millions of American workers, including college graduates, are working longer hours for lower wages. In America today, the personal savings rate is below zero. People are spending more than is coming in. That has not hap-

pened since the Great Depression. Home foreclosures are at their highest level in nearly four decades.

What I fear the most is if we keep going in the direction in which we are moving now economically, what we are going to see is our children are going to have a lower standard of living than we do. In fact, according to a recent joint study by the Pew Charitable Trust and Brookings Institute, men in their thirties earned on average 12 percent less in 2004 than their fathers did in 1974, after adjusting for inflation. Incredibly, men today are earning less than their fathers did despite a huge explosion in technology and worker productivity.

In addition, it is important to note that over the last 6 years, this country has lost more than 3 million good-paying manufacturing jobs.

Why do I raise that within the context of an immigration bill? I raise that because the argument of all the large corporations that are supporting this legislation is: My goodness, we have a crisis in America. It is that wages are going down. It is not that more and more Americans are losing their health care and their pensions. The crisis is, supposedly, there are all these jobs out there—jobs in teaching, psychology, nursing, hotels, restaurants—and we cannot find American workers to do those jobs.

Let me tell the business community: Raise wages, provide decent benefits, and you are going to have all kinds of people flocking to those jobs.

During the debate over NAFTA and permanent normal trade relations with China—which I participated in as a Member of the House of Representatives—we were told by all the corporate interests who pushed that legislation on the Congress not to worry about the blue-collar jobs we would lose. I remember it distinctly. They said: Well, yes, it is true. If we open up our markets, yes, it is true we are going to lose a lot of these factory jobs. They are going to go to China, Mexico, whatever. But don't worry because if your kid does well in school, becomes computer proficient, your kid is going to have a great job out there at good wages. That is the future of America. Don't worry about the blue-collar jobs. You have all these white-collar information technology jobs.

Well, guess what is happening. From January of 2001 to January of 2006, we have lost 644,000 information sector jobs. Alan Blinder, the former Vice Chairman of the Federal Reserve, has told us between 30 and 40 million jobs in this country are in danger of being shipped overseas.

The middle class of this country is being squeezed 24 hours a day, 7 days a week.

When Americans get up in the morning and they take their kids to daycare, they find the cost of childcare is unaffordable. That is certainly true in Vermont. It is true all over this country. Working families cannot afford quality childcare.

When they drive to work, and they stop at the gas station to fill up their gas tanks, what they are paying in Vermont now is \$3.10 a gallon for gas, and in other parts of the country it is even higher. ExxonMobil earns record-breaking profits and manages to find \$400 million for a retirement settlement for their former CEO.

When workers go to their jobs, they are being squeezed as often as not by their employer who is cutting back on their health care and pension benefits. Then, if workers stand up for their jobs, they want to form a union, they are told that those jobs could go to China: So take your cutbacks.

When workers come home, they open up their mailbox only to find that the interest on their mortgage payments and their credit cards in some cases is doubling or tripling. There are working people in this country who are paying—if you can believe it—27, 28, 29 percent in interest rates, while big banks are making record-breaking profits.

When Americans go to the hospital, they are told by their insurance companies their premiums and copays will be going up or, even worse, they are not covered for the medical procedures they need.

When they want to send their kids to college, they look at the cost of tuition, and they find colleges costing \$30,000, \$35,000, \$40,000, \$45,000 a year, and people are making \$30,000 a year. We are seeing kids in this country now—low-income kids—not going to college and others coming out deeply in debt.

Now, in the midst of all of that, we have this immigration bill, a bill that would allow employers to hire hundreds of thousands, if not millions, of workers from other countries in both low-skilled jobs and high-skilled jobs.

It is important to note—and this point has not been made often enough, but it is important to note many of the same corporate groups that supported NAFTA, that supported PNTR with China, and other disastrous trade agreements, that these same businesses that fought against an increase in the minimum wage, saying: Hey, \$5.15 an hour, we don't have to go higher than that; these same companies that have outsourced hundreds of thousands of jobs to China, to Mexico, to Vietnam, to India, to other low-wage countries, these same companies are supporting this legislation.

Let's understand that, and let us ask why that is the case. Why are companies that opposed the minimum wage, that oppose the right of workers to form unions, that oppose anything that makes sense for the American middle class supporting this legislation?

Some of those groups are the National Restaurant Association, the Business Roundtable, the American Hotel & Lodging Association. These are all groups that opposed raising the minimum wage above \$5.15 an hour, and they are sitting here saying: Well, we think this immigration bill is a good bill for us.

High-tech companies that have sent hundreds of thousands of jobs overseas, they think this legislation is good. Why? Why do they think it is good legislation? Well, if you listen to them, they will tell you two things: First, in terms of low-skilled jobs, they say they need foreign workers to do the jobs Americans will not do. In terms of high-skilled jobs, they say they cannot find enough Americans who are smart enough, who are skilled enough, who are well educated enough to be engineers, to be scientists, to be mathematicians, et cetera.

In other words, corporate America tells us they need a new guest worker program because they cannot find any Americans for construction jobs, for manufacturing jobs, hotel jobs, restaurant jobs. Then they tell us they need more foreign agricultural workers because no American is willing to break their back working in the fields, picking strawberries or lettuce for poverty-level wages and no health care.

Then—this is what gets me—they tell us they need more H-1B visas because Americans are not smart enough to be computer professionals; engineers; university professors, they cannot find anybody to be a university professor; accountants—I guess Americans do not add very well—we cannot do that work; financial analysts; nurses, I guess we do not have the capability of producing nurses; psychologists, Americans, I guess, cannot do that; lawyers—lawyers—lawyers—my God, if there is anything the United States is capable of producing it is lawyers, but I guess we need more lawyers to come into this country; and elementary school teachers, I guess the young people who graduate from college in America are not quite qualified to be school teachers.

Now, if Americans will not take low-skilled jobs that pay poverty-level wages and, presumably, if they are not smart enough to do high-skilled jobs, I think the question we have to ask is: What kind of jobs are going to be available for the American people? Can't do low-skilled jobs; can't do high-skilled jobs. Hey, what is there for us?

I happen to think the Congress should be spending a lot more time discussing this issue and making it easier for us to create decent-paying jobs for American workers instead of allowing corporate interests to drive wages down by importing more and more people to do the work Americans should be doing and, conversely, exporting and outsourcing a lot of decent jobs.

As someone who, as a young man, worked in a hotel and worked in a restaurant, I can tell you the guest worker provisions, for the most part, have nothing to do with a shortage of workers but have everything to do with a concerted effort by corporate America to drive down wages for our people.

Now, one of the largest corporations that is involved in an association in support of this legislation is Wal-Mart. I made this point yesterday, but I think it is worth repeating. Wal-Mart

says, being a part of this association, that apparently there is a shortage of Americans willing to work at Wal-Marts. Well, let's take a look at that.

Two years ago, when Wal-Mart announced the opening of a new store in Oakland, CA, 11,000 people filled out applications for 400 jobs. I think most Americans know that Wal-Mart is not a great employer. Wages are low. In many instances, they do not provide 40 hours a week; health care benefits are not particularly good.

Oakland, CA: For 400 jobs, 11,000 people filled out applications. More recently, in January of 2006, when Wal-Mart announced the opening of a store in Evergreen Park outside Chicago, over 24,000 people applied for 325 jobs at that store. What does that tell us? It tells us that even in low-paying jobs, such as at Wal-Mart, when given the opportunity, Americans want those jobs. They want to make a living for their families.

So the idea Wal-Mart and other similar-type companies would say: Gee, we can't find workers to do that work, is just plain wrong. What they want to do is have a surplus of workers coming into this country so wages do not go up. So instead of having to raise wages and benefits, in order to attract workers and retain workers, what you do is simply open the door and you bring in more and more cheap labor. That enables them to keep wages low.

Then we have the situation with high-skilled jobs, with our professional jobs. Again, we have associations and organizations made up of different corporate groups that are strongly supporting this immigration bill, and they include, among others, companies such as Motorola, Dell, Hewlett-Packard, IBM, Microsoft, Intel, and Boeing, to name a few. These are corporations with a main argument that we cannot find Americans to do this work, and we need to go all over the world to bring in people.

Well, I find it interesting that many of these same companies that tell us they cannot find workers in the United States are exactly the same companies that have recently announced major layoffs of thousands of American workers: We can't find workers. Oh, by the way, you are fired. We need more workers from abroad. Five hundred workers are gone. We are laying you off. It does not make a whole lot of sense to me.

Let me give you a few examples. A few days ago, the Los Angeles Times reported Dell would be eliminating 10 percent of its workforce, slashing 8,800 jobs. But Dell, last year, applied for nearly 400 H-1B visas to bring people into this country—at the same time they lay off 8,800 workers. Maybe they might want to retrain some of those 8,800 workers for these new positions, if possible, rather than simply bringing in new employees from abroad.

Dell is not alone. The Financial Times, on May 31, reported Motorola would be cutting 4,000 jobs, on top of an earlier 3,500 job reduction, designed to

generate savings of \$400 million. Yet last year, Motorola received 760 H-1B visas. The list goes on and on. It is IBM. It is Citigroup—companies bringing in foreign professional workers at the same time they are laying off American workers.

So we have a situation where, on one hand, these companies say they cannot find highly skilled American workers while, on the other hand, they are eliminating thousands of American jobs.

What upsets me is how our young people feel about this situation. These are kids who go to school—sometimes they borrow a lot of money to go to college—they work hard, and what they are looking forward to, whether through a BA or a BS or an MA or a Ph.D., is a good, secure, challenging, meaningful job with a decent income. What they are seeing is companies saying: We do not want you. We want somebody from abroad who will work at lower wages than you. I think that must be very discouraging for so many of our young people.

Madam President, the amendment I am offering today, along with Senator GRASSLEY, is a pretty simple amendment. What it would do is it would prohibit companies that have announced mass layoffs from receiving new visas of any kind, unless these companies could prove that overall employment at their companies would not be reduced by these layoffs. In other words, we are calling their bluff, and we are saying: You can't lay off large numbers of American workers and then tell us you desperately need workers, professionals from abroad. Those companies which are truly experiencing labor shortages would not be impacted by this amendment and could continue to receive increases in foreign workers, but companies that are reducing their U.S. workforce by laying off thousands of Americans would be prevented from importing workers from abroad.

The bottom line is, the companies that are laying off thousands of Americans shouldn't be allowed to import workers from overseas. Let us stand up for the American people. Let us stand up for American workers. Let us support this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 1236

Mr. TESTER. Madam President, I thank the good Senator from Vermont for his comments. I appreciate them very much. I think they are on the mark.

I would like to address amendment No. 1236, the Baucus-Tester amendment. I ask unanimous consent that Senators AKAKA, SUNUNU, LEAHY, and COLLINS be added as cosponsors.

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

Mr. TESTER. Madam President, I also ask unanimous consent that Senator AKAKA be recognized for 10 minutes following my remarks.

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



Mr. TESTER. Madam President, I am proud to offer this amendment 1236 with my colleague, Senator BAUCUS, as well as the Senators I just listed as cosponsors. It strikes a portion of the bill that relates to the REAL ID Act. These REAL ID Act provisions are not central to the bill. We all want secure documents, but REAL ID is not needed to meet heightened security requirements. If we leave these provisions in place, the result of this legislation will be to bully the States into accepting something they do not want. If we do not pass the Baucus-Tester amendment, we will expand the REAL ID Act and we will impose significant new costs on employers, open up prospective employees' most sensitive personal information to theft, and create new administrative headaches for workers, employers, and State governments alike.

Do not misunderstand, it is right for employers to have to do their part to make sure they do not hire illegal immigrants, and if they do hire illegal immigrants, we need to penalize them. But what we do not want to do is impose a massive new tax on employers, and that is exactly what this bill would do in its current form.

This bill requires employers to use REAL ID-compliant documents to verify prospective employees' immigration status, and that means employers will have to link into the national database that REAL ID will create. If, as expected, the Department of Homeland Security mandates that employers confirm the biometrics of the employee, employers will need to purchase expensive biometric card-reader machines and train employees and staff on how to use them. This will amount to a massive new tax on businesses, and these costs will be on top of other mandates employers will pay to screen their workers and get linked into the national ID database created by the proposed employment eligibility verification system.

Our amendment would also lift a burden off potential employees. This bill mandates that every potential employee present a REAL ID driver's license by June 1, 2013, to begin every new job. State government organizations such as the National Governors Association and the National Conference of State Legislatures have said these States need at least until 2018 to implement REAL ID. This means many States will not even be able to provide their citizens with the documents they would need under the mandates of this immigration bill by 2013. What happens then? Are the people in these States not allowed to get work? That is what will happen if you leave this provision in the bill.

Sixteen States have passed legislation or resolutions opposing REAL ID or preventing the States from being a part of REAL ID. So unless the Baucus-Tester amendment is adopted, individuals who live in these States may not be able to get jobs because they will

not have the REAL ID-compliant documents.

Finally, this provision threatens workers' privacy. REAL ID creates the first true national ID card system by aggregating every adult's most sensitive, personally identifiable information in one place without any protections for the data or limitations on who can access it. We are going to give to every employer in America access to this system. This invites identity theft on the part of unscrupulous employees and government workers with access to this REAL ID database.

So we know that including REAL ID in this bill is a recipe for disaster. It will be harder to hire folks, it will be more expensive to hire them, and it may even be impossible to hire many people. It opens employee personal identification information to identity theft.

We can remove this section from the bill and still have a strong employment eligibility verification system. We can lift a significant burden from employers and employees, and we can limit the adverse effects of this bill on States. The Baucus-Tester amendment will do exactly that. I urge my colleagues to support it.

Mr. LEAHY. Madam President, I rise today in support of the Baucus-Tester-Sununu-Leahy-Akaka-Collins amendment to strip the references to the problematic REAL ID program from the underlying immigration bill.

We may agree or disagree about the merits of the actual REAL ID program, but as hearings in the Judiciary Committee and the Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for primetime. In fact, the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation. With 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID and this immigration bill up and running by the 2013 deadline set in this bill.

In addition to numerous privacy and civil liberties concerns, REAL ID is an unfunded mandate that could cost the States in excess of \$23 billion. Opposition spans the political spectrum, from the right to the left. A large number of States have expressed concerns with the mandates of the REAL ID Act by enacting bills and resolutions in opposition. Georgia, Washington, Oklahoma, and Montana have gone so far as to indicate that they intend to refuse compliance with it. The National Conference of State Legislatures and the National Governors Association have expressed concerns about the costs imposed on the States. The reaction to the unfunded mandates of the REAL ID Act is a good example of what happens when the Federal Government imposes itself rather than working to create cooperation and partnership.

On top of that, even though they are not even in production yet, REAL ID

cards are rapidly becoming a de facto national ID card—since they will be needed to enter courthouses, airports, Federal buildings, and now workplaces all across the country. In my opinion, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years.

For any new immigration measures to be effective, they must be well designed. Forcing employers, employees, and the States to use this troublesome national ID card will slow down the hiring process, stifle commerce, and not serve as an effective strategy. As a result, we should not jeopardize the future success of the immigration reforms sought in this legislation by tying REAL ID too closely to it. I do not see how it is possible for all of the States to have their new license programs up and running by the 2013 deadline called for in this bill. Thus, I think that instead of mandating REAL ID in this bill, we should support the Baucus-Tester amendment to strip REAL ID from this bill and put together a workable employment verification system that does not needlessly burden every legal job seeker in this country with the onerous and problematic requirements of REAL ID.

Mr. BAUCUS. Madam President, I rise today in support of an amendment with my good friend from Montana, JON TESTER. Our amendment would repeal all references to REAL ID in the immigration bill.

Supreme Court Justice William Douglas once wrote that "the right to be let alone is indeed the beginning of all freedom."

If the right to be let alone is the beginning of all freedom, then Real ID is a step toward the end.

REAL ID creates the framework for a national ID card and is a big Federal unfunded mandate. In sum, REAL ID requires two things:

No. 1, Federal agencies can only accept State-issued driver's licenses in compliance with new Federal regulations. These new regulations would require all State-issued licenses to include a cardholder's personal information such as their home address and their fingerprints.

No. 2, this information would then, by law, be accessible by all other States on an electronic database.

These requirements may sound harmless to many, but REAL ID has serious flaws. Three merit special attention.

No. 1, REAL ID puts America on track for a national ID card. This raises both privacy and practicality concerns.

No. 2, REAL ID represents a large unfunded mandate on the States.

No. 3, REAL ID poses a potential national security risk by dictating to States where their precious homeland security dollars should be spent, and it creates a magnet for identity theft.

Let me take a moment to walk through these concerns individually.

The standardized national driver's licenses created by REAL ID could become a key part of a system of identity



papers—similar to a national ID. These standards would require State DMVs to collect extensive personal information from all cardholders.

To issue a driver's license, the DMV will be required to collect birth certificates, utility bills, and other documents to verify an individual's residency. These documents would then be stored within the DMV database and accessible by all 50 States.

The machine-readable technology required by REAL ID will enable businesses from taverns to airlines to collect personal information about their clients. They could then sell this personal information to anyone willing to pay.

In addition, Federal agencies could use this new ID as an "internal passport," tracking American's movements around the country.

Americans will need a federally approved ID card to travel on an airplane or open a bank account. Seniors will need a new ID to collect Social Security payments. Citizens will need a new driver's license to take advantage of nearly any Government service.

Finally, REAL ID requires that driver's licenses contain American's actual addresses. No post office boxes are allowed. The legislation fails to offer exceptions for judges or police. I can't imagine how such a violation of privacy could make our Nation more secure.

In addition to causing problems for individuals, REAL ID is a nightmare for the States. REAL ID requires States to remake their driver's licenses, restructure their computer databases, and create extensive new document-storage systems.

It is no wonder, therefore, why 15 States have passed legislation rejecting REAL ID. Another 11 have pushed bills rejecting REAL ID through one of their legislative chambers.

From Washington State to Maine, Nevada to Georgia, red States and blue States, coastal States and the bread basket, all agree—they will not accept the provisions of REAL ID.

In my home State of Montana, REAL ID has caused real headaches. It is estimated that it would cost \$2.6 million for Montana to comply with REAL ID.

Nationwide, the Department of Homeland Security estimates that the cost of implementing REAL ID could reach as much as \$11 billion—a gross unfunded mandate from the Federal Government.

My friend, Montana's Governor Brian Schweitzer, signed a law in April that bans Montana's Department of Motor Vehicles from enforcing the requirements of REAL ID. Republicans and Democrats alike in Montana's Legislature voted unanimously to reject REAL ID.

I cannot support legislation that requires States to implement costly new security procedures—including security clearances and employee training—without providing the funds to implement such changes. I cannot sup-

port an effort to hoist this kind of bureaucracy upon Montanans, or any American, for that matter.

However, some have argued that REAL ID is essential to protecting Americans from terrorism.

Opponents of this amendment argue that REAL ID is required to deal with the influx of people expected to cross the border as a result of this bill. In short, larger waves of immigrants call for tougher standards on ID cards.

While I am sympathetic to the concern that IDs should be secure, I believe that REAL ID does not achieve this goal. In fact, I believe REAL ID could harm our national security.

In response to the 9/11 Commission's recommendations, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004. This act provided a number of improvements to our Nation's driver's licenses.

The Intelligence Reform and Terrorism Prevention Act of 2004 established a cooperative framework between State and Federal authorities to make our State driver's licenses more secure.

The REAL ID Act ended that cooperative spirit. Instead of listening to State authorities, the REAL ID Act dictates to them.

We should have stuck with the 9/11 Commission's recommendations. REAL ID goes a step too far. It makes it impossible for State authorities to decide for themselves where their scarce funds should go to fight against terrorism. Handcuffing our States with Federal bureaucracy is not the way to protect the American people from terrorism.

I will always continue to fight for increased law enforcement funding, but I will not support a law that ties State officials' hands with more Government bureaucracy.

I am also concerned that a centralized national database makes it possible for criminals or terrorists to perform identity theft on an unprecedented scale. We need to take a closer look at how a national database would be safeguarded from malicious hackers.

We have already witnessed identity theft scares at Federal agencies like the Department of Veterans Affairs, where a simple burglary put nearly 27 million Social Security numbers in jeopardy.

Now, imagine a terrorist having access to the name, height, weight, social security number, and biometric information for every American, all by penetrating one single firewall.

REAL ID is a large unfunded mandate that impedes on American's privacy and could hurt our Nation's security.

Our amendment joins the chorus of Montanans and Americans who say no to REAL ID.

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to support the amendment offered by Senator TESTER and Senator BAUCUS to remove the provisions in the immigration bill relating to REAL ID. I am pleased to cosponsor this amendment, and I applaud Senators TESTER and BAUCUS for their efforts.

I have very strong concerns with REAL ID; namely, the burdensome mandate on State and local governments and the impact REAL ID will have on Americans' privacy and civil liberties.

I have introduced legislation, S. 717, the Identification Security Enhancement Act, with Senators SUNUNU, LEAHY, TESTER, and BAUCUS, to repeal the unworkable REAL ID and replace it with a more realistic process to secure identification cards and driver's licenses.

As such, I am deeply concerned about the provisions in the immigration bill that would mandate REAL ID given the fact that 15 States have passed legislation rejecting REAL ID. Under the immigration bill, every employee in America must present a REAL ID-compliant driver's license by 2013 to begin a new job. This, of course, is problematic as it is unfair to employees and States that have rejected REAL ID. It is also impossible for States to implement REAL ID by the year 2013.

In testimony before the Senate Oversight of Government Management Subcommittee in March, the National Governors Association and the National Conference of State Legislatures, in addition to the mayor of the city and county of Honolulu, called for a 10-year reenrollment period. The 5-year period contemplated by the REAL ID proposed regulations, as well as by the immigration bill before the Senate now, is part of what is contributing to the \$23 billion unfunded mandate in the States.

Moreover, given the numerous problems with REAL ID, expanding the official uses of this card to the employment context will only make the card more attractive for counterfeiting and misuse. With the vast amount of personally identifiable information to be stored on the REAL ID card, I fear such action will only ensure that the cards provide one-stop shopping for identity thieves.

Congress must act to address the fundamental flaws with REAL ID and provide realistic and workable solutions to ensure that States have the resources to secure licenses and that such efforts protect our privacy and civil liberties. I look forward to working with my colleagues to do so in the near future. However, regardless of one's position on REAL ID, it is impracticable to tie our immigration reform efforts to a flawed program that States cannot implement.

