

we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Ryan, a memory that will burn brightly during these continuing days of conflict and grief.

Ryan was known for his dedication to his family and his love of country. Today and always, Ryan will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Ryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Ryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Ryan A. Balmer in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Ryan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ryan.

IMMIGRATION REFORM

Mr. FEINGOLD. Mr. President, over the last few weeks, the Senate has considered an issue that inspires strong feelings all around—the need for immigration reform. While the bill we were considering has many flaws, I am disappointed that some Members of this body decided to talk it to death. I voted to move this bill forward because Congress should act on this issue, and because I am hopeful that the bill's flaws can be cured during the next stages of the legislative process.

Despite our differences in approach, all of us in this Chamber agree on three core principles that form the bedrock of any comprehensive immigration reform. First, we must do something about the estimated 12 million undocumented immigrants who live and work in the shadows. The status quo is simply unacceptable. It harms citizens and noncitizens alike and makes us less

safe as a nation. Second, we must take the necessary steps to prevent illegal immigration in the future so that we do not find ourselves back here in the same position 20 years from now. And, third, we must establish a system that allows people who can make valuable contributions to our society—by, for example, strengthening families or performing jobs that cannot be filled by Americans—to enter the country legally. These goals must be accomplished in a way that is consistent with our values as a nation. The fundamental problem with this bill, as it now stands, is that it fails to accomplish these objectives; in fact, it contains several provisions that go directly against these objectives.

With respect to the 12 million undocumented immigrants, the bill held genuine promise when it came to the floor. As both the President and the Secretary of Homeland Security have said, mass deportation is not a viable option, nor is amnesty for those who have broken the law. As introduced on the Senate floor, this legislation would have required those who are here illegally to come forward, pay hefty fines, pay taxes, learn English and civics, work, and wait in the back of the line—before earning the privilege of permanent resident status. That would have been a workable solution.

Unfortunately, this linchpin of the bill was undercut by the Senate's adoption of an amendment offered by Senator CORNYN. The amendment removed critical confidentiality provisions that would have protected applicants for legalization from being deported if their applications were denied. The problem with this approach is that few undocumented immigrants will even apply for legalization without this protection. They will stay in the shadows, and we will be exactly where we are now. If this bill ultimately moves forward, it is vitally important that these confidentiality provisions be included in the House bill and retained in conference; otherwise, the bill will defeat its own main purpose.

I also hope to see progress on other provisions that threaten to undermine the very purpose of the earned legalization program. I am particularly concerned about requiring undocumented immigrants to leave the United States in order to apply for permanent residence. Although the bill guarantees their reentry, this "touch-back" requirement creates a major practical obstacle for many immigrants, especially those who come from far-flung regions of the globe. Moreover, many undocumented immigrants—who may be receiving their information about the legislation from unreliable sources, or who may face language barriers in understanding its provisions—will be unwilling to leave the U.S. for fear that they will not be allowed to return. Again, a bill that creates a legalization program but discourages immigrants from applying for legalization gets us nowhere.

Another vital component of comprehensive immigration reform is a system that allows employers to turn to foreign labor as a last resort when they genuinely cannot find American workers to do the job. Permitting these workers to enter the country legally furthers the second core principle of comprehensive reform: avoiding a future flow of undocumented workers who would otherwise create a new underground economy. Unlike the bill we passed last year, however, the bill the Senate considered this year has no meaningful path to permanent residence for immigrants in the temporary worker program. It requires workers in that program to interrupt their employment every 2 years and leave the U.S. for a period of 1 year, and it prohibits most of these workers from bringing their families to the U.S. Taken together, these provisions are a recipe for a massive new flow of illegal immigration—once again defeating the very purpose the program was meant to serve.

I am also concerned that the temporary worker program contains insufficient protections for U.S. and foreign workers. I was pleased at the success of the Durbin-Grassley amendment, which strengthened the bill's requirement that employers recruit and hire U.S. workers before hiring temporary foreign workers. But that protection is simply not sufficient. The single best mechanism for enforcement of labor protections is a path to permanent residence. Knowing that foreign workers cannot simply be used up and thrown away prevents employers from exploiting them. That, in turn, takes away the incentive to hire foreign workers over U.S. citizens and ensures that working conditions for all workers don't sink to a lowest common denominator. It is a critical protection that is lacking from this bill.

Because I believe the temporary worker program as currently drafted will foster illegal immigration and will not sufficiently protect U.S. and foreign workers, I voted for Senator BINGAMAN's amendment to limit the scope of the program and Senator DORGAN's amendment to sunset the program in 5 years. Unless and until the structural problems with the program are fixed—and I hope they will be—we should not be putting in place a permanent program of the magnitude contemplated by the original bill.

Another serious flaw in the bill is its inclusion of multiple "triggers"—enforcement requirements that must be fulfilled before other critical reforms could begin. While these provisions are designed to further the second core goal of immigration reform—preventing a future flow of illegal immigration—they will have exactly the opposite effect. History tells us that an "enforcement-only" approach simply doesn't work: the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that

we have tripled the number of border agents and increased the enforcement budget tenfold. True border security requires both increased enforcement measures and the creation of adequate legal channels for immigration, including programs to bring needed foreign workers into the U.S. and to allow undocumented immigrants who pass background checks to earn legal status. These measures allow us to separate those who are here to work and contribute to our communities from terrorists and others who pose a serious threat to this Nation, so that our immigration enforcement agents can focus their efforts in the right place. Postponing these measures—as this bill does—makes us less safe, not more.