I urge my colleagues to support this amendment to remove provisions in the immigration bill relating to REAL ID.

Mr. President, I ask unanimous consent that following my remarks, the

following Senators be recognized for the times specified: Senator SESSIONS for up to 15 minutes, Senator WEBB for up to 10 minutes, and Senator MCCASKILL for up to 10 minutes.

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

Mr. AKAKA. 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.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

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

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

Mr. SESSIONS. Mr. President, the legislation before us deals with one of the most important subjects any nation should concern itself with, which is immigration. The American people care about it. Many people are watching it extremely closely. They are cynical about Congress. In 1986, Congress passed a major bill that was supposed to fix so many problems, all of those things they are aware of, and the problem has only gotten worse. They have also discovered that our leadership in Washington, the executive branch and the Congress, really is not committed to creating a lawful system. Some people think it can't be done. Some people think Congress just doesn't want to do it. Some people think it would interrupt the flow of labor. For whatever reason, the American people have concluded this Congress is not to be trusted with this bill. We have had for decades—in the full decade I have been in the Senate and before—Members asserting they are going to fix these problems at the border, and nothing gets fixed. We arrested a million persons last year—a million who were illegally entering the United States. What kind of broken system is that?

So people are not going to go for—they are not going to bite a promise in a poke. They are not going to take a pig in a poke. They are not going to buy into a bill that is not going to work. They expect us this time to do something that works. I really believe we can. This is not impossible. The more I have studied it, the more confident I am that we can make progress and create a bill that would actually end the unlawfulness and create a flow of workers to meet our real needs, without having so many workers that the wages of Americans are reduced; that we tilt, as Canada and Australia and other nations have, to a system that focuses more on high-skilled workers.

So those are the things that are important. Well, how did we get in this fix with this bill that, I suggest, is losing steam? Like that mackerel put out in the sunshine, as the days go by, it begins to have an odor. Well, it started in an unusual way. Normally, a bill is introduced—especially a big piece of

legislation—and it is assigned to a committee. The committee brings in expert witnesses and hears testimony. Depending on the complexity of the bill, it could be the subject of many weeks of testimony and hearings.

For example, on the asbestos bill in Judiciary Committee, I bet we had 25 hearings. We had all kinds of meetings outside. We brought in experts and we talked to them about how to solve this very complex and important issue of asbestos in America. I think if the American people were to rate asbestos compared to immigration, they put it on a scale of 2 or 3 and immigration on a scale of 9 out of 10.

What happened? A group of Senators met, along with special interest groups and activist groups that want everybody to come to America, and business groups who want cheap labor. They all met and talked to a bunch of politicians. They didn't have a Border Patrol professional there. Mr. Chertoff, the Homeland Security Secretary, was in and out of the room. They were not involved in the kind of public fact-finding they should have been. They skipped the committee entirely. Last year's bill—the one the House refused to even consider—that passed this Senate, a bill that was fatally flawed and would never have accomplished what it promised to accomplish, should never have become law. That bill was introduced on the floor of the Senate. For about a week, that was the bill. It sort of sat there, but everybody knew there were secret meetings going on among good Senators, good people, who were trying to figure out what kind of bill they were going to write.

So Senator REID pushed them and pushed them and made it come out before they were ready. They plopped it down in the Senate the Tuesday before Memorial Day recess week. They said it was 300 pages. But it was written in small print, and not the legislative format in which legislation is supposed to be introduced. Had it been printed in the proper form, it would have been nearly a thousand pages. It is over 300 as it is. They plopped this bill down, and nobody knew what was in it except those who had been in the room. It is obvious when they announced it, they didn't even know everything that was in it.

This is a big matter. It is very important. Now we want to rush this through. We had Tuesday, Wednesday, and Thursday—Tuesday being the day the bill or the substitute hit the floor, the week before Memorial Day. We did nothing on Friday, except a few of us came down to the floor and talked. The next Monday—Monday of this week—all we did was talk. This week, we have been on the bill for a couple of days so far, and a few amendments have been heard.

Mr. President, I had 15 minutes. I see the majority leader here. I know he is busy and his time is short. I respect him. If he needs to make an announcement, I will be glad to yield to him for that purpose.

Mr. REID. I say to my friend, we have a unanimous consent request we want the Senator to look at. It lines up a number of Republican votes and Democratic votes. We need the Senator to sign off on it.

Mr. SESSIONS. Let me wrap up and then I will look at it. I am concerned that there is a desire to move this bill through quickly. That is the goal, just to pass something. I am worried if we pass something that is not right, it will not get any better, especially after going through conference committee, where the Democratic leader and the Speaker of the House will appoint the conference committee majority and they will decide what changes get made in conference. I am worried about the legislation.

Let me tell you one thing that is causing some of us to get our backs up a little bit about this. The group that met to decide how to write this bill and put it together—that group made a pact with one another. What they said is this represents the final, real agreement between us. When the bill hits the floor, if anybody offers an amendment that disagrees with anything significant you and I have agreed to, we will all get together and oppose it. You have heard them say it publicly on the floor repeatedly. This goes against the agreement. This goes against the grand bargain. This is a killer amendment because we all got to stick together. "We" who? We have to stick together and cannot accept any change.

Let me tell you, this is the Senate. The group that met was not the full Senate. I have had members of that grand bargain tell me: Jeff, that is a good amendment, but I cannot vote for it because it is not in our agreement. I agree with you, Jeff, but I cannot vote for that because it wasn't part of our agreement.

What kind of legislation is that? So we have that factor going here. I am getting tired of it. I wasn't in on the grand compromise; neither were the American people. They weren't in on that deal.

Mr. SPECTER. Will the Senator from Alabama yield for a question?

Mr. SESSIONS. I am pleased to.

Mr. SPECTER. I appreciate the Senator from Alabama yielding for a question. I had several in mind.

I have been asked by the majority leader to ask a substitute question; that is, would the Senator approve the agreement so we can proceed with the amendments?

Mr. SESSIONS. Well, I have been here since 1 o'clock and, all of a sudden, I start speaking and they want me to look at an agreement. How many minutes do I have left?

The PRESIDING OFFICER. The Senator has 12 minutes 40 seconds.

Mr. SESSIONS. I wish to finish my remarks and then I will look at the agreement, if that would be all right.

Mr. SPECTER. It would be all right. The Senator yielded for a question and I wish to ask a question. Did the Senator make any effort to join the Democrats and Republicans, including this

Senator, who were working on the legislation?

Mr. SESSIONS. I think most of us knew that discussions were going on of that nature. We knew the deal. The deal is what all of you have agreed to. If you reach an accord, you are committed to vote for the deal on the floor, even if you agree with the amendment that is brought up. I was not prepared to tie my hands in that fashion. I submitted ideas because some Members were concerned about it. I don't say everything was blocked totally, but the final print analysis was not available to those not participating and who didn't agree to sign on to whatever was produced between you, Senator KENNEDY, Senator KYL, Senator MENENDEZ, and the others who participated in the agreement.

Mr. SPECTER. Will the Senator yield further?

Mr. SESSIONS. I think I probably reserved my independence as a Senator to maintain my ability to make an independent evaluation of the legislation that was produced.

Mr. SPECTER. If the Senator will yield for one more question.

Mr. SESSIONS. Yes.

Mr. SPECTER. I can understand that and appreciate why he would not want to give up his independence and would not want to be bound by an agreement. But I think the important factor is the Senator from Alabama wasn't excluded, if he wanted to join under those terms.

The followup question I have for the Senator from Alabama is this: How would the Senator structure negotiations on a matter of this kind, as complex as it is, as many views as there are, to try to have a practical bill that would be presented on the floor of the Senate—recognizing that this Senator has said on a number of occasions that I would have preferred the committee process? The Senator from Alabama is on the Judiciary Committee and was an active participant in the formulation of the bill in the 109th Congress. But given our situation, how would the Senator from Alabama have proceeded differently to try to structure a bill to present to the Senate?

Mr. SESSIONS. Well, when the Senator from Pennsylvania chaired the Judiciary Committee, the immigration bill did have hearings—a few hearings—and did have a markup, as the Senator knows. But I will tell you that last year's hearings and markup were quite insufficient, in my view, considering the intensity and enormity of the subject.

I will tell you what I believe needs to be done. It is much closer to what you did, as I mentioned before the Senator came to the floor, with asbestos. When you led the effort to reform and fix the very big problem with asbestos—and I was pleased to support you—you traveled all over the country and had hearings with judges, lawyers, and interest groups. We had hearing after hearing. We had markup days, and recess, and

more markup days. It went on for months. It was brought up on the floor and knocked down—and then brought up on the floor again and it went on for months. We didn't quite get it done, but I supported the Senator's view of it.

That is what we need. Even though asbestos was exceedingly complex, this is even more complex and even more significant for the average citizen. So I think that is where we messed up. I know this was a real attempt to get something done. People said we needed to do something. But do what?

Mr. SPECTER. I have one final question for the Senator from Alabama. I know the Senator from Alabama acknowledges the existence of the problem. Would the Senator from Alabama consider drafting legislation which the Senate could consider, perhaps in the nature of a substitute, as to how we should deal with this problem, which I know the Senator from Alabama acknowledges?

Mr. SESSIONS. We do have a problem, Mr. President. I say to my esteemed colleague, one of the most able Members of this Senate, I have in my mind a framework that I believe would work for immigration reform. A number of the things I thought were critical I was told might be in this new bill this year. But the fine print convinced me it was not there. I believe we have a problem with the American people. They want to make sure this is done in the open light of day. I am not prepared to say at this point in time that I could meet and reach an accord on the overall difficulties with this bill in a matter of hours, or even days.

I think we need to start over with an open process and maybe something else can be accomplished. My inclination is to say let's get it out there and let the American people be involved. They understand the difficult choices that have to be made. They are also principled people and want to be sure we do it right.

I thank Senator SPECTER for his efforts.

My time has expired.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I would sure like to be able to get this unanimous consent agreement. We keep changing things around and have decided we don't need to have an equal number of Democrats with Republicans. Let's get what we can. We have three Republicans lined up. They are all important amendments that the Republicans and Democrats have. I hope we can get this done.

We have a vote at about 3 o'clock. We changed the time to 10 minutes each, I say to my friend from Alabama, because people have had the opportunity to speak already, except for Senator WEBB.

Mr. WEBB addressed the Chair.

Mr. REID. If the Senator will withhold.

Mr. SESSIONS. I am sorry.

Mr. REID. Is it OK that we do this?

Mr. SESSIONS. Please give me a few moments to review this because I have some concerns.

AMENDMENT 1313

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I wish to take a few minutes to discuss amendment No. 1313 to this bill which is going to be scheduled for a vote later today. Before I do that, I wish to recognize the incredible effort that has gone into this bill. I want to be able to support the bill. I have enormous respect for our distinguished majority leader and the others who have put so much time into the bill and given us time today to discuss some of these other amendments.

As I said, I want to be able to support this bill. We have seen some real divisions in the Senate on different provisions. I feel confident, I feel strongly that the amendment I am offering, which is cosponsored by Senator DORGAN, will address what I believe are two crucially needed improvements in this legislation.

The first relates to what some people are calling amnesty, wherein the bill legalizes almost everyone who entered this country by the beginning of this year. And the second improvement relates to what I believe is an unworkable set of procedures applicable to those who are properly offered legal status. I believe it is very important to the health and practicality of our system that we attempt to fix these two flaws in the bill.

My amendment would achieve three critically important goals. It would create a fair and workable path to legalization for those who have truly put down roots in America. It protects the legitimate interests of all working Americans, and it affords honor and dignity to the concept of true American justice.

If one accepts the premises of these three goals, then I strongly believe this amendment is the best way forward for us.

As a general matter, I agree with my colleagues the time has come for fair and balanced reform of our broken immigration system. When I say fairness, I mean a system of laws that is fair to everyone in the United States and especially to our wage earners.

I strongly support the provisions in this bill that strengthen our Nation's borders. I also support the sections of the bill that create tough civil and criminal penalties for employers who unfairly hire illegal immigrants, creating both a second-class population and undercutting American workers.

As a point of reference, I did not support the bill's creation of a massive new temporary worker program, and I am pleased to see at least a portion of that was adjusted by the vote last night.

With those points in mind, I wish to address my amendment which concerns the other major component of this bill,

and it is an area that has not really received the kind of examination that other portions of the bill have, and that is the legalization program.

My amendment reflects a proposal that I have been discussing with Virginians ever since I began to campaign for the Senate. I have always supported tough border security and cracking down on large employers who hire illegal workers. I also have always supported a path to legalization for those who came here during a time of extremely lax immigration laws but who have laid down strong roots in their communities. I do not, however, favor this path to citizenship for everyone who have come here as undocumented persons.

Under the provisions of this bill, virtually all undocumented persons living in the United States would be eligible to legalize their status and ultimately become citizens. Estimates are that this number totals 12 million to 20 million people. This is legislative overkill. It is one of the reasons this bill has aroused the passions of ordinary Americans who have no opposition to reasonable immigration policies but who see this as an issue that goes against the grain of basic fairness, which is the very foundation of our society.

By contrast, my amendment would allow a smaller percentage of undocumented persons to remain in the United States and legalize their status based on the depth of a person's roots in their community.

Under my proposal, undocumented persons who have lived in the United States for at least 4 years prior to the enactment of the bill could apply to legalize their status. I note that this 4-year period is even more generous than the 5-year threshold that was contained in several bills in the past few Congresses—bills that were supported by Senators from both parties and by immigrants rights groups.

After receiving the application, the Department of Homeland Security would evaluate a list of objective, measurable criteria to determine whether the applicant should receive a Z visa and thus be allowed to get on the path to citizenship.

Among these criteria are work history, payment of Federal or State income taxes, property ownership, business ownership in the United States, a knowledge of English, accomplishment in schools in America, immediate family members in the United States, whether the applicant has a criminal record, and, importantly, whether the applicant wants to become a citizen.

These applicants would be given probationary status, as in the underlying bill, while the DHS considers their Z visa applications, and could lawfully work during this probationary status period.

I believe these provisions are fair to our immigrant population and also that they will help us avoid the mistakes this Congress made in 1986 with the Simpson-Mazzoli amnesty bill,

which resulted in a tidal wave of illegal immigration.

My amendment would also make the underlying bill more practical. It strikes the bill's unrealistic touchback requirement. Few immigrants would have the money or the ability to return to their home countries on other continents. Most of these persons would lose their jobs, leave their families in turmoil, and place further strain on our community services. Basic fairness and common sense dictates that these persons should be allowed to apply for a green card from here in the United States.

I believe this amendment sets forth an equitable system that not only recognizes the contributions of immigrants to our society but also introduces practical measures that would help us avoid the mistakes that were made in 1986.

I have heard loudly and clearly from Virginians, and I have talked with people on all sides of this issue. What I hear over and over is that Congress should find a fair system that both protects American workers and respects the rule of law. This amendment represents the fairest method I know to do so, and to do so realistically.

I ask my colleagues to support this amendment when it comes up for a vote in the Senate later today.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I rise to talk about the issue of illegal immigration in this country in a very simple way. As a prosecutor, it is about following the law. As an auditor, it is about following the money. I state for my colleagues today that so much of this problem is about following the money.

We have crimes we can deter in this country and we have crimes we cannot deter. Let me tell my colleagues a crime we can deter. We can stop the hiring of illegal immigrants in this country if we prosecute the people who are hiring them because other business owners will stop hiring illegal immigrants if they see businesses being held accountable. This administration has not been interested in enforcing the law against employers.

What is hard to deter is families who are trying to feed their children. And the wall, yes, I support border enforcement. Of course. As a former law enforcement official, I support enforcing the law against anyone who breaks the law. But let's be realistic about this. As an auditor, I want to be efficient and effective.

Is it going to be efficient and effective to think we are going to solve this problem at the border? It is not the border that is going to stop the people coming into our country illegally. It is what is on the other side of the border. It is the promise of that job and the hungry mouths they are trying to feed.

So when I look at the raid that occurred in Springfield, MO, a few weeks

ago when over 100 illegal immigrants were arrested, I kept watching the news for some word about that employer. Silence. With all the raids that have been occurring recently, I think, because of the administration's anxiousness to try to get this bill across the line, I have yet to hear one word about an employer going to jail for hiring illegal immigrants.

I know, I know, they are going to say the employer down near Springfield at the chicken processing plant—these people had fake IDs. They had fake Social Security numbers. If anyone believes that employer did not know they had illegal immigrants working there, I have a bridge I want to sell you. Of course, they knew. You give a good prosecutor a couple of investigators, you send some people in undercover, and you will gather the evidence in short order that dozens and hundreds and thousands of employers in this country are not playing by the rules.

Is that fair? No, it is not fair, and I will tell you to whom it is not fair. Many of my colleagues have said it is not fair to the American worker. I will tell you to whom it is not fair. It is unfair to the businesses that are playing by the rules. It is fundamentally unfair that many businesses in America are requiring the kind of documentation that assures them they are they are following OSHA standards, they are withholding for taxes, they are doing all the things they must do, while other employers are paying cash under the table to pad the bottom line. Follow the money, Mr. President.

Employers right now under the current law can serve up to 6 months in prison. If we would do some of those prosecutions in this country, it would do more to shut the flow of illegal immigrants, frankly, than all the legislation we could ever pass in this Chamber because it would send the message to American employers that they are not going to be rewarded with more profits by breaking the rules.

There are so many people behind this bill who have hearts that are full of compassion, and I certainly, Mr. President, think of you and your family as I make difficult decisions on this bill. But I have to tell you, there are lots of people behind this bill for whom it is all about the money. It is all about the profit.

If we want to stop illegal immigration in this country, we have to get serious about the magnet that is drawing it to our country, and that is we look the other way when people hire illegal immigrants. Until we stop looking the other way from those businesses that are not playing by the rules, we will never effectively deal with immigration in this country.

I have an amendment that would also bar for a minimum of five years any company that is found to hire illegal immigrants from participating in Federal contracts. I hope that will become part of this legislation.

Mr. President, I know there have been enforcement measures added to

this bill that would increase the fines and jail time for employers who repeatedly, willfully hire illegal immigrants. But, frankly, 6 months is plenty if this Administration would only enforce current law. If you put an owner of a business in jail for 6 months in a Federal penitentiary for hiring illegal immigrants and let that word go out across America, you will do more to clean up this problem without spending another dime of the taxpayers' money than anything else we can do.

If this President is serious about illegal immigration in this country, I suggest he call his Attorney General and he say to his Attorney General—we know they have been given instructions; we have heard about it in the Judiciary Committee—tell this Attorney General that we want employers who are hiring illegal immigrants by the hundreds in this country to be prosecuted under the law and to spend some time in jail. That would get to the bottom of the problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have been told that the Republicans are interested in more amendments. We finished the vote approximately 2 hours 15 minutes ago. We have been trying for that period of time to get up some Republican amendments. We had four and four, and they would not agree to that request. We had three and three, and they would not agree with that request. Then three Republican amendments, two Democratic amendments, and they would not agree to that request.

I repeat, it is time for the President and his folks to get involved in this matter. This is the President's bill. This isn't a bill we came up with. Democrats and Republicans working in unison with the administration came up with a bill. We want to help. No one has worked harder on the President's bill than Senators KENNEDY, FEINSTEIN, and SALAZAR. I would sure hope we get some help. We can't have Republican members vote on it if they won't let us call up amendments.

The distinguished Senator from Alabama is interested in this bill. We know that. He has spoken long and hard about his opposition to this legislation. But it is just not appropriate that the minority can have it both ways. They want these amendments but don't allow us to call them up. It is a self-fulfilling prophecy. Come the end of the day, when we have a cloture vote, they will say: You didn't give us any more amendments. They didn't get more amendments because they wouldn't let us call up more amendments. And they have control over that.

So, Mr. President, I think we need to have the record reflect that this bill isn't going anyplace, but it is not our fault. I repeat: This is a bill which was negotiated in good faith by Democrats and Republicans, and it is the Presi-

dent's bill. He says he wants this. Why can't we get this agreement?

Here are my friends. I see on the floor my distinguished friend from Alabama. I have told him personally, and I will tell him publicly—and I have said this before—there are times I don't agree with him, but with JEFF SESSIONS, you never have to guess where he stands on an issue, and I appreciate that. We know where he stands on this issue of immigration. But having said that, can we do this agreement?

Mr. SESSIONS. Mr. President, I was looking for whoever had it. They disappeared. And also Senator GRASSLEY has to look at it.

Mr. REID. Well, he is part of the deal here.

Mr. SESSIONS. Good. I think the only disagreement we have is perhaps time, and I can make a suggestion on that. Is there someone authorized to talk to me about it? I am looking for Mr. Schiappa.

Mr. REID. If I could say, through the Chair, to my distinguished friend, we did have this set up so we could vote at 3 o'clock. Senator DODD has already spoken; Senator WEBB has already spoken. He is part of the agreement. Senators GRASSLEY, COLEMAN, and BROWNBACK have not spoken, so we have put 15 minutes in here for those three Senators. It should be equally divided, but we can make it—

Mr. SPECTER. Mr. President, if the majority leader will yield for a question.

Mr. REID. Be happy to.

Mr. SPECTER. Mr. President, I direct a question to the Senator from Alabama.

What would you like on the timing?

Mr. SESSIONS. I think about 45 minutes per amendment. Some of these amendments are very significant. We have not heard opposition to the amendments. Maybe some have spoken in favor of them, but I don't agree with some of the amendments. The amendment of Senator DODD—I think there are some important reasons that one is not satisfactory.

Mr. SPECTER. Is the Senator from Alabama asking for 45 minutes equally divided for each of the amendments?

Mr. SESSIONS. I am saying that I am not going to be able to support a lot of amendments that are rushed up here to receive votes when Senators have very little time to review them. I think this is important. If we are going through a process just to say we have a bunch of votes, that is one thing, but I think we need an intelligent discussion about these amendments.

Mr. REID. Mr. President, it is obvious we are not going to be able to complete the President's legislation based on the request of my friend from Alabama. I took math at Searchlight, NV, Elementary School, where 1 teacher taught all 8 grades, but I can still figure out what 5 times 45 is, and it is a long time—hours. It is approximately 4 hours.

Mr. DURBIN. Will the majority leader yield for a moment?

Mr. REID. Be happy to yield for a request of my friend.

Mr. DURBIN. Mr. President, pending is the regular order of the amendment by Senator DODD, which has been pending since before the Memorial Day break. So any argument that Members haven't had a chance to take a look at this amendment—they could have taken it home over the Memorial Day recess and read it almost every day and be ready to debate it right now.

I don't want to speak for Senator DODD—no one could—but I think it might be appropriate for us to consider that amendment in a shorter time span.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. REID. Mr. President, it has been now 2½ hours. We have tried every possible way of getting an amendment up to vote on it. We have tried this. We have tried that. We have tried this. We have tried that. We have tried everything.

There are individuals who don't like this bill. The Senate being as it is, they have a right to object to what we do.

And they are objecting; that is for sure. The objections have been non-public to this point, but it is frustrating because the people who want to move this bill forward, Democrats and Republicans, are being thwarted in their effort to do so.

As I have said before, we need to make sure the record is clear we are not trying to impede the offering of amendments. There have been some who oppose the legislation and are concerned there hasn't been the ability to call up amendments and have them pending. But until we disposed of the 14 pending amendments yesterday, it was thought by most to be inappropriate to call up more amendments and have, instead of 14 pending amendment, 28 pending amendments. I am going to ask unanimous consent in a minute that we vote on five amendments. Originally, we started the day with four on each side. Then we had three Republican and three Democratic. There was objection to both of those. So I said: Fine, let's have three Republican and two Democratic. There was objection.

We thought we had it worked out once, and then the time for debating these was a lot of time, which is another indication there are some who, no matter what we do, we can't move forward on this legislation.

I know I am being repetitive, but this is not a Democratic bill. The Democrats have helped get this bill to where it is.

The main proponents of this legislation on the Democratic side have been Senators KENNEDY, FEINSTEIN, and SALAZAR. On the Republican side, we have had a number of people work very hard: Senator SPECTER, Senator KYL, and others. I appreciate how hard they have worked. This is a bill that is bipartisan in nature, supported by the President of the United States. I wish to help the President. I am not always in a position to do that. I think I am in a position to do that now, and I have done everything I can with this piece of legislation to do that. So I will ask consent that we have a series of votes set up. When I finish that consent, I will call up some amendments and have them set aside.

Madam President, I ask unanimous consent that the time until 4:15 p.m. today be for debate with respect to the following amendments; that the time run concurrently and there be whatever the allocated time is from now until 4:15 of debate with respect to each amendment, equally divided and controlled in the usual form, with no amendment to be in order to any of the amendments covered under this agreement prior to a vote; that at 4:15 p.m., the Senate proceed to vote in relation to each amendment in the order listed here; that once this agreement is entered, the amendments that are not pending be reported by number; and that prior to each vote there be 2 minutes of debate equally divided and controlled; and after the first vote in the sequence, the remaining votes be 10 minutes in duration.

I would also say, to show what we are trying to do in good faith, when there was a request on the other side to have a large block of time, on this side we agreed, 30 minutes, 5 minutes. We want to try to move this along. Thirty minutes for the proponents and 5 minutes for those opposed. The amendments are Dodd 1199; Brownback 1160; Webb 1313; Grassley-Baucus 1441; and Coleman 1473.

THE PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina.

Mr. DEMINT. Madam President, I believe there is enough frustration to go around. I appreciate all the managers of the bill, those on both sides who have worked to come up with a constructive solution. I feel compelled to object to this process because our side has not been able to bring up the amendments we want. They have been carefully selected by the other side, which ones we are going to vote on. It appears this whole scene has been choreographed. We had a cloture vote a few hours ago. We are going to have a few more votes.

Then we are going to have another cloture vote, with, I imagine, the statement that now they have accommodated us on our amendments. I have colleagues on the floor who have waited a week to bring up an amendment.

They have not been able to do so. I believe what we should do is to submit

the amendments we want to bring up en bloc.

THE PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, is there an objection?

Mr. DEMINT. I do object.

THE PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I ask unanimous consent that the following amendments be called up and set aside: Sessions 1323, Thune 1174, Baucus-Tester 1236, Menendez 1317, and Sanders 1332.

THE PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

THE PRESIDING OFFICER. Objection is heard.

Mr. REID. I am sorry. I ask my friend, does he object to calling up these amendments?

Mr. DEMINT. I think it is important that we decide what amendments are going to be brought up on our side. I certainly know folks on our side have been working on this. I don't know about this particular group of amendments, if they have been selected on our side or yours. Perhaps there is no problem. But at this moment, I am going to object to those and then confer with our side to see what the big plan is. At this point, instead of doing this a little at a time, I think it is important we know before the next cloture vote that we are going to be able to bring up the amendments we have been waiting on. Until that time, I am going to object to additional action on the floor.

THE PRESIDING OFFICER. The majority leader.

Mr. REID. I would only say to my friend, and those within the sound of my voice, I didn't come up with these amendments or the numbers. These were done by the Republicans and the floor staff of the Republicans, indicating the ones Senators had been waiting on for a while. We are happy to have a number of other pending amendments, and we will work with the two managers to see if we can get others. We thought this was a good place to start. But obviously, some do not believe it is a good place to start. I am sorry we are not able to move along. I say in the most positive way, there is good faith on both sides of the aisle to move this legislation. I, of course, was disappointed in the earlier cloture vote, but I was told before the cloture vote took place what was going to happen because there was a genuine need on the other side for more amendments. I understand that. I accept that. I am not the judge of what is to be enough. We have tried hard, and I will keep trying, but I do say everything we have tried doesn't work. There are people in years past who know more about Senate floor procedures than I, but I know a little bit. I don't know of anything I have missed to try to bring up other amendments in a bipartisan way. There is no one at

this stage trying to take advantage of anyone else.

This is an effort by Democrats and Republicans who want to help the President get a bill he believes in, for which I have publicly said I appreciate the President doing this. For me to say this, after all the battles the President and I have had, is good for the President and for me. I wish to do something to move this along. The American public needs the cooperation of Democrats and Republicans, with the President joining in.

I apologize to everyone for whom we have not been able to figure out a different way to go forward. We are going to continue to try.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized.

#### STEM CELL RESEARCH

Mr. HARKIN. Madam President, a few minutes ago in the Mansfield Room, which is right off the Senate floor, we had a very moving ceremony, one that brought home to so many of us just what we ought to be about as representatives of the people. It was the enrolling ceremony for the bill, S. 5, the Stem Cell Research Enhancement Act, that passed the House of Representatives a couple of hours ago. In the Senator Mansfield Room off the Senate floor were Senator REID, our majority leader, NANCY PELOSI, Speaker of the House, along with Congresswoman DEGETTE from Colorado, who has been the prime mover of this legislation in the House, Congressman MIKE CASTLE of Delaware, also a prime mover in the House. It was Representatives CASTLE and DEGETTE who worked together to get this bill through the House both last year and this year; also, Congresswoman CAPPS from California and Congressman JIM LANGEVIN from Rhode Island.

We had this enrolling ceremony to send the bill to the President. With us in the room at the time were people who in their own personage represent so many of the illnesses and diseases that stem cell research holds so much promise for curing, everything from juvenile diabetes to Parkinson's, Rett Syndrome, spinal cord injuries, multiple sclerosis, and so many others were there. You see these little kids and you see their families, and what they have left is hope. They have hope that scientists, working collaboratively, will unlock some of these mysteries, will find the interventions and the cures to so many of these illnesses and diseases.

I saw there a little girl who had Rett Syndrome, with her mother. There was another young girl with juvenile diabetes, thinking about what her life is



going to be like. We know stem cell research holds hope that scientists can unravel some of these mysteries. Those of us who have been involved in at least the legislative end of stem cell research, through all the hearings we have had going clear back to 1998 when the first embryonic stem cells were derived in Wisconsin, we know the great advances that have been made. We know how close we are to having some wonderful breakthroughs.

Yet on August 9, 2001, President Bush, in his first year in office, spoke to the Nation—I remember it very well—and limited the number of stem cell lines that could be investigated by Federal researchers or through the auspices of the National Institutes of Health. They might not be Federal employees. They could be researchers at the University of Minnesota, the University of California, or the University of Iowa, but they would be getting grants from the National Institutes of Health for biomedical research. On August 9, 2001, the President basically said we are going to limit the number of stem cell lines.

We thought at the time maybe 75 lines were enough. Then it turned out there were 20 some lines, then fewer than that. Then we found out later every single one of these stem cell lines was contaminated because they had been grown in a medium with mouse cells. So they are contaminated. None of them will ever be used for any kind of human intervention.

Since that time, we have worked to overcome this Presidential fiat, if you will, one person, the President of the United States, being able to limit the expenditures of Federal money for stem cell research. Here I give my utmost praise and thanks to Senator ARLEN SPECTER of Pennsylvania. He has been stalwart, first in his chairmanship of the Appropriations Committee that funds biomedical research. He was the first one to have congressional hearings on embryonic stem cell research. I believe we have had 20-some hearings since then. I was his ranking member and, of course, now I am Chair and he is my ranking member. But we have worked hand in glove all these years to overcome this Presidential fiat that limits, that put shackles on the scientists who want to unlock these mysteries, who want to work to help cure diseases such as juvenile diabetes, Lou Gehrig's disease, and spinal cord injuries.

I can remember once when my good friend—now he is deceased—Christopher Reeve, whom we all remember as Superman, the first Superman, had a severe spinal cord injury and he labored hard all the time for overcoming the President's order of August 9, 2001. He worked so hard to try to get a stem cell bill passed.

One time, we had seen a film of a mouse—actually a rat, sorry, a rat—whose spinal cord had been severely damaged. There were pictures of this rat that couldn't walk—only with its

front feet; its back feet were totally paralyzed—treated with stem cells, and the rat then walked. That was when Christopher Reeve uttered his famous line: "Oh, to be a rat." Or as I said at the time, we are actually about 99 percent rat. I don't mean politicians, I mean humans, genetically, DNA-wise. And if that could be done there, then there is so much hope that can be investigated and taken on in trying to cure severe spinal cord injuries, for example.

It was a very moving ceremony, looking at the faces of the mothers and the fathers, the children who were there, and thinking that this is what we ought to be doing. We ought to be giving them the hope that we are going to employ our best minds, our best science to heal the sick—to heal the sick. I think and I hope that is one of the primary reasons for government, for our government—to help alleviate human suffering wherever we find it. So I am hopeful that the President will change his mind about his thoughts on vetoing this bill.

As you all know, we passed this bill last year. I might add that this bill was passed with the House and Senate under Republican control, sent to the President, and he vetoed it. Well, we did not have the votes to override the veto. But we said we would be back under a new Congress, and we did come back. The Senate passed a bill a couple of months ago, in April.

I might add, if you add up all of the votes—and there were some people missing, but if you added up all the votes with those who were for the bill and those against it, basically we had 66 votes in favor of this bill. That is one vote shy of enough to override. If I am not mistaken, I believe we had 18 Republican Senators. So this is not a partisan issue. It is not partisan. The same in the House. One of the leaders in the House is MIKE CASTLE of Delaware, a Republican, and I mentioned Senator ARLEN SPECTER, one of our great Republican leaders in the Senate on biomedical research.

I guess you have to wonder why it would be that just one person, the President of the United States, has the power to deny so much hope to so many people. I am hopeful the President will reexamine his thoughts, listen to the kinder voices of his nature, and listen to those around him who understand this legislation has strong ethical guidelines. This bill has stricter ethical guidelines on stem cell research than is existing in law today.

I might also add that the President has made it clear there was one moral line he would not cross. He said Federal tax dollars should not be used to destroy embryos. Well, we expressly crafted this bill, S. 5, to ensure that it does not lift the existing Federal ban on using Federal funding to destroy embryos. We have fully addressed the President's No. 1 concern. As I said, S. 5, the bill that was just enrolled and sent to the President, imposes stricter ethical requirements than exist today.

We tried to meet the President halfway. Isn't that what this is about—the art of compromise? Maybe he is not all right all the time, maybe we are not, so we try to meet halfway. Last year, when the bill passed the Senate floor, there was a Specter-Santorum provision that was not put in the bill. The President said he was in favor of that. So we put it in the bill. That provision promotes alternative ways of deriving stem cells. The President last year said he endorsed that. Here is his chance to sign it and make it a law, along with a bill that has stricter ethical guidelines than what exist today.

I see no reason, no ethical reason, no logical reason why the President would once again veto this bill. It is not the same bill he vetoed last year. It is a different bill. We put in the Specter-Santorum language. We put in the ethical guidelines. I want to make it clear this bill we will send to the President has requirements that are very strict.

First, the only way a stem cell line can be eligible for federally funded research is, No. 1, if it were derived from an embryo that was otherwise going to be discarded.

What do I mean by that? Well, there are about 400,000 embryos right now frozen in in vitro fertilization clinics. The moms and dads have had all the children they want, they no longer need any more of the embryos, and so those embryos are going to be discarded. It happens every day at fertility clinics all over America. All we are saying is, instead of discarding them, let's allow a couple to donate those, if they wish, to create stem cell lines that can cure diseases and save lives. Throw them away or use them to ease suffering. It is the second choice—use them to ease suffering—that I believe is the truly moral pathway and truly respectful of human life.

Think about it. Think about a couple who has used in vitro fertilization to have a family. Over 50,000 children are born every year to couples who otherwise would be infertile. Let's say the couple has had the kids they want to have but there are leftover embryos. The couple's only choice now is to continue to pay the IVF clinic to keep them frozen in nitrogen for all their lives, and perhaps when they die they will be thrown away, or to throw them away. Those are the only two choices. Why not give a couple the choice of saying to the IVF clinic, you can take the leftover embryos we have and donate them to science for embryonic stem cell research.

Some people might say, maybe then people will get into the business of paying couples—paying them to donate embryos, embryo farming and all of that, which we have heard about. We have covered that in the bill. We have strict ethical guidelines. No. 1, no money or any other consideration can be given to a couple for donating embryonic stem cells. No money or any other consideration. It must be strictly voluntary. And the donors have to give



their informed written consent. The last ethical guideline is that these embryos that are donated can only be used for embryonic stem cell derivation and nothing else.

As I said, these are stricter guidelines than exist today. So why wouldn't we allow couples who have had their family, rather than saying throw them away, why not allow them to be able to donate them for the kind of research that will ease human suffering and lead to cures?

There is overwhelming support across the country for this legislation. Some 525 different groups have endorsed this bill—patient advocacy groups, religious groups, health organizations, scientific societies, and universities. They know it holds hope, hope for people with Lou Gehrig's disease, Parkinson's disease, spinal cord injuries, heart disease, people with diabetes, and people with cancer.

This is not just us saying that. Don't just take our word for it. In March of this year, in front of our committee, Dr. Elias Zerhouni, the Director of the National Institutes of Health—keep in mind he is the head person of all of the Federal biomedical research, Dr. Zerhouni, head of the NIH—appeared before our committee. I asked him whether scientists would have a better chance of finding new cures and treatments if the administration's current restrictions on embryonic stem cell research were lifted. Dr. Zerhouni said, unequivocally, yes.

Keep in mind, Dr. Zerhouni is the Federal Government's top scientist in the area of medical research. He was appointed by President Bush to his present position. So I think it took great courage on Dr. Zerhouni's part to say in public that his boss had it wrong on stem cell research. But I know Dr. Zerhouni. He is a preeminent scientist; the greatest doctor, and I know that he knows—he has so stated it—that we must move ahead on embryonic stem cell research. Here is what he said, and let me quote him:

It is clear today that American science would be better served and the Nation would be better served if we let our scientists have access to more stem cell lines. It is in the best interest of our scientists, our science, and our country that we find ways and the Nation finds a way to allow the science to go full speed across adult and embryonic stem cells equally.

Well, Madam President, we must move forward. We must move forward. I just hope the President will sign this bill. But I can assure you, on behalf of the hundreds of millions of Americans who suffer from different kinds of diseases that have the potential—the potential—to be cured through embryonic stem cell research, if the President vetoes it, we will be back, and we will be back again and again and again. This issue is not going to go away. We are going to keep hope alive for people with spinal cord injuries, with Parkinson's disease, and with so many others.

We don't require astronomers to examine the skies at night with Galileo's

telescope. We don't tell our geologists to study the Earth with a tape measure. Are we really serious about unlocking the mysteries of stem cells and all of the things that we have seen happen with stem cells? We have already seen stem cells that have differentiated into motor neuron cells, nerve cells, and heart muscle cells. We have already seen this take place. Now it is just a matter of more science, getting more of our smartest scientists involved in this to take the next step and the next step and the next step so that someone suffering from Parkinson's disease will have a cure. I believe it is possible. From all the scientists I have talked to, I believe it is possible, and it could be possible in our lifetimes.

A Nobel prize winner, the discoverer of the double helix of our DNA, Dr. Jim Watson, said to me not too long ago: With all that we have done in unraveling the mystery of the human gene—we have mapped and sequenced the entire human genome—with that and with these new breakthroughs in finding that embryonic stem cells can differentiate, we can take them and differentiate them into different tissues—if our scientists are allowed to really go at this full speed, medicine 50 years from now, as it is practiced, will make it look like what we are doing today as being in the dark ages. That is the hope and the promise of embryonic stem cell research. It should not be that one person, the President of the United States, can stop this from going forward.

With this enrolling ceremony we had today and the focus of the Nation on this, all I can ask is: President Bush, listen to the better angels of your nature. Think about all those who are suffering in our society who need this hope and the scientists who can work together, collaboratively, to find the interventions and the cures for so many diseases—think about this before you put pen to paper and veto this bill. So much rides on this. But as I said, if the President does veto it, we will be back, again and again. This is not going to stop. We are going to lift this ban, and we are going to move ahead with embryonic stem cell research.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business.

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

Mrs. MURRAY. Madam President, I commend the Senator from Iowa, Senator HARKIN, for his tremendous work and advocacy that has gotten us to this place today, a very important day that he talked about, where the House of Representatives voted to pass the embryonic stem cell research bill, joining the Senate. That bill is now on its way to the President's desk.

It is because of the work of Senator HARKIN over the years and his advocacy and his not giving up that we are

here today. I am very proud to join him on the floor to urge the President, now, to do the right thing.

The House of Representatives today, in voting for this bill, offered hope to millions of Americans in supporting embryonic stem cell research. There is now one person who can make this decision for millions of Americans and that is the President of the United States. He has a choice. He can stand with so many people who are looking for that desperately needed cure or he will stand against them. I hope, similar to my colleague from Iowa, the President pauses, thinks about the lives he holds in his hands and makes the right choice and signs the bill for embryonic stem cell research.

This is an issue I know personally. I grew up in a family of nine. My dad was a wonderful, physically active human being. He served our Nation in World War II; raising his children. He was a strong man. In my eyes when I was growing up, he was indestructible, but when I turned 15 years old, things changed dramatically in my life and my dad's life. My dad was diagnosed with multiple sclerosis. That is a horrific disease, for anyone who is not familiar with it. It wasn't long until he could no longer walk, he was in a wheelchair and required my mother to take care of him full time.

It was a very difficult time for my family. We had to watch my dad deteriorate physically. We had to watch as my mom returned to work. She was on welfare for a while and finally was able to get some schooling and get a job. But she had to work, take care of my dad, and raise all seven kids.

We all hoped a cure one day would be found for my dad and people like him. You never lose hope when something such as this happens to you. It is essential to dealing with what you have been handed. But we were also realistic. Scientists didn't have any promising leads, doctors said there wasn't much they could do, there was no cure on the horizon, there was nothing to hinge our hope on when I was growing up. But now we have a chance finally to offer families across this country hope, opportunity, a chance for a cure.

It is time for President Bush to stop his obstruction and to stop saying no to cures and to stop saying no to hope for families such as mine.

Unfortunately, we know since being elected, President Bush has blocked robust federally funded research on embryonic stem cells. Originally, he told us there would be 78 stem cell lines available for study. In truth, there were only 21, far fewer than scientists say are needed for this research.

Even the Director of the National Institutes of Health, as Senator HARKIN talked about, who was appointed by President Bush, said: "It is clear today that American science would be better served, and the Nation would be better served, if we let our scientists have access to more cell lines. . . ."

The President refused to heed that advice from the scientific community

or his own Director of the National Institutes of Health. He did so—why? To pacify the ideological views of a few in his political base. What he did by blocking that was to force millions of Americans who suffer from many ailments to put their hope on hold and to stand idly by and watch as a family member's condition worsened.

Besides putting the hopes of millions of people on hold, the President's action actually pushed stem cell research overseas. Our country, which has been known as the world leader in medicine and in scientific research, is now falling behind other countries in this field.

Reuters recently reported that British scientists, with funding from an American who was upset with President Bush's actions, were using embryonic stem cell research to cure some forms of blindness.

Our country must remain at the forefront of innovation. Institutions such as the University of Washington, in my home State, have to have the ability to compete with organizations in other countries. This President has denied that.

The bill that has been sent to the President today is on its way to his desk. The Stem Cell Research Enhancement Act of 2007 allows the Department of Health and Human Services to finally begin robust research on embryonic stem cells from frozen embryos, embryos, it is important to note, that would otherwise be discarded.

That bill also promotes research into funding alternative ways to derive stem cells from embryos, and it does these things while it imposes strict ethical guidelines, as all of us have insisted upon. In fact, the standards in the legislation that is on its way to the President's desk today are more stringent than even the President's own policy.

Most important, though, the legislation we want this President to sign takes hope off hold for millions of Americans. We all know the President has threatened to once again veto this legislation, as he did last year. I am here today, and I hope he hears me, to say: Please don't do that.

There are millions of sick Americans and their families who are watching and waiting and praying and hoping he signs this bill. If he vetoes this bill, he will likely claim, as he did last year, the legislation is unnecessary since researching adult stem cells, which he supports, is as promising as studying embryonic stem cells.

Similar to last year, he would be wrong. Scientists say embryonic cells, which can be used to grow any type of human or cell tissue, show the most promise. They offer the most hope.

I have lived with someone with a serious illness. I have seen the suffering that happens, personally, to their families, and to everyone around them. I know how hard it can be. We must not block the discovery of cures for these people. We must not block their hope.

Today, at least 17 million Americans suffer from diabetes. At least 500,000 Americans suffer from Parkinson's, 250,000 Americans suffer from multiple sclerosis, and 250,000 have spinal cord injuries, including, I would add, many veterans of the Iraq war. All these Americans, and many others who suffer from a variety of conditions, will stand to benefit from embryonic stem cell research.