The bill's solution to the third challenge of immigration reform—shaping the contours of legal immigration—is a radical shift away from family reunification. That solution is not consistent with the core values of this Nation. In the past, our immigration laws have acknowledged that our country and our communities are stronger when families are united. But under this bill, it will be much harder for U.S. citizens and legal immigrants to be reunited with parents, siblings, and adult children. Some of my colleagues argued that this shift in policy is a necessary step toward embracing a “merit-based” system of immigration. But I believe there is a great deal of merit in keeping families together. And I don't believe that bringing people with useful skills to this country can only be accomplished at the expense of family unity.

We had the opportunity to do something about the bill's antifamily provisions. Along with Senators MENENDEZ and OBAMA, I cosponsored two amendments: one that would sunset the so-called “merit-based” system in 5 years, and one that would reallocate points within the merit-based system to place more value on family ties. The first amendment failed, while the Senate has not yet had the opportunity to vote on the second. Other amendments would have improved this aspect of the bill, but they fell victim to points of order, and we were prevented from voting on them. So we are left with a system that values 3 years of U.S. employment more than the relationship between a brother and sister.

Beyond these much debated aspects of the bill, I am also deeply concerned by a little-discussed provision that would allow the Department of Homeland Security to detain several different categories of immigrants indefinitely. These immigrants may effectively be given a lifetime jail sentence, even though they have committed no crime for which such a sentence could be imposed by judge or jury. There is already a provision in our existing immigration laws under which the Government may indefinitely detain any immigrant who is suspected of terrorism or whose release would threaten national security. The bill goes far be-

yond that, even allowing the Government to detain—forever—immigrants who have never been suspected, let alone convicted, of any crime. That does nothing to make us safer, and it goes against everything this country stands for.

A similar challenge to our core values was presented by an amendment offered by Senator CORNYN. The amendment would have allowed the Government to deny citizenship to legal immigrants based on secret evidence and without any opportunity for review. It would have required the mandatory deportation of several new categories of immigrants without any individualized determination of whether such deportation was appropriate. And it would have doomed the earned legalization program with provisions that would make most applicants ineligible. In short, the amendment put forward a scattershot approach that would have penalized immigrants who pose no threat to us and stripped them of crucial due process rights. Fortunately, Senator KENNEDY offered us an alternative that responsibly and effectively targets the small proportion of immigrants who threaten the safety of our communities. His amendment will ensure that immigrants who have committed serious crimes not fully covered by existing immigration laws, including firearms offenses, domestic violence, child abuse, or felony drunk driving, cannot come to this country. I joined the majority of the Senate in voting for this more sensible and effective approach and against Senator CORNYN's amendment.

Despite my concerns about the bill, it contains several provisions that are important and worthy. For example, this bill contains the DREAM Act, which provides higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own. It also contains AgJOBS, a bill long in the making that will provide much needed assistance to agricultural workers. And it contains the Secure and Safe Detention and Asylum Act, to ensure that asylum seekers and other vulnerable populations have a meaningful opportunity to exercise their rights under law, and to provide for humane detention conditions in accordance with the recommendations of the U.S. Commission on International Religious Freedom.

I am pleased the Senate approved the addition to the bill of the Wartime Treatment Study Act, legislation Senator GRASSLEY and I have been trying to enact for years to examine the treatment of German Americans, Italian Americans, and other European Americans during World War II, as well as Jewish refugees fleeing Nazi Germany. While there has been study of the internment and relocation of Japanese Americans during World War II, few people know about our Government's failure to protect the basic rights of German and Italian Ameri-

cans. We also must understand why, as the United States heroically battled fascism, our Government turned away thousands of Jewish refugees fleeing Nazi Germany, delivering many of them to their deaths at the hands of the Nazi regime. I first introduced this legislation in 2001 after hearing from a group of German Americans in Wisconsin who were concerned that this sad chapter in our Nation's history had gone unnoticed for too long. It is only appropriate for a country that prides itself on equality and justice to acknowledge and learn from its mistakes. It is long past time to enact the Wartime Treatment Study Act, and I will continue to push for it to become law.

I hope the Senate will still have the chance to address the need for comprehensive immigration reform. Congress needs to act on this issue, which is why I voted to move forward with this bill despite the serious flaws I have discussed. I will work with my colleagues to try to make sure this happens and to make sure that we end up with a bill that represents true immigration reform—one that encourages the 12 million undocumented immigrants in this country to come forward out of the shadows, takes a comprehensive approach to preventing illegal immigration in the future, and strengthens our society by welcoming immigrants who can make valuable contributions.

VERMONT HOUSING AND CONSERVATION BOARD

Mr. LEAHY. Mr. President, it is my pleasure today to bring to the attention of the Senate the important work the members and staff of the Vermont Housing and Conservation Board have accomplished during their first 20 years of service to protect Vermont's working landscape and to help ensure that Vermonters have safe and affordable places to call home.

Since 1987, VHCB, its board members and staff have invested in 427 farms, resulting in the conservation of 118,500 acres of farmland; protected 250,000 acres of recreational and natural areas; and constructed or rehabilitated 8500 units of affordable housing. This has been a conscious investment of \$200 million in our Green Mountains, leveraging an additional \$750 million from public and private sources. Few organizations can boast the stimulus of \$1 billion in two short decades.

For centuries, Vermonters have made their livings working the land. As land use patterns drastically change across the country, including in the valleys of Vermont, VHCB has helped many farmers and communities conserve the rural working landscape that has come to define Vermont and the way of life in our State's communities. VHCB has become a national leader in farmland protection practices—educating family farmers how they can make money protecting working farmland and rural landscape for generations to come. The