Finally, today, in sending this bill to the President, this Congress is offering a chance to families across the country to have hope, to have an opportunity, to have a chance for a cure. I hope President Bush hears their calls, picks up that pen, stops his obstruction, stops saying no to cures, and signs his name to the legislation. We are all watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, before I say a word on immigration reform, I would like to add a closing word to the comments of the Senator from Washington and the Senator from Iowa.

Just as Senator MURRAY has talked about her own family experiences with her dad and mom and all, my own mom passed away about 2 years ago. She had had Alzheimer's disease for a number of years. Her mother had Alzheimer's, her grandmother had Alzheimer's, and last year my mother's younger sister, 10 years her junior, was admitted to a residential facility in Huntington, VA, where she has Alzheimer's disease as well. This is one that strikes close to the heart for us and our family as it does for you and literally for millions of families across the country. Thank you for your great leadership and that of Senator HARKIN and MIKE CASTLE, my own Congressman, who has been a stalwart in these efforts.

I would like to return to an issue we have been focused on in the Senate in the last couple weeks and that is what we do to secure our borders, what to do to make sure employers are not knowingly hiring illegal aliens, at least not without penalty if they do, and what are we going to do about the 12 million or so people here undocumented, roughly 60 percent of whom came here illegally. What are we going to do about all of that?

For a while this afternoon, it looked like we might not do anything. For a while this afternoon, it looked like we may basically finish up without taking any kind of definitive action and having debated these issues for a couple of weeks, as we did last year for several weeks, to go home without having taken definitive steps. I am told that negotiations are going on, even as I speak, which would allow us to come back into session, for our Republican friends to offer 10 more amendments, for our side to offer 10 more on top of the 45 or so that already have been offered and voted on. That would take us to 65 amendments. That is a lot of

amendments on any piece of legislation. I realize this is a contentious one, but at some point in time I think it is fair to say we have had an opportunity for people to say this is what I think we should do and for people to offer their countervailing views, but I think it is time to move on.

My view is the worst thing we can do is, frankly, do nothing. I don't believe the status quo is acceptable, the status quo, which last summer found as many as 10,000 people coming across our borders illegally every week, mostly coming for work. Some could have been criminals, who knows? Maybe there was a terrorist or two in those numbers. But for us to go home not having dealt definitively with that problem, with that challenge, is a big mistake.

A country such as ours—any country but especially a country such as ours—has to be able to secure our borders. I read some information provided by some folks in Washington, a think tank in Washington, who looked back at the number of employers who were sanctioned for knowingly hiring illegal aliens in the last several years. The comment was made—I don't know if the Presiding Officer saw this—the comment was made that a person in the last several years had a greater chance of being eaten by an alligator in this country than, if you were an employer hiring illegal aliens, being caught.

That may sound like a stretch, but it is not much of a stretch. We actually saw the number of people prosecuted under the law in the last 6 years dropping by some 30 percent below what it was in the last decade.

We were not enforcing the laws against employers. We need to do that. There are sanctions in laws and they need to be applied. Those laws need to be enforced.

Sort of a question remains: How about all those people who are here without—who are not here legally? They may have come here legally and their visas expired and they stayed on. But when you add those to the folks who came across the borders illegally, it totals some 12 million people. I can understand the views of some folks in my State, and maybe in Minnesota and other places around this country—Washington, Iowa—that we ought to simply put them all on buses and send them home. I can understand how people would feel that way.

I would say I don't know how realistic that is. But the idea of providing some way for them to stay here and work, under a condition of probation, to be able to work over a number of years toward a legal status—before we countenance doing that, before we go down that path, I believe it is critical that, No. 1, we enforce and secure our borders.

Second, that we make sure those folks who are knowingly hiring illegal aliens, that we prosecute them with every ounce of energy we have under the law.

With respect to the enforcement of our borders and the securing of our borders, let me just mention a couple of things that this legislation requires us to do and to question whether that makes sense, whether that is sufficient. We have thousands of Border Patrol personnel arrayed on the Nation's borders, from the Pacific coast, west coast, San Diego, all the way across to the gulf coast, a couple-thousand-mile border.

The legislation that is before us today basically says we are going to double the number of Border Patrol personnel. They have to be better trained and better equipped. Today we are supplementing their numbers with the National Guard. And as an old Governor who once was commander in chief of our National Guard in Delaware, I am all for continuing to deploy those assets as well to secure our borders, to supplement our Border Patrol personnel.

However, those Border Patrol personnel have to be better trained. They have to be better equipped. We have technology today that, frankly, we did not have 2, 3, 4, 5 years ago to deploy along the borders. We have unmanned aircraft that can be flown, aircraft that can see for miles, aircraft that can see in good weather like today, aircraft that can see when people are moving on the ground when it is nighttime, aircraft that can see when it is foggy, aircraft that can see through the rain. We have that capability today. We did not have it then.

We have the capability with surveillance cameras to look long distances, in all kinds of weather conditions, day and night, to detect the movement of people toward our borders. We have the equipment. This legislation says we have to deploy it and we have to use it and we have to fund it. We have the ability to provide ID, identification, for people applying for jobs in this country, identification that is largely tamper proof. Ten years ago we may not have had the capability. We have the capability today. If I were an employer, I would take great solace in knowing that the identification being presented to me was genuine, was real, had not been tampered with, and to know that I could trust the technology. This legislation seeks to make sure that employers have that confidence.

I believe one of the major problems in this country in recent years that has led to a greater influx of folks coming here illegally is, when we catch them at the border, if they happen to be from Mexico, frequently our Border Patrol personnel take those people back to the border across into Mexico.

However, if the folks we catch at the border, if they are not from Mexico—Guatemala, Honduras, other countries to the south, if we capture those people, we take them to a detention center. We have been taking them to detention centers for several years. If we have ample space in the detention center, bed capacity, if you will, the folks

are basically registered, charged, and have the opportunity to argue whether they are here as refugees, whether they are being politically persecuted, persecuted for their religious beliefs.

However, for too long when we have captured people not from Mexico and we take them to detention centers, they do not have enough beds. They cannot book these folks, hold them, retain them in custody because they just do not have the capacity. So what do we do? Well, we basically register them, find out who they are, as best we can, and then we essentially release them on their own recognizance and say: Come back in 2 months, 3 months for a hearing. Surprise, surprise. We never see them again. They just disappear. They melt into the fabric of the communities across this country.

For the most part they get jobs and go to work, stay out of trouble. But the idea that people can come in illegally like that, and once captured not be detained, for us not to find out if they are here as refugees, that is wrong. It is especially wrong if you happen to be somebody who is trying to come here legally, not for a couple of months but for years waiting in line patiently, abiding by the law.

Meanwhile other folks come into this country whom we capture and essentially release to become workers in this country. That is wrong. In terms of equity, that is basically unfair. It says to people trying to play by the rules: You're foolish. You're foolish. It sends absolutely the wrong message.

That is one of the reasons amnesty is not the answer either. It sends the same kind of message to people who have been waiting to come here for a long time. It says: You are foolish for playing by the rules. It is why amnesty is no good. And the idea of us simply releasing people on their own recognizance because we do not have bed capacity in these detention centers makes no sense as well.

With respect to employers knowingly hiring illegal aliens and our not prosecuting them under the law—unacceptable. When we have employers who know that the man or woman they are hiring is not here legally, that the documentation paperwork that is being presented to them is false, it is unacceptable that that employer is allowed to do that, to continue to do that, week after week, month after month, year after year. That think tank which told me recently that the chances of a person being eaten by an alligator were greater than a person being prosecuted under the law, whether that is true or not, we know this: Too few employers have been prosecuted.

One of the best ways to send a chilling message back home to folks who are thinking about coming here is, one, make sure if they get caught they go to a detention center. If they are not here as a refugee, they are going to go home. And the time they serve in the detention center is not going to be pleasant.

The best way to deter, to put a chilling effect on those who come across illegally is to make sure that employers know if they hire folks, they are going to pay a severe price. That sends a strong message to those who otherwise would take a chance and come here.

The last thing I would mention is what to do about all of those people here who are undocumented. If there are 12 million, if some 60 percent of them are folks who came across the border illegally, if the other 40 percent who are people who came here legally stayed beyond the time they were allowed to stay here, and now they are here illegally, although they came legally in the first place, what do we do with all of those people?

The legislation we have before us that we are debating and we have been amending for the last 2 weeks says: If you came here legally and stayed beyond your time, or if you came here illegally, we want you to step out of the shadows. You have to register with the Government. You have basically one chance to do that. If you do that, take advantage of this opportunity, and you are willing to meet the conditions—I think, tough conditions, a multiyear period of what I would call probation—those people can work their way toward legal status. It might take 8 years, it might take more. But for folks who have been here for a while, they have worked, they have been good workers, they have paid taxes, they have stayed out of trouble with the law, under this legislation if they are willing to continue to work, continue to pay taxes, pay any back taxes that are owed, pay a very significant fine, thousands of dollars in fines, learn English, learn about the history of our country, and so forth, if they are willing to do those things, they have a chance to work toward a legal status not in 8 weeks, not in 8 months, but in as long as 8 years.

If they are not willing to live by the conditions that are laid out in this legislation, they are out of luck. They will not have a chance to ever have the kind of legal status that they otherwise would have.

Let me close, if I can, by saying I do not know if the Presiding Officer remembers this, but during orientation for new Senators last November, when I was privileged to spend some time with our newly elected Senators, I mentioned one of the things we do in my Senate office back home is we try to do a good job on constituent service.

We actually keep track. I get reports every week on how we are doing on constituent services. We do a monthly survey for the people we serve through constituent services. They can evaluate our services: excellent, good, fair, poor. And I have a great staff. They get, for the most part, excellent and good marks. About 95 percent of them are excellent and good. We are very proud of the work they do.

In the weekly reports I have received for weeks now, actually for months

now, each weekly report from my head of constituent services starts off with an update on a person who came to this country legally, I think from Greece, who was an older woman, I think in her midseventies, who came here to see, I think, her son, maybe a daughter-in-law, who apparently has dementia, who ended up being hospitalized, essentially abandoned by her son, and ended up in a hospital for treatment.

She needed hospitalization and treatment for less than a week for her condition. Less than a week. Unfortunately, no one was there to take care of her, to look after her, to be responsible for her. She stayed in that hospital not for a couple of days, not for a week, more than a month—actually I think for more than 2 months.

How much did it cost? It cost that hospital about a quarter of a million dollars because that hospital in Dover, DE, essentially had to eat the cost of that hospitalization.

The last week or so I understand that the daughter-in-law has stepped forward. This woman who has her documentation, apparently arrangements have been made with folks back in Greece to take her back. The hospital has bought tickets, and I am told they are going to fly this elderly woman back to Greece. Her daughter-in-law is going to take her. Hopefully the paperwork is being arranged for the woman to be received by her own family back in Greece.

I would like to say that is probably the only time that has happened in this country this year or last year or the year before. Unfortunately, it is not. And it is unfortunate that a lot of times it is a failure of us at the Federal level to enforce our borders, to secure our borders, as in this case, when people stay beyond their limited period of time, has led to a situation that has cost this hospital a ton of money. There are probably other hospital facilities that it has cost a lot of money.

It is being borne by other people in my State who paid for their health care, and oftentimes State and local governments end up picking up the tab for what really is a failure at the Federal level. It is not right. It is unfair. This legislation would begin to address that.

Let me close with this thought. Last year, when we debated for a long time immigration reform, passed from here a pretty good bill for immigration reform, I remember when I talked about the legislation, I always used the words, “tough,” “smart,” “comprehensive.” That is what I believed and said again and again and again that that is what we needed to do in terms of our work on immigration reform—tough, smart, comprehensive.

I still think that applies. I would add to that maybe a couple of other terms. One of those is “fair.” The “fair” that I am thinking of is the “fair” to taxpayers in this country. What we pass here ought to be fair to taxpayers, not just Federal taxpayers but State and

local folks, including hospitals, and people who are running hospitals and funding hospitals around this country; fair to American workers.

The idea that people are coming here and taking away jobs in some instances, too many instances, from people who are willing and able to do the work is not acceptable. The idea of having a large guest worker program like the President has envisioned, in my view, is not acceptable.

We obviously are going to have some kind of guest worker program, but not on the magnitude that this President has sought, but tough, smart, comprehensive, and fair—fair to taxpayers, fair to American workers.

The last point I would add is practical. As I said earlier in my comments, as much as I can understand the desire to round up 12 million people who are here undocumented, put them in planes, buses, whatever, and send them home, I can understand the rationale, the feeling to do that, but, my friends, it is just not practical. What we have to do is find a way for them to come out of the shadows. If they do not abide by the law, take them home. But if they are willing to work hard, pay taxes, stay out of trouble, learn English, learn our customs and our laws, they can have a chance over time, for a long period of time, multiple periods of years to work toward a documented legal status. I think that is the right approach. And, hopefully, sometime in the next hour or two we will reconvene on the Senate floor, and those Senators who have amendments on the Republican side and the Democratic side will have the opportunity to offer even more than the 45 that we already offered and disposed of.

Once we have done that, sometime maybe tonight we will have an opportunity to vote to begin to draw to an end the debate on this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### STEM CELL RESEARCH

Mr. DURBIN. Mr. President, today this Congress is once again taking an important step forward toward creating a better future for America. Earlier today the House of Representatives passed the Stem Cell Research Enhancement Act, a bill the Senate passed in April. Along with the first minimum wage increase in over 10 years and a fiscally responsible budget, this is yet another accomplishment for

the American people which this Congress has been able to achieve.

This bill will expand Federal funding for embryonic stem cell research, a type of stem cell research that holds great promise for millions of Americans suffering from debilitating diseases such as heart disease, diabetes, Parkinson's, and Alzheimer's. It has been over 5 years since the Senate began discussing stem cell research, 5 years of discussion, 5 years of searching for answers and, most importantly, 5 years of hope that one day our country would make a much needed change in policy for the health of all of its people.

Today we stand at the brink of an historic opportunity to reestablish our country as a global leader in biomedical science and reaffirm our dedication to curing some of the greatest sources of human suffering. We are here with the support of over 500 well-respected organizations, including the American Medical Association, the American Public Health Association, the Juvenile Diabetes Research Foundation, the March of Dimes, and Parkinson's Action Network. These organizations represent scientists, doctors, religious entities and, most importantly, American patients and their loved ones.

Unfortunately, President Bush has once again publicly stated he intends to veto this bill. This is a bill both Houses of Congress on a bipartisan basis have passed for 2 years in a row, a bill that continues to be supported by a majority of the American people. But it is also a bill President Bush has already vetoed.

For the President to reject this legislation again is to take another step backward, away from the possibility of lifesaving medical breakthroughs and dash the hopes of millions who depend on the untapped promise of medical research. Time is precious for those who suffer from debilitating disease and for their loved ones who suffer with them. The lack of Federal support for embryonic stem cell research may cost many Americans the chance for a cure, a treatment, and a better life. Our country is in a position to do the right thing. This President has done something no other President has done before him; that is, to ban Federal funding of a certain level of medical research—in this case, research involving embryonic stem cells—to close off Federal funding that could open opportunities for cures for diseases.

The argument made by the President is that these embryonic stem cells should not be used for this type of research. These stem cells are generated, of course, in the process of in vitro fertilization for couples who have difficulty conceiving a child they want to love and rear. They go to a laboratory and spend an enormous amount of money in the hopes of having that baby that is the object of their dreams. The day may finally come. But in that process, embryonic stem cells that are

generated may be lost, discarded, unused. How can it make any sense for us, how can this reflect compassion for us to say it is better to throw away these stem cells and discard them rather than to use them for research which can bring life and hope and spare people of their suffering?

Congress has shown the political will, and the passage of S. 5 is the way to do the right thing. I hope President Bush will not veto this bill. If he does, listening to a vocal minority, he will be disregarding the health of our country and the hopes of so many suffering today. It is time for America to move forward in medical research, to find the cures that will give us a brighter tomorrow.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 1563 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, today a piece of legislation is being sent from this Congress to the President dealing with stem cell research called the Stem Cell Research Enhancement Act.

On the way to the White House is a piece of legislation called the Stem Cell Research Enhancement Act. Now, I know there are some who say: Well, what does this mean to our lives? Well, the research in stem cells is some of the most promising research in medicine we have seen in our lifetimes. We have a lot of people in this country today who are suffering. They suffer from dread diseases. They suffer from Alzheimer's. They suffer from Parkinson's disease, cancer, heart disease, diabetes—so many ailments and so many difficulties.

Research occurs in this country to try to address these issues and find cures, to unlock the mystery of these diseases. One of the most promising areas of research has been stem cell research.

Now, the President has indicated he does not support Federal funding for certain kinds of research in stem cells. He says he will veto this legislation. I hope he changes his mind. He has a right to veto the legislation. We then would try to override the veto. But I think it will be a significant setback if the President vetoes the legislation.

This legislation deals only with a specific area in stem cell research. It deals only with stem cells from embryos that were created for fertility purposes by the in vitro fertilization process. Those embryos that are created in the in vitro fertilization clinics—they create more of those embryos

than are needed, and then they throw them away if they are not needed.

We have had about 1 million people walking on this Earth now in the last 25 years who were conceived, in many cases, in a test tube or a petri dish in the process of in vitro fertilization—nearly a million people. It was big news when the first such conception occurred, but now it is relatively routine for those couples who are unable to conceive to go through in vitro fertilization and conceive. When doing that, there are embryos created—a sperm and an egg create an embryo; a fertilized egg creates an embryo—and there are more embryos created from the in vitro fertilization process than are used. Some are then stored frozen. After a period of time, when it is clear they are not going to be used, they are simply discarded. They are thrown away.

The piece of legislation that goes to the President, saying let us proceed with additional research, deals only with those embryos that otherwise would be thrown away. These are the embryos that could be used instead for this critical area of research. Rather than throwing the in vitro fertilization embryos in the garbage, it is much more life affirming, I think, to use them to better understand and to treat some of the devastating diseases and illnesses—diabetes, heart disease, Alzheimer's, Parkinson's.

I know there is great passion about this issue. Often, the issue is cast in terms of: When does life begin? But that is not about this debate on this bill. These are embryos that are about to be discarded and could instead be used to search for the cure for these diseases and to enhance life, to extend life.

I am sure there are desks in this Chamber—perhaps every desk—occupied by someone who knows a friend, a loved one, a neighbor, an acquaintance who is suffering today from one of these awful diseases.

A former colleague of ours asked a question. I wish to put it up on a chart because it is such an interesting way to address this issue. One of our former colleagues, former Senator Jack Danforth, from Missouri, who is also an ordained Episcopal priest—he was a Senator, yes, but is an ordained Episcopal priest as well—here is what he said about this issue. He says:

It is not evident to many of us that cells in a petri dish are equivalent to identifiable people suffering from terrible diseases. I am and have always been pro-life. But the only explanation for legislators comparing cells in a petri dish to babies in the womb is the extension of religious doctrine into statutory law.

Senator Danforth is a Republican, an ordained Episcopal priest—interesting person and legislator. I served with him in the Senate, and I think he puts it well.

Nancy Reagan says:

Science has presented us with a hope called stem cell research, which may provide our

scientists with answers that have so long been beyond our grasp. I just don't see how we can turn our backs on this—there are just so many diseases that can be cured, or at least helped. We have lost so much time already, and I just really can't bear to lose any more.

Nancy Reagan. We know, of course, her husband, the late Ronald Reagan, suffered from Alzheimer's disease. In fact, he sent a message to America in which he announced he was suffering from Alzheimer's disease. He entered into a long period of darkness from this terrible disease that is affecting more and more people in our country.

There are about 400,000 embryos frozen in in vitro fertilization clinics. It is estimated that about 8,000 to 11,000 of these embryos are going to be discarded, thrown away. This debate is about whether we should, with the consent of those who own those embryos—or from whom those embryos were created, with their consent—whether we should use these embryos that would otherwise be discarded for research that has the potential to cure diseases and save lives.

There is a young woman in North Dakota. She has recently come to Washington, DC, with her mother. She is a young woman who suffers from diabetes—a very significant form of diabetes. She has had a pretty aggressive time dealing with it. Her name is Camille—Camille Johnson. This is a picture of Camille, with her clarinet and her two friends who play in a middle school band. Camille has nearly lost her life on more than one occasion as a result of having to battle this disease. Her mother Andi and Camille have told me it is fine to use her picture because she has worked very aggressively in the juvenile diabetes area to try to address these issues and say to the Congress: Won't you please—won't you please—give us the opportunity to proceed with stem cell research to unlock the mysteries of these terrible diseases?

So there are thousands—there are millions—of Camilles and people with different names, young and old, who rely on this Congress and rely on this President to do the right thing.

This is a quote from Dr. Elias Zerhouni, who is the Director of the National Institutes of Health for this administration. He says:

From my standpoint, it is clear today that American science will be better served, and our nation better served, if we let our scientists have access to more stem cell lines.

That is from the President's own adviser on these issues. Yet the President says he is going to veto this legislation.

I care deeply about this issue for a lot of reasons. I lost a beautiful 23-year-old daughter to heart disease, and I decided, not just for her sake but for the sake of others in my family who are gone as a result of devastating diseases, that we must do everything—everything—possible to find a way to cure these terrible diseases that take so many lives. Some say: Well, you

don't have to use these embryos. There are other things much more promising, such as adult stem cells. There are adult stem cells you can use. The fact is, we have been working on adult stem cell research for decades—for decades. Yet, while I support that, it doesn't show nearly the promise that embryonic stem cells show in the ability to respond to some of these diseases.

Let me go through just a couple of them. One day, I was on an airplane, and I was talking to a man who is called the father of the Human Genome Project, Dr. Francis Collins. He told me of some fascinating research that is going on. They induced heart attacks in mice, severe heart attacks in mice, and I believe, as I recall, there were a dozen and a half or two dozen mice in which they induced severe heart attacks. Then they extracted stem cells and invested those stem cells back into the heart muscle of those very same mice, and in a matter of weeks, a good number of those mice—in fact, I think the majority of those mice—had no evidence of a damaged heart. These were hearts which had been severely damaged, and in a matter of weeks, the investment of stem cells that could build new heart muscle, and those hearts showed no evidence of damage.

At Johns Hopkins University, paralyzed rats partially regained the use of previously immobile hind legs in studies where they injected the rodents with stem cells from mouse embryos. At the University of Wisconsin, they have turned stem cells into nerve cells carrying the messages between body and brain offering the possibilities for repairing damage caused by ALS, by spinal cord injury, and other nerve-related disorders. At UCLA, at the AIDS Institute, they were able to coax human embryonic stem cells into becoming maturity immune T cells. This discovery might suggest new ways to fight immune disorders such as HIV and AIDS.

Until now, it is impossible to study the complete progress of Alzheimer's disease, which robs both memory and life. We don't know how or even when it exactly begins. With human embryonic stem cells, we might be able to isolate the disease and observe its progress from inception to death on human tissue—excuse me, on human tissue cells—not necessarily on the human beings themselves, and find a cure for this terrible disease.

The ability for embryonic stem cells to transform into any cell type gives them the potential that adult stem cells simply do not have. We just have not had the capability with adult stem cells that we have with embryonic stem cells.

So those patients in this country who are struggling and are suffering today with these terrible diseases, looking to the Congress, looking to science, say: Don't lock in areas that prevent research from continuing, but expand opportunities for research; yes, with ethical guidelines; yes, with a sensitive

understanding that there are issues you have to resolve, but proceed. Don't stop them. Proceed ahead to conduct this research and give us hope.

There are so many patient groups and scientific organizations and foundations and others that support this Federal research. I know they, too, believe what Congress has done here is a breath of fresh air. It is the right thing to do. I know they hope the President will not keep his promise to veto this legislation. That is one promise he should not keep. It is exactly the wrong thing for the President to do. By a wide majority, the American people believe that, rather than discard those embryos, rather than simply throw them away, they ought to be used for life-affirming research, with the consent of those from whom they were created. That is what this bill does. That is why this bill is so important.

As I end, let me say again, this is about giving life, affirming life, saving life. My hope is that the action today by which we move this legislation from Congress to the White House will be seen as great hope for a different approach and a more aggressive approach on this stem cell research, and my hope is the President will take another look at this and decide what we have done is the right thing for us and especially, most especially, for those in this country who have waited so long for this kind of approach taken by the United States on stem cell research.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, for those who have been interested in this legislation, as all of us are, and for those who have been wondering about what has been going on through the course of the afternoon, I think they probably have been seeing the intermediate actions which have been taken, the requests that have been made by the majority leader, and the response. Even as the time is moving along, there are efforts to try to sort of find some common ground in consideration of additional Republican amendments, as well as some of the additional Democratic amendments. We made remarkable progress, I thought, yesterday afternoon and last evening. We were very hopeful that we could move, this afternoon, in a similar way to consider both the Republican and Democratic amendments. I know and expect we are going to have a proposal that is going to be made by the majority leader in the near future to see if we can't get back on track. I am very hopeful that will be the case.

We have had good debates, good discussions over the last couple of weeks, and I think we have made good progress. We know there are still a number of outstanding issues for our colleagues. We had hoped we would be able to address a number of those during the course of the afternoon but, as we saw when the leader made the requests, there were objections to proceeding in that way. We are not giving

up, and the leader is preparing now to make some additional requests. I myself find that his plan is virtually irresistible, but we will have to find out whether our colleagues on the other side feel that way as well.

I thought I would take a moment and just review some of the essential aspects.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. KENNEDY. Sure.

Mr. GREGG. Will the Senator allow me to ask unanimous consent to be recognized at the conclusion of his remarks?

Mr. KENNEDY. Sure.

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

Mr. KENNEDY. Mr. President, I thought I would just review how we got here with this legislation and basically the highlights of it. I think it is fairly familiar to the Members, but I think it is always useful to have an understanding about the nature of the challenge we are facing, the dramatic challenge we are facing in terms of our borders, in terms of our national security, and to briefly review for our colleagues what we have tried to do with this legislation.

So often during the last days, these debates are focused like a laser on a very specific aspect, and we lost the central thrust and the purpose of this legislation and perhaps even the need for urgent action.

There is a need for urgent action, and the need is now, the need is today, the need is tonight because of the kinds of conditions that threaten our national security and result in the exploitation of human beings and even deaths out in the desert and leave many millions of undocumented in fear of their future, and the conditions which threaten to undermine agreements that have been made in the AgJOBS area and the lost opportunities that would result for many of those who might be eligible for the DREAM Act. So I thought I would try to put this into some proportion and take a few moments to review again where we are.

I think one of the most dramatic statistics we see, as reflected in this chart, is deaths due to unauthorized border crossings. If you look at the period of the last 5 years, you will see these numbers continue to go up, they continue to escalate. The fact is, there are 425 men, women, and children, including infants, who die every single year on the border. That is a dramatic figure under any set of circumstances. The numbers are going to continue if we fail to take any action. Those numbers are going to continue to escalate. They reflect the number of deaths at the border. They don't reflect the several hundred thousand individuals who are able to come across the border.

What happens when these undocumented come across the border is that more often than not we find that these individuals, as the rest of the undocumented population, undergo extraordinary exploitation.



We have a picture showing a situation that took place in my own State in New Bedford fairly recently, several weeks ago. It is fairly typical. There have been these types of raids on these types of places in other parts of the country. This is replicated in scores of places all over this country. We find these undocumented, now estimated to be 12.5 million, 13 million of them, who suffer the exploitation we saw in New Bedford, MA. This photograph illustrates what is going on in this plant. These workers' rights were trampled on. These individuals were fined for going to the bathroom, denied overtime pay, docked 15 minutes' pay for every minute they were late to work, fired for talking while on the clock, forced to ration toilet paper, which typically ran out before 9 a.m.

Then we look at another industry. You can look here at the undocumented workers in the meatpacking industry who are exploited. One in ten workers is injured each year by the sharp hooks and knives. They suffer exhausting assembly-line speeds and painful damage from repetitive motions. That is the old ergonomics issue. Workers are subjected to chlorine mists that lead to bloody noses, vomiting, and headaches. Undocumented workers don't report their injuries because they live in fear that they will lose their jobs and be deported.

The life of fear that is taking place is replicated in communities all over this country. We have these several hundred thousand individuals coming across the border. We don't know who they are. We don't know their names. They are living in different places in our country. They are subject to this kind of exploitation, and they pose a national security issue and a national security problem. We have the exploitation of these workers. We have the deaths that take place in the desert, and we also have a national security problem with hundreds of thousands of people coming across. So this issue is a national security issue. It is a national security problem.

This gives us some idea of what we have included in this legislation. We have increased the Border Patrol to 18,000 agents, and with the Gregg amendment, it is more than 20,000 now. It has the border barriers, including 200 miles of vehicle barriers and 370 miles of fencing. It includes radar and camera towers, UAVs. For detention and apprehension, it provides the resources to detain up to 27,000 noncitizens per day rather than arrest and release. This will be for detention and apprehension. We have important workplace enforcement tools and processing applications of Z status. The Department of Homeland Security will process the applications in terms of security. So we are coming to the issue of law enforcement and security—national security, protecting our borders, and law enforcement. We are going to develop a process.

This legislation is about respect for the law—law at the border, law in em-

ployment, and law for those individuals who are here and are undocumented. They are going to have to live with this law which ensures that they are going to suffer a penalty if they expect to stay here and live here.

We have a virtual lawlessness out there on the border which is a threat to our security and a lawlessness in so many areas of employment which is promoting the exploitation of the human condition.

We have this extraordinary atmosphere of fear by the 12½ million individuals who live here; they are in fear because they are illegal. We are trying to legalize the process and get respect for the law and try to ensure our national security. So we do that, as I mentioned, at the border, which is important.

As I have mentioned during the course of these discussions, the one thing we have learned following hour after hour after hour of hearings on this matter is that just doing border protection is not enough. If you were able to put 1,800 miles of fencing along the Southwest border, as has been pointed out by Governor Napolitano, who is so familiar with this, along with others who have made their views very well known, you have to not only have a border, but no matter how tall your fence is going to be, the ladder will always be a little taller. You have to have strong law enforcement, but you are going to have to have internal employment enforcement as well, work site enforcement, as well as regularizing those here at the time. So we have the work site employment; employers must verify the identity of work authorization of all employees; there are increases in civil and criminal penalties against employers who hire unauthorized aliens knowingly, or with reckless disregard; and it includes measures to prevent identity theft and fraud.

It is dramatically different from the 1986 act. We here on the floor don't want to repeat 1986. That legislation was signed into law by President Reagan and enforced by a Republican administration from 1986 to 1992. I voted against that legislation for many of the reasons I am mentioning now. You had absolutely no workforce enforcement, none at all, virtually no requirements. We see the problems we had. We had abuse of that system.

We have in this legislation, as I pointed out previously, addressed those kinds of problems that lent themselves to fraud after 1986. We have tough enforcement in the workplace. We have inspectors, close to a thousand inspectors, who are going to go in and look at these employment sites and make sure the kinds of protections that are guaranteed under this legislation are respected. We are going to insist that with any kind of employment program, they are going to get the protections of the prevailing wage and those are not going to be taken by surveys that are done by the private sector; they will be done by the Bureau of Labor Statistics.

We will have protections under OSHA, and workers compensation, and whistleblower protection is in this legislation for any individuals working in those sites. For the first time, whistleblower protections will be there for those individuals. We are going to have a thousand inspectors who will be inspecting the work sites to make sure that the rights of individuals who are going to come into this country will be preserved.

At the present time, we find out the differences. This chart shows how this process and system must work. If they are going to be in the temporary program, the employer must advertise before applying for a worker. The employer must hire any qualified American applicants before applying for a temporary worker. Temporary workers are restricted to areas with high unemployment, and employers cannot undercut American wages by paying less to temporary workers.

Now we know even for the temporary workers, they are to be treated under the labor laws, with those protections, and they are not now. The borders are broken. If we don't pass this legislation, that is going to continue. That is the alternative—the kind of exploitation that exists now in so many communities, the fear, the exploitation, the harassment, and the driving down of wages, which threatens American wages. All of that exists now.

So we are ensuring, again, respect for the law in coming into this country, the law at the border, the law at the work site, and the law in transition. This chart is a good explanation made by Secretary Chertoff:

Enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long term if it is coupled with a more sensible approach to the 10 to 12 million illegal aliens in the country today, and the many more who will attempt to migrate into the United States for economic reasons.

That is what we have heard from the Department of Homeland Security time in and time out—that there has to be a comprehensive approach to this issue. We have to bring people out of the shadows. They are going to have to pay a penalty. We insist that they pay a penalty. Then, rather than let them go to the front of the list, they have to go to the end of the list in order to begin a process—if they are able to demonstrate the payment of the penalty, if they demonstrate they can learn and are willing to learn English, if they are able to demonstrate they have long work experience, and if they can demonstrate they are not involved in criminal activity. We know 70,000 permanent resident aliens are serving in Iraq and Afghanistan since these wars started—70,000. So we know that so many of these families who are coming here—why do they come? Basically, what are their values? What are the values we consider positive in the United States? We admire people who work hard. That is an important factor. That is essential in terms of the



achievement of the American dream. We admire people who are devoted to family and their children.

We find so many of these undocumented, but why do they come here? It is because they want to have a better life for their children. How do we know that? Because there is more than \$40 billion returned by these immigrants to the countries of Central and South America every single year. These are individuals who are making a total of \$10,000, and \$40 billion is returned to their countries. To whom? It is returned to their families and children. They work hard, they are devoted to their children and families and have an extraordinary dedication to their parents and grandparents, caring for them. Those are the positive qualities that all of us admire.

On the other hand, they have broken the law, so, therefore, they have to pay a penalty. Why did they break the law? It is because we have the magnet of the American economy drawing them here. That magnet doesn't pay any penalty. These people risk their lives to get in here. They suffer the risk of exploitation. And even through all of that, they return the resources back to their families. So it is the magnet of the American economy, but still we are making them pay—not the employer, the magnet, or the American economy, but they make an extraordinary contribution. Sure, there are some bad apples. But they make an extraordinary contribution—the immigrants—just as all of our parents and grandparents and forebears have made in terms of this country. This is what we have done. We have seen what happened at the border.

We have talked about what is happening in terms of the employment situation. We know what is going on, in terms of the kind of distinction between the past and present. Those individuals, the 12½ million people who are here—this is the explanation of what we call the Z visa eligibility: They entered the United States before January 2007. They remained employed and continuously present and not a national security threat. There has to be a review. They have to register—the 18 months—to make sure they are registered and are not any national security threat. There can be no serious criminal record in or out of the United States. We have outlined that. We have gone into detail and explanation in earlier kinds of considerations of amendments. If they have committed serious crimes, they are out; they don't come back. We have explained that and we have gone through that time and time again through the course of this debate.

They have to pay the processing fees of \$1,500; State impact assistance fee, \$500; and a penalty of \$1,000. All of that—some \$3,000—is not even getting you down the road toward a green card and citizenship. The \$500 from 12 million people—\$6 billion—goes to States that have the great impact to help them in terms of offsetting any of their

additional burdens, in terms of health care and education. That is not an insignificant amount of resources. We went through during yesterday's discussion and debate how, by and large, these individuals are healthier, and we also went into about how they had utilized the health care system, and it shows that is effectively an incidental additional kind of expense. They must comply with the Selective Service Act, submit fingerprints and undergo a background check, and they must get in the back of the line for a green card. That means, for all of those who have been waiting in line, about 4 million people who have relatives here and have petitioned for them to come into the United States many, without this legislation, would have virtually no opportunity to do so.

They will have that opportunity to come into the United States over an 8-year period. Then, after that 8-year period, these individuals we have discussed here could begin to move, and depending on their work record and their participation and sense of community, they could get on path toward a green card. Then it takes 5 more years to become a citizen. The earliest is maybe 13 or 14 years before they would be able to have that opportunity for citizenship. It is more distant than that for the majority of the people. All the time they have to behave and follow the law and pay the kinds of penalties that will be included.

Mr. President, other colleagues wish to address the Senate, so I will be brief. I give credit to our friend and colleague from Illinois, Senator DURBIN, who reminded us about the opportunities we have in creating an educational pathway for the children of the undocumented. We know the children who come in here are coming in through the action of their parents. We understand that. It is through the actions of the parents. The DREAM Act students are eligible for Z visas and permanent residence if the student came in as a child under age 16 and has good moral character, or attends college or enlists in the military for 2 years. I know, as chairman of the Education Committee, the challenge we have in terms of having those students—Hispanic students and others from other cultures and traditions, in terms of the education experience. Having a good education opportunity for those children in this country is key to our national security, key to the success of our economy, and key to the success of the hopes and dreams of these children.

Too often, half of the children from the Hispanic tradition drop out before they are ever able to be successful. But we know that others who complete the educational system and graduate—in my home State of Massachusetts, we have seen so many in Lowell, Lawrence, New Bedford, and other places who have children from undocumented families end up being valedictorians, class presidents, and extraordinary leaders. Then the opportunity comes

for continued education and it is virtually closed down because they are denied that opportunity.

Under the DREAM Act, this gives them the opportunity for in-State help and assistance. That is what this bill is about, too. It is about hope in terms of the future. It is about hope. It is relieving the kinds of anxiety those 12 million or 13 million undocumented are experiencing this afternoon and will experience tonight when they have a knock on the door and wonder if ICE is coming there to arrest and deport them, separate their families, and send them back—even after they have been here for a number of years.

We don't hear much discussion about that. Everything seems to be pretty cut and dried around here. That is a major factor. How many of us have met some of these individuals, the undocumented? I did just 3 or 4 days ago, returning here at the airport. I talked to a person who has been here 28 years, as have his two brothers. The brothers have been able to get green cards, but he had not. He talked about the fear he and his family have at this time of being arrested and deported.

In this legislation is another extremely important provision. That is what we call the AgJOBS bill. I see the Senator from California here, Senator FEINSTEIN, who has done an extraordinary job in helping to bring this part of the legislation before the Senate, with Senator CRAIG, whom I commend for his diligence. They have been the real leaders in this proposal.

For many of us, to go back to the time of the Bracero Program—I can remember being a member of our committee in the early 1960s when we had hearings in southern Texas and also in California about the Bracero Program. Few times in our history did we have the kind of exploitation of individuals—slavery certainly; slavery, yes; slavery first—but after that, the Bracero exploitation was one of the darkest sides of American history in the exploitation of individuals.

There are a number of blemishes out there. We can talk about those—American Indians and others—but this was really one of the very worst. We took time to get rid of it, and we did get rid of that. Then we went through a long period of enormous tension between the workers and the growers. We all remember the extraordinary contribution of Cesar Chavez, the dignity he gave to so many of these farm workers. That kind of tension existed for years.

Now, finally, in recent years there has been an agreement between these two very strong groups who are committed in their own ways to their own views and philosophies. They have come together and have agreed on a pathway that will ensure success and give these workers the respect and dignity they have been denied. It is called the AgJOBS bill.

A great deal of credit goes to our colleague in the House, HOWARD BERMAN, who spent years working on this legislation. That legislation has had 65, 66

cosponsors, but we have been unable to get it before the Senate for ratification of that program. It is included in this legislation.

If this legislation passes, the message it sends to about 900,000 agricultural workers, who, again, have been exploited, and to their families, is the fact that over the next 8 years, they are going to have to work and continue to work hard. They can work in agriculture. They have some opportunity to work outside agriculture too. They have to play by the rules, demonstrate they are paying their taxes, work hard and pay the fines and penalties, but they have some opportunity to move forward after all these years, get a green card, and then 5 years later move forward. So it is an enormous period of hope for all those individuals.

This legislation is about dealing in a tough way with a tough problem at the border. We do that by taking the best advice, the best recommendations, the best suggestions from the best people who know about homeland security. We have done that and worked closely together. I don't think there are any differences on that point.

We need to have tough enforcement in the workplace, and we have achieved that. It can be improved further, but it has been achieved, and we have talked about it.

We have also provided a pathway for earned legalization after these individuals pay the fines, significant fines, in many ways, fines for an average family who makes about \$10,000 to \$12,000 a year, that represents years of work with their kinds of salaries. They have to go to the end of the line. They have to demonstrate good work experience. They have to earn, earn, earn, earn, earn the ability to adjust their relationship with our country.

We know these families. We have seen them in our churches. We have seen them in our shops. We have seen them in the Armed Forces of the United States of America, and they serve with great pride and dignity and they want to contribute and be a part of the American dream like everyone else. And we are giving them that opportunity.

If we vote no on this legislation, we are dampening and canceling that opportunity, and we are returning to the law of the jungle because that is what it is. It is a jungle on that border.

Every day we continue without this legislation, we have these well-trained, well-disciplined, highly motivated border guards chasing people across the desert who are landscapers. They ought to be looking for the terrorists, the smugglers, the lawbreakers. That is who they should be looking after. If we don't pass this legislation, they will continue to be looking out after the landscapers instead of the terrorists, instead of the smugglers, and instead of those who threaten the security of the people of this country.

That is it. Take your choice. Anyone can flyspeck this legislation. I am not

accusing those who differ with me on particular proposals being necessarily flyspeckers, but sometimes we have to make a judgment. Sometimes we have to make a decision. Sometimes there has to be finality. We have debated this issue on the floor of the Senate for 2 weeks. We debated it last year for 2 weeks. We are not just coming at this legislation for the first time. We have debated just about every feature of this program, somewhat different from last year, but the themes are the same, the arguments are the same, the amendments are almost the same.

The only question is the will of this body and the will to make a judgment, a decision that we are going to clean up our borders, get a sense of law in terms of those borders and in the employment areas, get a respect for the law from those who have been undocumented; they are going to pay their price, give a sense of hope to the young people who can benefit, and give a sense of dignity and pride to those who work in the fields across this country in AgJOBS.

This is going to be an important vote this evening. If we are talking about a vote about America's future, this is it. This is it. This is it tonight. We can all find the excuses. We all can find the reasons to say no. We can all find different aspects of this legislation with which we differ, but underneath, this is a proposal that is deeply rooted in remedy, one of the great national challenges we have—broken borders and a broken immigration system.

This legislation is a downpayment that the American people are asking and demanding of the Senate of the United States that we move forward on. Let's not disappoint them.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from New Hampshire.

Mr. CARDIN. Mr. President, will the Senator from New Hampshire yield for a unanimous consent request as to order of speakers following him?

Mr. GREGG. Of course.

Mr. CARDIN. Mr. President, I ask unanimous consent that following the Senator from New Hampshire, I be recognized for up to 6 minutes, and then the Senator from California, Mrs. FEINSTEIN, be recognized for up to 10 minutes.

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

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I had the opportunity to listen to the presentation of the Senator from Massachusetts which, as always, was extraordinary. He is one of the people I admire around here the most because he has been such an extraordinary force. Even though I disagree with him so often, I still admire him immensely. How he has maintained the energy and commitment to his causes over such a long period of time is beyond me. I certainly could not do it. One just has to respect that ability. He is clearly one of the great legislators in the history of this

body. In fact, I wish he were not quite so great on many occasions.

In any event, much of what he says makes sense on this issue. His commitment to it is obviously intense and thorough, and I admire it.

The point he makes, which is that we now have a dysfunctional system and there is basically chaos within the immigration system in this country relative to illegal immigrants being in this country and the borders remaining regrettably reasonably porous—although they have tightened up over the last few years—is very legitimate. This bill is an attempt to genuinely address those issues in a number of areas.

I have made the point throughout the discussion of this bill that from my standpoint, a good piece of immigration legislation has to accomplish essentially four things.

First, it has to make the borders secure. There is no reason we cannot secure the southern border. The northern border is a bigger problem because of its length and its topography, but the southern border can be secured.

As chairman of the Homeland Security Subcommittee on Appropriations and prior to that as chairman of the Commerce-State-Justice

Subcommittee, I tried to commit major new resources in this effort. There was a consensus to do that and a bipartisan effort to do that, and we have dramatically expanded the number of agents on the border, the technology on the border, and the detention bed capability. But we still have a ways to go.

Actually, the first or second amendment adopted—it seems like an ion ago, but it was only a week ago—was an amendment I offered to this bill which would bring the commitment in numbers in this bill in the area of Border Patrol agents, in the area of detention beds, in the area of electronic fencing and regular fencing along the border up to what was the consensus position as to what was needed to secure the border. So this bill now has in it the necessary language.

The question is, do we have the capacity to put that in place. But that goes back to the trigger which is in this bill, and the trigger in the bill says, until that is in place, none of the other language can go into force which deals with guest worker and illegal immigrants and how we regularize their status in this country.

So I believe that issue has been effectively addressed in this bill, and with the amendment I offered and put in the proper position—although more can be done in the area of how one defines “trigger,” and certainly there are proposals going around here which will be voted on which I will support that will deal with the funding—it makes sure funding cannot dry up as a result of the annual discretionary process. That has been addressed.

The second issue is we have to have an effective guest worker program, and to have an effective guest worker program, we have to address the third

issue. And the third issue is that we have enforcement at the employee-employer meeting place, so the employer is hiring people effectively in this country legally and not able to hire illegal aliens, people who come into this country illegally.

Those two issues are intertwined, and the bill does address the issue of employment through strict enforcement and the requirement of identification cards, which is going to be very difficult to accomplish, but again it is a trigger. Nothing in this bill goes forward, as I understand it, until that trigger is met.

Second is the guest worker program. There is no way we can have an effective immigration process unless we take some of the pressure off of the fact we have an economy that demands people to work in this economy above and beyond what we have as a citizenry in our country today. There simply is a demand in our Nation for people to come here and work, and it should be done under a guest worker program so that those folks who come here, work, and go back know they are coming here to participate in the worker program, not to be here permanently. That will relieve the pressure at the border significantly if we have that. It is a big part of border security and, of course, is important not only from a standpoint of controlling who comes into the country, but it is critically important from the standpoint of dealing with the threats we face as a country from terrorism. An effective guest worker program is critical.

Fortunately, as this bill was originally drafted, it did have such a program. It had a guest worker with a significant number of guest workers, 400,000 every year. It had a guest worker program that was properly structured. Unfortunately, as a result of the amendment process around here, that guest worker program has been fundamentally undermined, and in its present structure, as was pointed out last night when the amendment of the Senator from North Dakota was adopted, that was, somebody called it a killer amendment, a fatal amendment to this bill. If it stays in place, it makes the guest worker program essentially useless.

All we are going to be able to do is bring guest workers in for agricultural activity, and they will be limited in that area; and guest workers needed in other functions of the economy, whether it is the resort industry or simply in the day-to-day activities functioning as a nation, there is going to be pressure for them to come here illegally again, and that undermines the purpose of the bill. So unfortunately that was done. The Bingaman amendment prior to that purely did a lot of damage to the guest worker program. So that didn't work out as well as it should, but hopefully it can be corrected.

The fourth element I have talked about is how you deal with this pathway, how you deal with the issue of

who are here illegally. We are not going to, as a practical matter, take 12 million people, or maybe even 15 million, who are here illegally, assuming we could even find them, and deport them. That is simply not going to happen in our culture. We wouldn't tolerate it. As a practical matter, we couldn't do it. So what we need to do is figure out some way to get those people out from behind the shadows so they are publicly identified as being here, not only from the standpoint of dealing with them but from the standpoint of a national need of knowing who is here for reasons of national security. So this bill attempts to do that.

The bill has some flaws in that area, but it also has some strengths in that area, and they have been previously outlined. The discussion on that has been extensive, so I will not get into the specifics. But those four items, for me, were the test of how this bill goes forward.

As a corollary to those four items, however, is the theme behind immigration, which I think is critical, and which there is specific language in this bill which needs to be dealt with. One of the themes behind immigration, besides having a secure border and a guest worker program that works and making sure we take the pressure off having people coming into this country illegally, is the need to go around the world and take the best and the brightest who want to come to America and let them in to participate in our economy and make our economy more vibrant.

We have had hearings on this issue, and there is a certain obviousness to this issue. I mean, if somebody is in India or China—and those are the examples most often used, but it could be Czechoslovakia or Poland—if somebody has an advanced degree of some nature or is highly educated and has the capacity to contribute to our economy—and who wants to come here—why would we want to leave that person in those countries as a competitor, when we can bring them here and have them actually be a job creator?

We hear a lot about outsourcing in these debates that we have had over the last election cycle, where we are sending jobs overseas. If you bring a person who has unique talents that our Nation needs and that is an adjunct to, rather than a replacement for, people who are already here, that creates jobs. That person is a job center.

In fact, it was interesting. We had Bill Gates testify before our committee, and this is exactly what he said. Here is a guy who has probably done more to make the American economy vibrant over the last 20 or 25 years than any other person alive. I mean, he is an individual who essentially transformed our economy and made us the leader in the world in what was the leading issue in the world, which is technology. He comes before the committee and he comes before the country in general and he says: Listen, we

need to bring these people here because they are being developed in these other countries; and if we don't bring them here—if they want to come here—and take advantage of their abilities, then they are going to do it somewhere else.

I don't want the next Bill Gates to be in China or in India. I want the next Bill Gates to be right here in the United States creating jobs. The point is, when you bring these folks in, they create jobs here. So one of the programs where we have to do this is the H-1B program. This is a program where we say specifically, if there are companies in this country or businesses in this country or colleges in this country or educational facilities in this country that need talented people, and they can't get them here in this country—because we don't have the pool necessary—then they can bring people in from outside the country who have the talent to do those jobs.

Most of this is in computer science. Most of the H-1B visas, 45 percent of the applications, are computer science people; with the next biggest group, about 11 percent, being teachers. So industries, businesses, entrepreneurs, colleges, and schools that need these folks to make their businesses work and to give them the opportunity to create jobs, whether it is in New Hampshire or Washington State or across this country, need to be able to attract these people into the country.

But the H-1B program, for some reason, has opposition. It doesn't make any sense to me. I look across the aisle and I say: This should be a logical thing for both sides of the aisle to be supportive of. The concept of bringing in, insourcing jobs, as opposed to outsourcing jobs, should be very attractive to the other side of the aisle. The concept of bringing intelligent people here to create opportunities should be attractive to both sides of the aisle, but there seems to be some undercurrent that they are taking away American jobs. They aren't. In fact, they are adding to American jobs.

As a matter of fact, the National Science Foundation has pointed out we need these types of people; that we are woefully short of the people in the math, science, and technology areas and are not producing the kinds of numbers we need to be out of our own university systems. So why not go overseas to see if we can find these people to come here and participate?

In fact, there is such a demand for these people that, under the present law, they are allowed 65,000 of these applications every year, plus the 20,000 add-on for highly talented people. The first day the applicant process opened, on April 2, 140,000 applications came in to fill the 65,000 available slots.

My own view is we should have taken all 140,000, if they were legitimate, and brought them here. I mean that probably multiplies 10 times. Probably a million and a half jobs could have been created with bringing those folks in here. But under the present law, we are limited.

This bill represents that it increases that number from 65,000 to 115,000. But here is the problem. It knocks out the 20,000 specialists. So actually the increase is rather marginal compared to what we need in this country to take care of the concerns we have. Plus, unfortunately, this bill creates layer after layer of bureaucracy, in addition to the bureaucracy which already exists. It costs on top of the costs that already exist as a result of a number of amendments on this floor, which makes it more difficult to get these folks into the country.

In addition, the bill creates a new standard which makes absolutely no sense—absolutely no sense—which says that the skill of the individual relative to talent—let us say a physicist, an astrophysicist—has to match up exactly with the job that is available. We have an incredibly fungible economy, and the requirement that the applicant who has an advanced degree, that his degree match identically with the job, is a new requirement and a hurdle that is unnecessary and is counter-productive to getting talent into this country. I don't understand why it is in here, and it should be taken out before it goes much further.

Clearly, in our society, there is tremendous mobility within the disciplines. If you are trained as a physicist, an astrophysicist, you are going to be able to do a lot of things in our society and move within the job areas. Under the rules of the H-1B application, you have to be able to move in a way that you are not displacing Americans.

That is just a very difficult issue, if we keep that in here. In addition, there have been attacks on the H-1B program to claim that there is "warehousing" of these types of folks. I guess that is probably a pejorative, but that is the term which is used, involving Indian companies that basically collect together a large number of people with these degrees and then basically get all the applications for H-1B and use them in that manner. This bill corrects that, but we continue to hear that complaint from folks on the other side of the aisle, not necessarily because they are on the other side of the aisle but because they oppose the H-1B program, because really that is a red herring. This bill corrects that issue. That should not be raised against this.

We know for a fact we need these types of individuals in our country, and it is a huge advantage for us to draw them into this country. I hope before this bill goes much further that we correct the problems that are in this bill relative to the H-1B program and make it a much more expansive program and make it a much more flexible program and one that will allow us to bring these talented people here so they can create jobs and make this economy stronger along the lines of what Bill Gates suggested is necessary and which I strongly endorse.

I know the junior Senator from Washington, Ms. CANTWELL, has an

amendment in this area. I have an amendment in this area. I have been going on the assumption that Senator CANTWELL's, which is a little broader amendment than mine, would be the one that will go forward. I understand it is being held up on the other side. If that continues, it will be a problem for me. We at least deserve a vote on it, at the minimum, and I certainly hope that will occur.

As a corollary to this discussion, I wish to highlight quickly a concern I have for the merit system. I think the merit system is exactly the approach we should take and the point system is exactly the approach we should take, but I still don't understand why somebody who has worked as an agricultural worker for 5 years gets the same number of points as somebody who has a physics degree—even more points, actually, than someone who has a physics degree. It seems to me, if you are going to weigh this properly in a merit system—we are not talking about a guest worker program here; we are talking about a merit system proposal. We are not talking about the AgJOBS proposals; we are talking about the merit system.

In a merit system, what we should be looking for is talent and people whose abilities are unique and those which we need in this country. That is why there should not be this strange allocation of points which makes no sense at all in the context of the purpose of the merit system. I hope that will also be changed.

On balance, of the things that concern me about this bill, two of them are moving in the right direction, which are border security and the issue of pathway. But the things that really concern me continue to be the guest worker program and how we are going to handle the H-1B issue.

So the jury is still out, to put it quite simply, on this bill. There needs to be a lot more time spent on the amendment process so we can find out how we are going to end up working this bill through the process. This is a complex bill. It deserves significant time on the floor, and it deserves to have proper discussion with amendments that are put forward by people who did not happen to be in negotiations for the grand compromise. Those guys did a good job negotiating, but they didn't necessarily touch all the bases that are of concern to many of us.

I yield the floor.

Mr. REID. First of all, Mr. President, let me tell everyone within the sound of my voice, no tricks. What I am doing is trying to protect those people who feel it would be to the advantage of the country and the Senate if we got a bill. This doesn't change any of the things I have said privately to Senators or publicly. Basically, what I am going to do is send a couple of amendments to the desk so there is some control over amendments that are offered. This will allow those of us who feel there should be a bill some control over the next amendment that is offered.

Again, no tricks. I have alerted everyone the best that I can what I was going to do, and I hope this works out well. I am confident we are doing the right thing.

AMENDMENT NO. 1492 TO AMENDMENT NO. 1235

Mr. President, I call up a second-degree amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1492 to amendment No. 1235.

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

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

The amendment is as follows:

(Purpose: To require the use of objective criteria to determine which undocumented persons have sufficient community ties to be awarded a Z visa and remain in the United States lawfully)

At the end of the amendment add the following:

Notwithstanding any other provision of this act the following shall take effect for the Z Nonimmigration Category:

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—

(1) IN GENERAL.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 401(a), is further amended by adding at the end the following:

“(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

“(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

“(II) is employed, and seeks to continue performing labor, services, or education; and

“(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

“(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

“(bb) the amount of cumulative time the applicant has lived in the United States;

“(cc) whether the applicant owns property in the United States;

“(dd) whether the applicant owns a business in the United States;

“(ee) the extent to which the applicant knows the English language;

“(ff) the applicant's work history in the United States;

“(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

“(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

“(ii) whether the applicant has been convicted of criminal activity in the United States; and

“(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

“(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

“(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant

under this section, or is eligible for such classification, if—

“(aa) the termination of the relationship with such spouse was connected to domestic violence; and

“(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

“(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).”.

(2) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary will use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by paragraph (1).

#### AMENDMENT NO. 1199

Mr. REID. Mr. President, I ask for the regular order with respect to the Dodd amendment.

The PRESIDING OFFICER. The amendment is now pending.

#### AMENDMENT NO. 1493 TO AMENDMENT NO. 1199

Mr. REID. Mr. President, I call up the amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1493 to amendment No. 1199.

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

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

The amendment is as follows:

(Purpose: To require employers seeking to hire aliens to certify that they have not, and do not intend to, provide a notice of a mass layoff)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

Mr. REID. Mr. President, I will be seated in a brief period of time, but I wished to let everyone know we have

people working in different rooms in this building trying to come up with some way for us to move forward. We have tried on a number of occasions this afternoon to have amendments. We started at noon—6½ hours ago. We have been thwarted at every attempt. So we are arriving at a point now where I hope there can be agreement as to how we proceed. If not, we will proceed anyway in a manner I hope will be in keeping with the intent of the Democrats and the Republicans and the White House.

I do say in this interim this afternoon that I have had some interesting calls from people who care a great deal about this bill. One of the choice experiences of my life was a year ago, in my office, right back here, on a Saturday. We were debating immigration. I had the good fortune to meet for the first time Cardinal McCarrick and Cardinal Mahony, and they were very interested in doing something that would help the immigration problems they see on a daily basis.

I had the good fortune to speak to those good men during the past hour or two. The reason I mention the meeting of that Saturday is that some people know I am not a member of the Catholic faith. I have the greatest respect in the world for Catholics. The best friend I ever had in my life was a devout Catholic. He went to church every day. He was Governor of the State of Nevada and I was Lieutenant Governor. He taught me how to fight. He was my best friend. He taught me in high school. He died in church. He went to church every day, and he went to church one morning, put his head on his shoulder, and died.

For someone who set such a great example for Christianity and goodness, there couldn't be a better way for this good man, Michael Callahan, to die. But the reason I mention that is that as the meeting was breaking up, and there was some staff there, I said, I have the good fortune of being able to meet with prominent people on occasion, but this is a special meeting for me. I would like to be able to tell my children and grandchildren about this meeting. So before we go out to the press, could we say a prayer together?

We gathered there in my conference room and Cardinal Mahony said a prayer for our country. When he finished, Cardinal McCarrick said a prayer for me. That was one of the highlights of my life. When it was over, Cardinal McCarrick said: Well, I am not going to be able to tell my children and grandchildren about this, but I can tell my nieces and grand nieces about this.

So during the 6½ hours we have been away from the floor, there have been a lot of good people working on a way to finalize this legislation, and I hope that everyone understands the efforts I have made now. It is not an effort to trick anybody or deceive anyone. It is an effort to try to move this legislation forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### STEM CELL RESEARCH

Mr. CARDIN. Mr. President, earlier today the other body passed S. 5, the embryonic stem cell research bill, by a vote of 247 to 176. This legislation offers hope to literally 100 million people in our own country.

I think of the individual names. Mr. President, I had a friend in law school, Larry Katz, who died of ALS. If you have ever seen someone who suffered from that disease, you know how cruel it can be. So today I think of Larry Katz and I think of those individuals who are suffering from diseases in which embryonic stem cell research holds out hope of a cure, of a way of dealing with these diseases. I think of Josh Basil. Josh was a young person who was on the beaches in Delaware. A wave hit him, picked him up, turned him upside down, and fractured his spine. He is a quadriplegic today. He has hope that he will walk again. He exercises and works out every day to keep his muscles in great shape. But he wants us to meet him halfway. He wants us to give the tools to the scientists so they can look at ways in which we can regenerate the damaged parts of his body.

Embryonic stem cell research holds out tremendous hope. It allows, we hope, for the regeneration of damaged cells. This is incredible work which is being done at research institutions in this country. I am proud of the work being done at Johns Hopkins University in my own State and the University of Maryland Medical Center and NIH looking at ALS, looking at spinal cord injuries, looking at Alzheimer's, heart disease, Parkinson's, diabetes, and looking at embryonic stem cell research as perhaps finding the answer to these diseases.

Dr. John Gearhart and Dr. Douglas Kerr at Johns Hopkins have helped me to understand what embryonic stem cell research could mean. They have taken paralyzed mice and have been able to get movement by injecting embryonic stem cells into mice.

The United States has been the leader in the world on research. We have seen incredible discoveries in this country. Yet, today, we are seeing researchers leave the United States because of the restrictions on embryonic stem cell research. They are going to other countries where those restrictions do not apply, robbing this Nation and robbing the world of the collaborative research that could be taking place. The reason, frankly, dates back to August 9, 2001, when President Bush issued his Executive order.

We have a lot more information today than we did in 2001. In 2001, we thought there were 60 to 78 stem cell lines available that researchers could use. We were wrong. There were only about 22 lines available. Most are contaminated. We don't have the diversity we need in order that scientists can really look at embryonic stem cell research and get the best potential out of

that type of research. We know that today. If we knew then what we know now, we would have realized those restrictions are not workable.

S. 5 is a bipartisan bill. It deals with embryos that are currently in existence. It sets up the ethical framework to do the proper research. You cannot create an embryo for the purpose of sale for research. It has to be in existence today. It has to have the consent of the donor. You can't get financial incentives for doing it. They have to be embryos which were going to be used for in vitro fertilization which now are going to be destroyed. It allows those embryos to be used for legitimate medical research. It is the right thing to do for this country. It is the right thing to do, to give hope to 100 million people in this country. Now it has passed this body, it has passed the other body. We have a bill that provides the right balance for us to move forward as the world leader in medical research.

Dr. Elias Zerhouni, the Director of NIH, said:

From my standpoint, it is clear today that American science will be better served and the Nation will be better served if we let our scientists have access to more stem cell lines.

Dr. Zerhouni is our leader on this issue in this country.

We are now at another crossroads where we can take a choice and move forward so America can continue to lead the world in appropriate research to try to end the misery of suffering for those who have ALS or spinal cord injuries or Alzheimer's, heart disease, Parkinson's—so many different types of diseases in which embryonic stem cell research holds out such promise.

I urge the President of the United States, don't let your veto stand in the way. Don't do it. Move forward with a bill that is bipartisan, a bill that has been vetted properly among all communities.

This is a bill which, we understand, provides the right framework for research in this country. We have that opportunity if only the President will sign this bill and allow our scientists to do the appropriate work to help the people of this Nation and literally help the people of the world. I urge the President of the United States to sign S. 5, which will shortly be presented to him.

At this point, I have been informed that the Senator from California does not intend to use her time.

I yield the floor.

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

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

The Senator from North Dakota is recognized.

Mr. DORGAN. I was not intending to speak at this moment, but I listened to

several of my colleagues talk about the immigration bill. We apparently will cast another cloture vote this evening and perhaps votes beyond that, depending on how that cloture vote turns out. But because of a number of statements by colleagues this evening, I wanted to make a couple of comments.

There is a suggestion by a number of our colleagues who brought a plan to the floor, what is called a grand bargain or the grand compromise. This is a group of people—self-appointed, I guess—who spent a lot of time in rooms together, with the White House accompanying them, and produced a plan they brought to the floor of the Senate and said: Here is our immigration plan. And by the way, if you try to change it, you will destroy it.

Most Members of the Senate were not part of these meetings and not part of this grand compromise. A number of us have offered amendments. A number of our colleagues have tried to offer amendments. I am thinking of Senator WEBB, who has waited for 2 weeks to offer an amendment. It is problematic whether he will be given an opportunity to offer an amendment. He wasn't part of the group, wasn't part of the grand compromise, but thinks he could improve the legislation. But, because those who have brought the bill to the floor have done so with arms locked together, believing that anyone who could try to improve on their work would be destroying their compromise, we have people who are not able to offer these amendments.

There is also some implied suggestion here that those who do not support this grand compromise are not sensitive to the issue of immigration, are not willing to look and understand that there is a real, serious problem here which needs to be addressed. Nothing could be further from the truth. In fact, while I have substantial difficulty with the plan that is brought to the floor of the Senate—I think it is a flawed plan—I happen to think immigration is a very serious problem in this country.

The first and obvious answer to our immigration problem is to try to provide some real border security. We have about 12 million—perhaps more—people who have come into this country without legal authorization. Why? Most of them wanted to come to the United States of America to work. Most of them wanted to come here because they believe there is hope and opportunity here. They want a job here.

It would be wonderful if our country, having over a century lifted the middle class up with good wages and good jobs and benefits—it would be wonderful if we could say: We have created on this planet something very special here called the United States, and we would like to share it with everyone right now. We, of course, cannot do that. We would be overrun. We have immigration quotas. We allow 1.5 million people in our country every year legally. There is a legal process by which we do that.

But we are on a planet here that circles the Sun, and we have 6.4 billion neighbors. One-half of them live on less than \$2 a day, one-half of them have never made a telephone call, and one-half of them do not have access on a regular basis to clean, potable water. It is a challenging planet. We have a lot of neighbors who live in great difficulty.

In this little spot on this planet which is labeled "the United States of America," we have created something pretty special. I have described it at great length, how we did it and why we did it over the last century, lifting America up, providing good jobs that pay well. It is not surprising to me that on a little planet on which we all travel, where, if you are in India, the average hourly wage is 11 cents an hour—in China, it is 33 cents an hour; if you live in Honduras, the average hourly wage is 33 cents an hour; it is not surprising to me that people who are living in poverty in other countries, making a pittance for a long day's work, would like to come to the United States and find a job and improve their life and make a better life for them and their family. That is not surprising to me.

I would like it if we could say to them: You know what. Come on, join us. Just think for a moment if we decided we have a new immigration law in this country, that new immigration says: You know what, this country is wide open. You want to come join us from anywhere, anytime, anyplace? Come on. Come and live with us. Come and work with us. Come and be part of our country right now. No restrictions. Come and stay. Come and work.

We would be overrun. Millions and millions of people would try to find their way to this wonderful country of ours because we have created an economy that lifted the standard and broadened the middle class.

We cannot do that. We instead have a process of legal immigration that allows about a million and a half people a year to come into this country. They apply. They are part of the quota from their country. They wait. They wait a year, they wait 5 years, they wait 10 years. If they are lucky, they reach the top of that list and they are able to come to this country through this legal system of immigration quotas.

Now, my colleagues have brought to the floor the "grand compromise." And what they have said is this: Well, we do not have much border security. We have got a lot of people coming into this country illegally now, without legal authorization. So I will tell you what. They say: We will pass a piece of legislation that says anyone who came to this country by at least December 31 of last year—that includes, we think, 12 million—anyone who came here by December 31 of last year, you are going to be legal. We are going to decide that you are here legally and you get a work permit. You are no longer illegal; you are legal.

Now, we have people overseas in their home country who thought this was all



on the level. They applied to come to the country as part of the quota. They have waited 6, 7, 8 years. They discover they made a mistake. They should have come here last December 20 or December 31 and snuck across the border someplace because then they would be described by this bill, by the folks who created this grand compromise, then they would be described as legal citizens, not citizens as having legal status, I should say. Well, is that fair? No. No, it is not fair. Is it right? No.

But more than the issue of dealing with those 12 million, this legislation also says we should have more people who do not live in this country come into this country to assume jobs with something called temporary workers or guest workers. Now, I happen to be sensitive to this issue of those who have come here without legal authorization. Some have come here decades ago. There are people, I am sure, who have been here 20 years without legal authorization to be here.

They have probably raised a family. They have worked. They have been model citizens. They have been neighbors. They have been good people. Should we round them all up at this point and deport them? Of course not. But should we, on the other hand, decide: If you snuck across the border on December 31, good for you. You are now declared legal? I don't think so.

My colleague, Senator WEBB, has an amendment that I think would move a long way toward addressing some of these issues in terms of the time that you have been here to try to be sensitive about those things which I support. But this legislation says: If you showed up last December 31, you are given legal status.

But the issue I raised last evening, and the amendment that I offered that prevailed by one vote was on the guest worker provision, temporary worker provision. My colleagues have said, the Senator from Arizona and the Senator from Massachusetts have said, you know, we need to have a temporary worker provision because if we don't have a temporary worker provision to bring in people who are not now here to assume jobs in this country, they are going to come anyway. They are coming across anyway.

They will come in as illegal immigrants. Well, I said: I don't understand that. You say that this bill would strengthen our border, provide border security, and stop illegal immigration. Now you are saying that in order to stop illegal immigration you have to have a guest worker provision because, if we do not have a guest worker provision, they are going to come anyway. Maybe you are misrepresenting this issue of border security, are you not?

So the Congressional Budget Office comes out with a report. Guess what they said. This bill, the grand compromise, means those who come across the border illegally, 75 percent will keep coming under this bill; 75 percent will keep coming under this bill. Yet

the proponents of the bill are out here with big banners and trumpeting that this is a big border security bill. It is not. It is not that.

I have raised the question about American workers because there is no discussion of American workers. You know they have a role in this debate. We are told, in fact, my colleague from New Hampshire said there are not enough workers in this country, so we need to bring in workers. There are not enough workers to assume the jobs that are available.

Well, that is a line that I understand. I don't agree with it, I understand it. I understand where it is coming from. We have got a lot of businesses in this country that have decided that workers are like wrenches. They are like wrenches. You just use them up and throw them away. Don't worry too much about them. Make sure you hire them for as little as possible. By the way, keep downward pressure on that income because workers are disposable.

If you wonder about that, by the way, just go back and read the paper from a few weeks ago when a company called Circuit City decided they were going to layoff 3,400 of their workers. Why? Were they bad workers? No. It was not that at all.

This is a company with a chief executive officer who made \$10 million a year, and his workers made an average of, I believe, \$11 an hour. They wanted to have a workforce that was paid lower than that. So they said to 3,400 of them: We are going to get rid of you because we want to rehire people at a lower rate.

So if you wonder about this wrench analogy, just check the newspaper one of these days. But we have a lot of people in this country who work at the bottom of the economic scale, bottom of the ladder.

I told a story yesterday about a company from Georgia. The story was from the Wall Street Journal. This was a poultry company. I believe they had roughly 700 workers. Three-fourths of them were illegal immigrants working in that company. They were paying them a pittance. I don't remember the exact wage, but they were paying them a small amount of money. Then they were raided by the immigration folks. It was discovered they had all of those illegal immigrant workers, so they had to get rid of them.

So then they had to hire other workers. Well, guess what. They went to the newspaper and put a help wanted ad in the newspaper. They said: We are now paying higher wages. Immediately they got a lot of applicants because they were paying better wages. So they filled those jobs.

A few years later they began, that same company, to contract with one of those temporary worker groups that was able to bring together illegal workers and package them and sell them to companies. They started doing the same thing one more time. Why? So they could push down wages.

Now, my point today and yesterday was, I think this is an interesting discussion about a serious problem, immigration. But I think there is a party that is not at the table, and that is the American workers. Nobody wants to talk about that. We are talking about 12 million people. What about 140 million people? What about the people, especially that part of our workforce who, this morning, got up with great hope, got dressed, went to work, worked hard, got paid the minimum wage, and then finished after 8 hours of back-breaking work and went to the second job and did another 6 or 8 hours at the minimum wage, and then went home exhausted because they are trying to make do with two jobs at the minimum wage for their family.

Increasingly, by the way, those workers are women. What about those workers? Do they matter? Does it matter when you bring in people through the back door who are willing to work for lower wages, that you then begin pressing down and pushing down wages in this country? Does that matter?

I have spoken at great length on this floor about the larger economic interests who want to export American jobs to China, Sri Lanka, Bangladesh, and Singapore and various parts of the world in order to search for lower wages.

I have spoken at length on the specific companies who left our country, why they left, where the jobs are. I have spoken at great length about Huffo bikes. Huffo bikes fired their workers, moved their production to China. I know where they make Huffo bikes. Yes, I know where they make them now. They don't make them in Ohio. They used to. All of those folks got fired. They make them in Shenzhen, China. They are made by people who make 30 cents an hour. They work 12 to 14 hours a day 7 days a week.

Why do I say that? Because exactly the same economic interests that are searching the globe for low wages, to move jobs to where they can find the lowest wage, are some of the same economic interests that want to bring cheap labor through the back door for the jobs that are left to put downward pressure on American wages.

Now, the American worker has been more productive. Productivity has increased substantially in the recent period. Yet their wages have not kept pace. The reason is obvious. There are all kinds of ways to put downward pressure on the wages of American workers.

Alan Blinder is no radical economist. He is a mainstream economist. He used to be Vice Chairman of the Federal Reserve Board. They all wear gray suits all the time. Alan Blinder is a guy who I am sure supports free trade—supports what is called free trade. That is kind of the mantra these days. But he wrote a piece in Foreign Affairs. Here is what he said, the former Vice Chairman of the Federal Reserve Board. He said



that there are over forty million American jobs that are tradeable, which means subject to being moved offshore in search of lower wages. He said not all of them will go. They won't. But even those that remain here are going to have downward pressure on their wages because they are competing with others in other parts of the world who are willing to work for less.

My point is simple. This immigration issue and guest worker issue is the reverse side of the same coin; the out-migration of American jobs and the in-migration of cheap labor. This is about money. It is about profits for big economic interests. It is sold as something else on the floor of the Senate. We are hearing about compassion. Boy, I don't lack compassion for anybody who is mistreated in the workplace. I know they are.

But for a moment, instead of just talking about the immigrant worker who came here without legal authorization, let me talk about the worker who is here. Let me talk about a woman who lives in a used trailer house with no running water, with an outdoor toilet, trying to raise four kids and walking to work for the minimum wage.

Do you know how they heat that trailer house? A wood stove with a pipe sticking out the window of the living room of a used trailer house. A wood stove, mind you.

You want to talk about deplorable conditions. There are plenty of them in this country for people at the bottom of the ladder struggling, just trying to get ahead, trying to get a better way, to be lifted up providing for their family. There is no discussion of that at all. This entire discussion is about another group, a group of immigrations who have come here without legal authorization.

Let me tell you, my ancestry came here from somewhere else. I am a product of immigrant ancestors. We all have these stories. I am very sensitive to them. I want people to be able to do well and to participate in this American dream of ours.

Let me describe one side of my ancestry who was a woman named Caroline who came from Norway. She came with her husband to the new country. She ended up homesteading 160 acres of land. What happened was they landed in Minneapolis-St. Paul as immigrants, and her husband died of a heart attack.

This Norwegian woman got on a train with six children, they went out to the prairies of North Dakota with six children, pitched a tent and homesteaded 160 acres and raised a family and ran a farm.

One can only think what must be in the inner strength of someone to do that alone in a new country. All of us have those stories. They are wonderful stories about immigrants. This is not pro- or anti-immigrant. This country is refreshed as a result of immigration. It has always been. That is why we have a process of legal immigration. A mil-

lion and a half people come here every year, plus more for agricultural work. That is what this process is about.

The dilemma is this: When I described this spot on the planet called the United States, this spot on the planet is different. It is different because we created something very different. Starting about 100 years ago, we began to lift up this country, expand the middle class, provide worth to the workers of this country, understanding they were part of the productive capability that could lift this country's economy and provide opportunity for more Americans.

We did that in a remarkable way, and it was not easy. I have spoken on the floor about James Fyler. James Fyler, I said, died of lead poisoning. Well, actually, you know, he was shot 54 times. That is probably lead poisoning. It is also being killed by 54 bullets.

You know why James Fyler was killed almost a century ago? He believed people who went underground in this country to mine for coal—hard work, dangerous work—he believed people who did that work—underground mining for coal—ought to be paid a decent wage, ought to be working in a safe coal mine. For that he gave his life, was shot 54 times.

Well, from James Fyler on forward, decade after decade after decade we made progress, demanded progress, safe workplaces, child labor laws, fair wages. We demanded progress—the right of workers to organize.

We lifted this country up because we expanded the middle class. More and more Americans had opportunity. From that opportunity came prosperity. That is a subject that has largely been ignored in the Senate in the last couple of weeks.

What is the impact of all of this? I asked the question yesterday about the American worker: Where is the American worker in this discussion? What is their interest? Who represents their interest? The answer is, the American worker is not a part of this discussion at all. The American worker is left behind. I described them the other day as those workers who understand seconds. They understand second mortgage, second shift, second job. They understand second place, all of them, struggling to make ends meet. Yet they are not a part of this discussion. But this discussion does impact this country in many ways, about working standards, standards of employment, wages, opportunities to continue to expand the middle class.

I think there are claims on the floor of the Senate that if you don't support this grand compromise, you just don't understand it, because it is a wonderful piece of work. It provides border security. It provides employment sanctions. It provides temporary workers to fill jobs for which there are no Americans available, we are told. Let's look at that.

Border security doesn't need new legislation. In 1986, the last reform bill

passed on immigration said: We will have border security. They stood up and said: This is going to provide for border security. We are going to stop illegal immigration. The problem is, the mask is off the myth here as of yesterday, when the Congressional Budget Office says the bill they brought to the floor of the Senate is a bill that will allow 75 percent of the illegal immigration that now occurs to continue. What kind of security is that? Apparently not much.

How about employer sanctions? We have already done that as well. That is already the law. We don't need a new law for that. We have employer sanctions. In 2004, the Bush administration took action against four companies in the entire United States for hiring illegal workers. What does that tell you? That tells you they said: We surrender. We have no intention of administering this law. We have no intention of enforcing the law. We surrender.

We don't need a new law to do that. All we need is some determination that we are going to enforce employer sanctions.

With respect to temporary workers, that is the biggest ruse of all. The temporary worker provision in this legislation is simply a request for big business from the U.S. Chamber of Commerce saying: We will support this bill if you give us the opportunity to bring some cheap labor through the backdoor. That is what this is about. Don't take it from me. Go to some of the newspaper columns that describe this grand bargain and why the big economic interests have said: We will support this if you allow us to bring in some immigrant labor legally under the position of temporary workers. Apparently those who are part of the grand compromise said: We will do that. That is a fair thing.

How do they do it? In the worst possible way. Even if you were inclined to do it, you wouldn't do it this way. I am not inclined to believe we ought to do it. Most of the folks who are trumpeting this proposal are people who would talk about supply and demand. Let the marketplace govern. The marketplace; right? I used to teach a little economics. I know about the supply/demand curve. Except the marketplace doesn't work very well, does it, when in fact if you can't find a worker for a job, you might have to advertise that job at a little extra price, a little higher wage. People who are carrying the bedpans in the hospitals on the midnight shift, people making the beds in the motel early the next morning, people across the counter at the convenience store, maybe if you can't get them for the minimum wage, maybe you will have to pay an extra 50 cents an hour. That is the supply-and-demand relationship. But if you can bring someone else in who says, I am sorry, I will take that job, you don't have to pay anybody more, I will take that job for the very minimum, you can keep downward pressure on wages. And that is

the strategy here. That is what this is about. Apparently supply/demand is a good theory, but it doesn't work in a circumstance where the big economic interests want you to keep putting downward pressure on wages.

So you say: OK, let's bring in some temporary workers. Here is the way they did it. Follow this for a moment. They wanted 400,000 a year. Senator BINGAMAN reduced that to 200,000 a year. Here is the way it would work. You can bring in 200,000 the first year. They can stay for 2 years. They can bring their family, if they choose. Then they have to go home for a year and their family has to go with them. They can come back for a third year, stay for a fourth. They have to go home for a fifth. If they never brought their family at all, they can come back for a sixth and then a seventh year. And each year below that you can get another group of 200,000 coming. If you didn't understand that, you are not alone. No one understands that. That defies any kind of logic at all. Yet that is exactly what was stuck in this legislation.

I offered an amendment last evening that passed by a vote of 49 to 48. There are people here having an apoplectic seizure about that. They have spent most of their day gnashing their teeth and wiping their brow, trying to figure out how to deal with it. It was simple enough, it was a sunset after 5 years of the temporary worker program. We say after 5 years, let's take a look. It is a new program, a new approach. Let's take a look and see what the impact is. What if we find out it has a tremendous depressing impact on wages, which it very likely will? What if we find out that 75 percent of those who were brought in under the temporary worker program refuse to go home and have stayed here illegally? Would you maybe want to make some adjustments? Why not sunset it in 5 years so you are required to evaluate that it doesn't work?

We are told: If you do that, you will be killing this legislation. This is a poison pill. We have locked arms on this grand compromise. You are going to kill this bill.

As I said yesterday, it is like the cheap sweater. Pull a thread, the arm falls off. God forbid, it is going to destroy everything we have done.

It is unbelievable. It is as if nobody else has an idea around here except those who were in a room someplace in the Capitol called the grand bargainers.

I have been here long enough to see many of these grand bargains. Sometimes there are two of them. Usually not two, because that wouldn't be called grand. But maybe six, sometimes 10, sometimes they call them a gang. It is a gang of 12 or a gang of whatever. Every time it happens, what you find as a result is terrible legislation. I guarantee you, you get a gang or a group or a gaggle or whatever it is who go into a room someplace and

close the door and start developing this sense of self-importance pumped up by a little more helium or hydrogen, and all of a sudden, they get out here and they say: Here is the answer. And you may not change it. Because if you do, you destroy this carefully balanced work of ours.

So here we are—it is 7 o'clock at night—having to work 2 weeks on a piece of legislation that, A, won't secure our borders, unfortunately. I wish it would. I think we should. In fact, that is what we should be doing. What we ought to do is have a bill that deals with border security. Once we have done that, we come back, after we have border security, and say: Now the next step, which is as important but you do it next, is to provide for the status of those who are here without legal authorization. We should do that. I wouldn't do it by saying the people who came across December 31 of last year are given legal status and a work card. That is not how I would do it, but I would be sensitive to a lot of people who have contributed to this country for a long time, even without legal authorization to come here. But that is not the way this works. It is not what was brought to the floor of the Senate.

So now we will have a second cloture vote tonight. I don't know how that will work. Whatever the Senate will decide tonight on a second cloture vote, if cloture is invoked, then we have 30 hours postcloture. We will see. There are a good many amendments that have been prevented from being offered. I mentioned Senator WEBB has one. Senator WEBB has a very important amendment. He has been prevented from offering that amendment. I know Senator TESTER has one. If we are in a postcloture period, my hope is we will relent and decide there are ideas in the Senate that exist at every desk, not just a couple of desks. If we believe that, maybe we will get the best of what each has to offer rather than the worst of what most have to offer.

I wanted to make a couple comments because I heard a substantial amount of discussion that we don't have enough Americans for the jobs here, so we need to bring people in, all these interesting, in some cases very convoluted, approaches to supporting legislation that is not just imperfect but falls far short of that which is necessary to address a very serious problem.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS) The Senator from Florida.

DARFUR

Mr. NELSON of Florida. Mr. President, I am going to take this opportunity, while we are waiting for the next proceeding that will come somewhere around 7:30 on this immigration bill, to report to the Senate, having just returned from the recess from Africa, on the very serious situation in two respects that this Senator from Florida has tried to get his arms

around. The first is, of course, the crisis in Darfur.

Since the Government of Sudan would not give this Senator a visa to go into Sudan to go into Darfur, there is another way to do it, and that is to go to the backdoor by going into the neighboring country of Chad which I did. And the Sudanese Government would not even give us overflight rights leaving from Addis Ababa going to N'djamena, the capital of Chad, and having to fly completely around the country of Sudan to get to the capital of Chad which is located to the west of the Sudan, then from the capital city of Sudan, then to take a series of flights to get close to the eastern border where all of the Sudanese refugees are, the Sudanese refugees who have fled the slaughter allowed by the Sudanese Government, the slaughter of innocent people often perpetrated by a terrorist group called the jingawit that have been instruments aided and abetted by the Sudanese Government, even to the point of the Sudanese Government sending in Sudanese aircraft, government aircraft that they sometimes paint white so as to mask as if it is a humanitarian airplane such as the United Nations, aircraft that bombed them, helicopters that are painted the same way that come in and strafe them.

This has only been going on for 4 years. Look what the world community has done to be so slow in response to this humanitarian crisis, this genocide, this slaughter. I visited one of those refugee camps. This particular one had about 16,000 people.

Indeed, part of their life is better off because they do not have violence unless, by the way, the women go outside to collect firewood, which, interestingly, is the woman's job. As a result, the food aid relief workers there do not let the women go outside the camp to get beat up and the young ones to get raped. They are providing them firewood. And oh, by the way, they are providing them a stove for the firewood that saves 80 percent of the firewood and produces the same amount of heat. So that is progress.

It is progress in the rudimentary health care they have. That is health care they did not get back in the Sudan, in Darfur. It is progress those children whom I talked to in the school—the very rudimentary school with extraordinary teachers—do not get back in Sudan.

But what they have is a very Spartan existence. One of the mothers we were talking to said she wanted to go back. I said: Why? She said: I want my native food. I want meat. I want vegetables. Of course, what they are being provided—that the World Food Program is providing so they would not starve—is a basic diet of porridge and grains, and that is it—and an attempt to giving them some potable water, which is a huge problem all over Africa.

Well, that is one problem I tried to get my arms around because it is important those of us who care about

these things get as educated as we can so we can speak out on them.

But there is another problem—and this was an intelligence mission for me; I am a member of the Senate Intelligence Committee—and that is the rise of al-Qaida in Africa. Various terrorist organizations have morphed into an organization called al-Qaida's Committee in the Islamic—and I do not know the African word, but it starts with an "M." AQIM is the acronym. This is on the rise. That is of considerable concern to the free world, to the industrialized world, and especially to the United States.

After Chad, I went to Nigeria. Now, the Niger River Delta in the country of Nigeria produces about 3 million barrels of oil a day. Mr. President, 600,000 of that production is siphoned off or destroyed. Often it is siphoned off simply through graft and corruption and all kinds of banditry that is going on.

Simultaneously, while we were there, over the course of 2 days in Nigeria, a group of 11 people—I think they were Russians—were kidnapped. No, it was some other nationality. It was women and children. That was the first group kidnapped. We do not know the result. Another group of about six Russians was kidnapped. By the time I left the country, a third group of another nationality—all there because of being oil workers—was kidnapped. That is the kind of lawlessness that is going on there.

But what is even a greater threat—and it would be nice if the country of Nigeria did not allow that 600,000 barrels, so they are only, net, producing 2.4 million barrels a day, but there is a greater problem. There is virtually no protection for the production of that oil, whether it be in the Niger Delta itself or it be offshore in the waters off the West Coast of Africa. There are huge reserves for future production virtually unprotected. It is an accident waiting to happen.

And oh, by the way, the United States gets between 12 and 14 percent of its daily consumption of oil from Nigeria. So what do you think is the target? That is the bad news.

Let me tell you the good news. The good news is that despite the graft and corruption among governments throughout, despite the optimism of new governmental leaders in various countries, including the new President of Nigeria—who had been in office 5 days when I met with him—despite the inability of their infrastructure to produce what they need, let me tell you, they understand that the one partner they can rely on is the United States.

How? Their intelligence services work with us. For that, I am profoundly grateful and not only in those countries, those four—and the fourth I visited was Algeria; I met the President of Algeria and shared the same thing with him—but in other countries throughout the region we have a good cooperation in sharing intelligence.

Ultimately, it is that intelligence that is going to prevent that attempt by a terrorist group, such as AQIM, from destroying activities—such as oil production—that are so important to the United States.

Now, it is another subject for another day, that of energy independence and start weaning ourselves from that dependence on foreign oil. From just Nigeria—there is an example—12 to 14 percent of our daily consumption of oil comes from that country. That is at threat.

Another 12 to 14 percent of our daily consumption comes from Venezuela. By the way, have you heard of a fellow named Hugo Chavez, who keeps pounding his fist and says he is threatening to cut off the oil to the United States?

It is another whole discussion for another day that one of the most important agenda items of this country is weaning ourselves from that foreign oil by going to alternative sources. But it is what it is.

That is why I was in Africa last week. To encourage that cooperation with our intelligence services, to protect our mutual interests, to encourage the reform of those governments so they can provide some protection for themselves and modernize their political systems and their economies to be of a greater benefit to their people who have so often been put down and to realize that their future, with a richness of natural resources, is going to become increasingly important to the whole world.

So it is with mixed feelings that I give this report to the Senate. I will continue to give a series of reports next week on various terrorist activities and how they affect our interest in that part of the world. But I wanted to give this first installment while we are at this late hour of the day awaiting some of the first test votes we are going to have now on this immigration bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Georgia be allowed to speak for up to 12 minutes.

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

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to discuss two amendments I have filed to the pending immigration legislation.

I was at home over the Memorial Day recess and had an opportunity to talk about the pending bill with a number of constituents. For many of the folks

I spoke with, their top concern was border security. There was a deep feeling of skepticism about the ability of the U.S. Government to deliver effective control of our borders. Their concerns certainly have merit, and that is why it is so important that we prove we are serious about border security by securing our borders before any proposed immigration reforms are put into place.

The issue before us is critical to the future of our country in terms of national security, economic prosperity, and the fabric of our Nation. I hope we will proceed with a thoughtful and thorough debate in the Senate, because the proposals we are going to be asked to consider are enormous in scope and have far-reaching implications.

I have filed some amendments, and I know a number of my colleagues have filed amendments, to try to improve this legislation. It is my hope we will have an opportunity to continue to work through this process in a manner that recognizes the importance of this issue, rather than adhering to an arbitrary timeline for completion. We must ensure that not only the Senators, but also the American people, have ample opportunity to fully comprehend the consequences of any action we take.

America needs secure borders. Right now, we do not have them. As a nation of immigrants which honors the rule of law, we must secure our borders to make America safe so we can fix our country's immigration system. A nation that cannot secure its borders cannot secure its destiny or administer its laws.

The current proposal contains the first border security trigger envisioned by my fellow Senator from Georgia, JOHNNY ISAKSON. It says no temporary worker program or transition to Z visa status for those currently illegally in the country can begin until the Secretary of the Department of Homeland Security certifies to the President and to the Congress that the specific key border security measures are funded, in place, and operational. These triggers include constructing 370 miles of fencing that was previously authorized, 200 miles of vehicle barriers at the border, and finishing the goal of doubling the size of the Border Patrol since this President took office.

The trigger also includes a provision that detention facilities must have a total capacity of 27,500 beds to end the practice of catch and release on our southern border. It is absolutely vital that the Senate act to put the resources and mechanisms in place to allow the Department of Homeland Security to gain operational control of our borders and to have stronger and more meaningful enforcement of our immigration laws in the interior of the United States.

With enhanced enforcement, we have already seen a positive change at the border. The number of people apprehended for illegally crossing our southern border is down by nearly 27 percent

in 2007 from this point in time in 2006. You might say, the numbers of apprehensions are down; that does not sound as though the agents are doing a very good job, and more people are getting in. The fact is the numbers are down because our Border Patrol agents are doing an outstanding job and because illegal entrants are deterred from even trying to cross as news of our increased security has made its way south. So starting with border security and ensuring we get our borders secure through certain mechanisms is my top priority, and this bill does that.

While I have been supportive of getting us to this point and supportive of the framework of this approach, there are certain issues I believe can be improved upon. Some of my colleagues have amendments to do that, and I wish to discuss briefly a couple of amendments I have filed.

My first amendment, No. 1318, deals with protecting the Social Security trust fund for the future retirees of this Nation. I ask unanimous consent that Senators INHOFE, ISAKSON, ENZI, and MURKOWSKI be made cosponsors of this amendment.

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

Mr. CHAMBLISS. In 2004, the Commissioner of Social Security signed a totalization agreement with the Director General of the Mexican Social Security Institute. While the President has not yet submitted the United States-Mexico totalization agreement to Congress, I am concerned the agreement could threaten the retirement benefits of Americans. Totalization agreements allow workers who divide their careers between two countries to combine work credits from both countries to qualify for Social Security benefits. It also prevents workers from paying Social Security taxes in both countries. While this seems like a good idea that ensures fairness, the proposed totalization agreement with Mexico leaves many questions unanswered in terms of its cost to American taxpayers. I am concerned the proposed totalization agreement with Mexico and possible future totalization agreements will impose significant costs on the already overburdened U.S. Social Security system.

The problem is current law doesn't require Congress to affirmatively review a totalization agreement and determine if it is in the best interests of American taxpayers. Under current law, a totalization agreement automatically goes into effect unless either the House of Representatives or the Senate adopts a resolution of disapproval within 60 legislative days of the President submitting it to Congress. If no action occurs during this timeframe, Congress is deemed to support the totalization agreement and it automatically goes into effect.

My first amendment will change this current practice so that Congress has its proper constitutional role in determining whether totalization agree-

ments are in the best interests of our country by ensuring that totalization agreements only go into effect after explicit approval from both the House of Representatives and the Senate. The amendment will also require the Social Security Administration to provide regular reports to Congress that examine both the projected costs and the actual costs of all totalization agreements. In short, this amendment will ensure that proper debate and analysis take place prior to the approval of an agreement that can impact our Social Security trust fund.

The second amendment I wish to address tonight is No. 1319. This amendment deals with the fine structure for Z-A workers, which is a part of the agriculture piece of this legislation. I worked very closely with my colleagues, Senator CRAIG and Senator FEINSTEIN, to make some changes to the agriculture portion of this bill which was initially drafted, but one area that was left unresolved in our discussion was the amount of fines agricultural workers would be required to pay under the Z-A visa program. Under the substitute bill we are debating, an agricultural worker's fine to obtain a Z-A visa is \$100, as compared to the \$1,000 that regular Z applicants must pay. Then, for those Z-A workers who wish to depart the country and make application for a green card, the fine in the underlying substitute is \$400 as compared to the \$4,000 for regular Z visa holders.

This amendment is very simple. This brings into parity the fine structures for Z visa workers and Z-A visa workers. However, the amendment also recognizes that annual earnings from agricultural employment are generally lower than in other sectors of the economy due to the often seasonal nature of agricultural work.

The amendment requires agricultural workers to pay a \$1,000 fine at the time they make application for a Z-A visa, just as workers in other sectors of the economy must pay a \$1,000 fine when they make application for a Z visa. Further, the amendment requires Z-A visa workers to pay a \$4,000 fine at the time they make application for a green card, just as Z visa workers must pay a \$4,000 fine. However, Z-A workers would be allowed to discount \$1,000 from the \$4,000 fine for each year they worked in agriculture under the terms of the bill, with a maximum deduction of \$3,000. So the total fine amount a Z-A worker will be mandated to pay is \$2,000, as compared to the \$5,000 the Z visa workers are mandated to pay, provided those workers stay in the field of agriculture, which is one of the ideas behind the base bill, as well as this provision. I think this fine structure is much more equitable than the current total of \$500 that Z-A workers are expected to pay.

It also recognizes some of the unique aspects of agricultural work. Regardless of the sector of the economy in which the Z visa applicants work, we

need to ensure that the fines, which are penalties, are meaningful and difficult to achieve.

These are two commonsense, straightforward amendments. I hope the Senate will have an opportunity to consider them soon.

With that, I yield the floor and 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. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CHANGE OF VOTE

Mr. CHAMBLISS. Mr. President, on rollcall vote No. 194, I was present and voted no. The official record has me listed as absent; therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

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

Mr. BYRD. Mr. President, I oppose the amnesty provisions included in this bill.

Nevertheless, I voted against the Coburn amendment, because it would have codified expedited procedures in the Senate for considering the Presidential certifications required by the amendment. Exempting legislation from debate and amendment in the Senate is a dangerous practice, and contrary to the constitutional purpose of this unique institution. One need only look to the legislative line-item veto or budget reconciliation process to understand how such procedures could be abused.

Had those expedited procedures not been included in the Coburn amendment, I would have supported it.

Mr. President, I oppose amnesty for illegal aliens. Waiving our immigration laws, instead of enforcing them, is amnesty—no matter what the level of fines and penalties assessed. It encourages others to flout our laws knowing that they could be similarly rewarded.

Amnesties undermine the great American principle that the law should apply equally and fairly to everyone. This bill would create a separate set of rules—one for those who obey the law and one for those who do not. It is a special set of laws for those who chose not to follow the regular process that everybody else had to go through. It is a congressional pardon for lawbreakers—both for illegal aliens and the unscrupulous employers who exploit them.

Many employers are anxious to take advantage of the cheap labor that this bill would provide, but the responsibility would fall on the Nation as a whole to make the public investments necessary to absorb these workers into the economy. It is a false promise, to immigrants and U.S. citizens alike, when the infrastructure of our Nation—our schools, our health care system, our transportation and energy

networks—are increasingly unable to absorb this untenable surge in the population.

I speak from experience when I say that this amnesty will not work. President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the very same promises we hear today—that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigration. The 1986 amnesty did not work. After 1986, illegal immigrant population more than quadrupled from 2.7 million aliens, to an estimated 12 million illegal aliens today. In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers.

I will not vote to make the same mistake twice.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, and in its processing of immigration applications. It only took nineteen temporary visa holders to slip through the system to unleash the horror of September 11. The pending proposal would shove tens of millions of legal and illegal aliens—many of whom have never gone through a background check—through our border security system over the next decade, in effect swamping a bureaucracy that is already struggling to keep its head above water. Terrorists and criminal aliens have exploited these kinds of amnesties before, and they will do so again.

The United States cannot guarantee the security of its borders, and simultaneously waive the law for those who circumvent that security. The Congress must choose between law enforcement and amnesty. I choose law enforcement. The Congress must choose between border security and amnesty. I choose border security.

I will oppose this measure, in the hope that the amnesty provisions are removed, and that the Senate quickly passes a clean border security bill.

Mr. DOMENICI. Mr. President, late last night we voted on amendment No. 1151 offered by the Senator from Oklahoma, Mr. INHOFE. The disposition of this amendment can be seen in the RECORD under rollcall vote No. 198. I was allowed to speak for 1 minute prior to this rollcall vote; however, I wish to extend my remarks in order to fully explain my stance on this important issue.

Let me begin by stating emphatically that I fully support English as the official language of the United States. However, I cannot vote in favor of an amendment that would eliminate rights that currently are reserved for my constituents under the New Mexico Constitution. We must be cautious before we act and it is the devil in the details of the amendment that was placed before the Senate, which would chill and infringe on the constitutional rights of our diverse citizenship and would stand in direct contradiction to

the constitution of my home State of New Mexico that makes this amendment overreaching.

Most people do not know that Congress delayed New Mexico's admission to statehood until speakers of English became the majority of the State. To underline the point, the New Mexico Enabling Act required that the public schools be conducted in English and that "ability to read, write, speak and understand English without an interpreter . . . be a necessary qualification for all state officers and members of the state legislature." However, in 1911 the U.S. Supreme Court found that Congress could not place such conditions on newly admitted States and removed the English language restriction from the New Mexico Enabling Act.

Thereafter, New Mexico adopted its State Constitution which contains important guarantees of the rights of Spanish speakers, including the right to vote, hold office, and sit on juries. Specifically, the New Mexico Constitution states "[t]he right of any citizen of the state to vote, hold office or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or color, or inability to speak, read or write the English or Spanish languages except as may be otherwise provided in this constitution . . ."

Moreover, the New Mexico Constitution requires public school teachers to be trained in both English and Spanish to ensure that Spanish-speaking students are properly taught the English language. Coupled with this constitutional provision is another constitutional right that ensures children of Spanish descent are entitled to a public education.

This amendment would not amend the New Mexico Constitution. I mentioned this only to point out another New Mexico constitutional provision that requires all ballots that would amend the New Mexico Constitution be printed in both English and Spanish. The Spanish influence in my home State dates so far back that for the first 20 years of New Mexico's statehood, all laws passed by the State legislature were required to be printed in both English and Spanish.

I am always interested to hear others discuss their family histories, some of which date back at least 200 years in this country. However, I think that there is a misconception that the adoption of an official language is strictly in response to illegal immigrants. That is not true. The declaration of an official language directly impacts the history, customs, and traditions of our American families. The family histories that can be heard throughout New Mexico date back over 400 years. These are not illegal immigrants; these are the first inhabitants of the land that is now called New Mexico.

Mr. President, while I fully support English as the official language of the United States, I will not support a proposal that would cast in doubt the laws

and rights afforded to all of the citizens of New Mexico.

Mr. DOMENICI. Mr. President, I wish to discuss why I voted against cloture this morning on S. 1348, the border security and immigration reform bill currently being debated by the Senate.

As a border State Senator, I know first hand the need to secure our international borders because every day I hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders and the status quo is not acceptable. I support many of the provisions in S. 1348 because we must address this border crisis. However, I was forced to vote no on the motion to invoke cloture on S. 1348 because Democrats are refusing to allow votes on amendments to the legislation on the Senate floor.

More than 300 amendments have been filed to this bill. Only about 10 percent of those amendments have been dealt with. Clearly the Senate, which is known for its deliberative nature, has not had an adequate opportunity to improve upon this bill on the floor. What's more, this bill did not go through the committee process and so there was no opportunity to improve the bill there.

I was here in 1977 and 1978 when the Senate debated the Natural Gas Policy Act. That debate went on for weeks and hundreds of amendments were considered. There is no reason to avoid that process in this situation. The issues of border security and immigration are some of the most important issues facing America today, and those issues deserve full and fair debate.

The Democrats' refusal to allow votes on amendments means that my amendments, which are very important to New Mexico, the southwest border, and the Nation, cannot be considered. Those amendments would have provided two more Federal judges in New Mexico to deal with immigration cases, ensured that small businesses have access to temporary workers they need, provided more personnel for Federal land agencies that must help secure Federal land on the international border, allowed New Mexico to reap the economic benefits of Mexican nationals coming legally to the United States for a short period of time for tourism and travel, called for Mexico's cooperation on border security and border crime, addressed the lack of law enforcement radio coverage on remote parts of the international border, strengthened and improved the Border Patrol Academy at Artesia, NM, and called for coordination between the Department of Homeland Security and the Department of Defense on aerial surveillance efforts along the border.

My amendments are based on needs that are imperative to border security, and many of them were suggested specifically by New Mexicans to help New Mexico. I would like to discuss a few of those amendments in more detail.

First, I have heard from many Federal judges from the District of New

Mexico and the 10th Circuit Court of Appeals about the crisis New Mexico faces from an overloaded immigration docket. Seventy-one percent of Federal criminal cases filed in New Mexico are immigration cases. This is the highest percentage of immigration cases anywhere in the United States, and New Mexico needs more judges to handle that caseload. Unfortunately, I was not allowed to address this crisis by offering an amendment to S. 1348 that would have provided New Mexico with two new Federal judges.

Second, I have heard from New Mexico small businesses about their need for temporary workers in the food processing, construction, oil and gas, and restaurant industries. These small businesses were concerned that they would not have access to the temporary workers they need under S. 1348 as it is written, so I offered an amendment to set aside a number of temporary worker visas to only be used by small businesses. Unfortunately, I was not allowed to address New Mexico small businesses' needs.

Third, some of the land on New Mexico's international border is Federal land. The Bureau of Land Management, Forest Service, and Park Service are working with the Department of Homeland Security, DHS, to secure these lands, but these Federal land agencies need more personnel to work on these issues. I offered an amendment to provide this personnel, but that amendment has not been considered.

Fourth, remote parts of the New Mexico/Mexico border do not have radio coverage, which prevents DHS and law enforcement from communicating. I have filed an amendment that would enhance radio communications capabilities in these areas, but this amendment has not been considered.

Fifth, New Mexico is at an economic disadvantage over neighboring border states because there are no border towns in New Mexico that Mexican nationals can access when they legally enter the U.S. on a laser visa. This is because such nationals can only travel 25 miles into New Mexico. I have filed an amendment to expand the limit laser visa holders can travel into New Mexico so that laser visa holders can legally visit Las Cruces and other towns near the New Mexico/Mexico border. Unfortunately, this amendment, which would bring economic benefits to southern New Mexico, has not been considered.

The refusal of Democrats to allow consideration of these and my other amendments is nothing short of irresponsible behavior towards the security of America and the needs of New Mexico, and I cannot support cloture on S. 1348 without assurances that these measures will be considered.

Additionally, many of the provisions that I have supported in S. 1348 have been amended to the point that the bill no longer has its initial impact. For example, the temporary worker program

that is critical to so many industries in my State does not meet those industries' needs. Further, the bill as amended calls into question some laws and customs of my home State.

Because of Democrats' refusal to consider important amendments to this bill, we will not see any of the comprehensive border security improvements that New Mexico and other border States desperately need, and I could not be more disappointed.

I support efforts to address border security and immigration reform legislation, and I applaud Senators KYL, KENNEDY, SPECTER, SALAZAR, MARTINEZ, GRAHAM, and others who have worked long and hard on this bill. However, I cannot support cloture on the bill at this time.

Mr. WARNER. Mr. President, our country today faces serious issues with our immigration policy. I appreciate the opportunity that we have before us to engage in this important debate and to work the will of the Senate on this complex matter.

The legislation we have before us, the compromise reached by a number of our colleagues, has provided us with a starting point for reform of a broken immigration system and to strengthen our border security.

Recognizing, however, that there are ways that we can improve upon the work of the "grand compromise," as it has come to be known, I have joined with Senator CORNYN as a cosponsor of an amendment that would increase the amount of funding made available to State and local governments to mitigate the costs of public education and health care created by the inadequacy of our current immigration system.

I understand from my conversations with Virginians around the State that unauthorized immigration has caused a fiscal burden on State and local governments, one which must be addressed by this Congress. The provisions of the legislation before us include a crucial State impact assistance account that would provide reimbursement for state and local entities for the vital services that they provide.

The amendment that I am pleased to cosponsor adds additional funding to this account without adding a burden to taxpayers. By increasing, for immigrants in both the Y- and Z-visa categories, the fee that these applicants must pay at the time of their application, this amendment makes a positive step toward alleviating the burdens faced by health providers, educational agencies, and others eligible for funding through the State impact assistance account.

Under this amendment, the fee on applicants for these categories would be set at \$750, and an additional fee of \$100 would be set for each additional dependent. For the primary applicants in both the Y- and Z-visa categories, this represents an increase of only \$250 above the legislation in its current form. I note that this amount \$750 is also the same fee agreed upon under

legislation passed by the Senate with a majority of support last year.

In my view, any legislative approach to provide overall immigration reform must rest on the foundation that an outright amnesty is unacceptable and that securing our borders is imperative. Then, in a sound, workable, and realistic way, this Congress must address the issue of the millions of undocumented workers who are already in our country. All of these components are absolutely essential to ensuring our security as a nation.

Mr. REID. 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 and the following Senators entered the Chamber and answered to their names.

[Quorum No. 3 Leg.]

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Harkin	Reid
Brown	Hatch	Roberts
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Klobuchar	Smith (OR)
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lott	Voinovich
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wyden
Dodd	McConnell	
Dole	Menendez	

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and 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 motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).



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

The result was announced—yeas 72, nays 13, not voting—14, as follows:

[Rollcall Vote No. 205 Leg.]

#### YEAS—72

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bingaman	Ensign	Nelson (FL)
Bond	Feingold	Nelson (NE)
Boxer	Feinstein	Obama
Brown	Harkin	Pryor
Bunning	Hatch	Reed
Burr	Inouye	Reid
Byrd	Isakson	Salazar
Cantwell	Kennedy	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Smith
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Clinton	Lautenberg	Stevens
Cochran	Leahy	Sununu
Coleman	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lugar	Voinovich
Craig	Martinez	Webb
Crapo	McCaskill	Whitehouse
Dodd	McConnell	Wyden

#### NAYS—13

Allard	Gregg	Sessions
Bennett	Hutchison	Shelby
Collins	Inhofe	Vitter
DeMint	Lott	
Grassley	Roberts	

#### NOT VOTING—14

Biden	Graham	McCain
Brownback	Hagel	Rockefeller
Coburn	Johnson	Specter
Cornyn	Kerry	Warner
Enzi	Lincoln	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. REID. Mr. President, I am going to move briefly to proceed to a motion to reconsider, but I wanted to tell all Members that this vote is not going to be a 20-minute vote. There are people coming from all over the country, both Democrats and Republicans. I don't think it matters. This is going to be the last vote of the night, anyway, but this vote will go a little longer.

I ask unanimous consent that the motion to proceed to the motion to reconsider the failed cloture vote on the substitute be agreed to, the motion to reconsider be agreed to, and the Senate proceed to vote on the motion to invoke cloture on the Kennedy-Specter substitute amendment No. 1150.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. I move to reconsider the vote.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk reads 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 substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.

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

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1150, an amendment in the nature of a substitute offered by Mr. REID of Nevada, to S. 1348, to provide for comprehensive immigration reform and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Wyoming (Mr. ENZI).

The yeas and nays resulted—yeas 45, nays 50, as follows:

[Rollcall Vote No. 206 Leg.]

#### YEAS—45

Akaka	Hagel	Menendez
Bayh	Harkin	Mikulski
Biden	Inouye	Murray
Brown	Kennedy	Nelson (FL)
Cantwell	Kerry	Nelson (NE)
Cardin	Klobuchar	Obama
Carper	Kohl	Reed
Casey	Lautenberg	Reid
Clinton	Leahy	Salazar
Conrad	Levin	Schumer
Dodd	Lieberman	Specter
Durbin	Lincoln	Stabenow
Feingold	Lugar	Voinovich
Feinstein	Martinez	Whitehouse
Graham	McCain	Wyden

#### NAYS—50

Alexander	Crapo	Murkowski
Allard	DeMint	Pryor
Baucus	Dole	Roberts
Bennett	Domenici	Rockefeller
Bingaman	Dorgan	Sanders
Bond	Ensign	Sessions
Boxer	Grassley	Shelby
Bunning	Gregg	Smith
Burr	Hatch	Snowe
Byrd	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Cochran	Isakson	Tester
Coleman	Kyl	Thune
Collins	Landrieu	Vitter
Corker	Lott	Warner
Cornyn	McCaskill	Webb
Craig	McConnell	

#### NOT VOTING—4

Brownback	Enzi
Coburn	Johnson

The PRESIDING OFFICER. On this vote the yeas are 45 the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

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

Mr. REID. I move the Senate proceed to consideration of the Energy bill, H.R. 6.

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

#### MORNING BUSINESS

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

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

#### IMMIGRATION REFORM

Mr. REID. Mr. President, this has been a very difficult time. I think there has been a lot of bending over backward to accommodate people who have wanted to offer amendments. Initially, as you will recall, the negotiators were given quite a bit of time, and then when that "quite a bit of time left," they wanted another week and they got that.

After the debate started, the majority leader said, this is a 2-week bill, and it is. I extended debate past the recess. During the floor debate, we have disposed of 42 amendments, including 28 rollcall votes. Last night we asked for consent to move the cloture vote from this morning to tonight so we could have another full day of amendments. That didn't work out.

I understand why some of my colleagues on the other side of the aisle thought maybe that wasn't a good idea. But I thought we could, after cloture was not invoked this morning, move some other amendments. We tried hard to do that. We were unable to do that. I tried every possible way to get amendments up today; every possible way.

A real short recounting of this. I offered votes on eight amendments, four on each side. Then we tried six, three on each side. Again, my friends on the other side of aisle objected to that. Then I tried three Republican amendments, only two Democratic amendments. That was objected to by my colleagues on the other side.

Finally, I tried to get a significant number of additional amendments pending so they could receive votes after cloture. That was objected to. Republicans even objected to calling up their own amendments.

So having spent all day trying to diligently work out a way to vote on Republican and Democratic amendments and facing objections from my Republican colleagues, I found the only thing we can do is try to get cloture tonight.

I was hoping my friends on the other side of the aisle would understand that small groups shouldn't dictate what