

2005, 30,000 workers received backpay after the National Labor Relations Board found that employers had violated their rights—30,000 in 1 year alone. That means employers at some time during the year fired or violated the rights of 30,000 people—30,000. That is 30,000 we are talking about who are being treated unfairly.

Now, the question becomes, do workers really want to join? Are we talking about something that is a real problem or not?

Here is 1984 to 2005. Workers want unions more than ever, but can't join them. The percentage of nonunion workers who want a union is up 23 percent. The percentage of workers in a union is down 6.5 percent. So you would think with those kinds of indicators we would be able to have a clear pathway where people would have an opportunity to join, but that is not the case. What we have seen is out across the countryside, on a wide range of different kinds of issues, this is what is happening across the countryside for the average family in this country.

We find that gas is up 79 percent. We find medical expenses are up 38 percent. College tuition is up 43 percent. We find that housing is up 40 percent, and wages effectively are stagnant or up only 4 percent.

The survey we earlier saw about the numbers of people who wanted to join the unions show that over half of the workers—more than 60 million workers—would join a union if they could, but they cannot.

Now, we have given some of the flow lines and the statistics, but these charts show what happens to some real people: "I was fired," Erron Hohrein, former boilermaker from Front Range Energy. This is a picture of him.

They forced us to attend meetings. They threatened that if our campaign was successful, our paychecks may suffer. Managers would follow me around the workplace at all times. They would not permit other workers to talk to me. They isolated me from my co-workers. Within days after the union election was certified by the National Labor Relations Board, I was fired.

This gentleman worked in that plant and found all kinds of safety concerns and raised the safety concerns to the employers and was told to keep quiet, even though he believed those kinds of safety matters were endangering the lives of the people with whom he was working. When he found that the employer was unwilling to try and address some of these safety conditions, he said: I am going to try and form a union. Then he had the following circumstances: within days after the union election was certified, he was fired. So this is happening out there. These are examples of the 30,000.

Anna Calles, who is a laundry worker in North Carolina:

The union was the only way to have better pay, good health insurance and equality, not discrimination. Cintas will never improve working conditions on its own free will. When we tried to organize, management told us that we would lose our jobs. The workers

are scared. The NLRB has not been able to help much. We have had to wait three years to get a decision.

Delay, delay, delay, delay.

Cintas has appealed the NLRB's ruling that the company committed extensive violations of workers' rights.

So Anna and her coworkers are still waiting for justice.

These are real-life stories. It is quite clear why individuals want to be able to join the unions.

These are the figures which show that union members get better wages. These are Department of Labor statistics which show that workers are going to be able to have a modest increase 30 percent more—than those who are non-union.

If we look at particular sectors of our economy—this is an interesting chart. A union job means higher wages for women and for people of color. Again, we are talking about equity in this country. We are talking about fairness in this country.

This is what unions do in terms of equity and in terms of fairness. If you look at women, the difference it makes in terms of helping, it is more than 31 percent; nonunion, if you are talking about African-Americans and Latinos—all of them are inevitably much better off. If you have the freedom to choose the union, it lifts the workers out of poverty. This is the Federal poverty line, this black line across here on the chart. Look at this. These are the national figures for these particular industries: cashier, childcare, cook, and housekeeper. If they are nonunion, they are below the poverty line.

If you are a cashier and a member of a union, you are just above it, a little less than \$25,000. We are talking about people who have a sense of dignity and pride and desire to do a good day's work. These are men and women of pride. We are talking about \$20,000 to \$25,000 a year. For childcare, the difference at a union wage is just about at the Federal poverty level. If you are a cook, it is a little above the poverty level. For a housekeeper, it is just above it also.

This is a commitment to try to make sure we are not going to have our fellow Americans living in poverty. We are talking about people who want to work, can work, and will work. That chart is about as clear an indication of the difference, if they have an opportunity to join.

Mr. President, I will mention a couple of companies that have recognized the card check process. Some employers have been remarkably enlightened and say: We are going to let our workers, if they choose, have a checkoff, and we will recognize them. That used to be the way the law went. A number of companies, including Cingular Wireless, have supported that concept. This person said:

Management didn't pressure us to try to interfere. We didn't attack the company and they didn't attack us. We were focused on improving our jobs and making Cingular a better place to work.

This is Rick Bradley:

We believe employees should have a choice. . . . We make that choice available to them results . . . in employees who are engaged in the business and who have a passion for customers.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 1 final minute.

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

Mr. KENNEDY. Mr. President, the purpose of this is to show that when America has been at its best and strongest, we all grow together. When we find out that America is divided—and the principal reason for this division is demonstrated with these charts; it is so often because employers have assaulted and attacked the rights of workers and their representatives over this history. We want to try to bring America back together again and make it stronger from an economic point of view.

A final chart shows that in Ireland, which has the one of the strongest economies in Europe and a high rate of union membership and strong annual growth, a partnership of decency and fairness goes hand in hand. I hope the Senate recognizes that on Tuesday when we vote.

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

#### IMMIGRATION

Mr. SESSIONS. Mr. President, I wish to share some general comments on where we are with regard to immigration and, really, American workers. I am pleased to see my colleague, Senator KENNEDY, here. I know he believes strongly in the minimum wage and in union contracts and strikes and that kind of thing to get wages up. I will just say to my colleague that the real thing which drives wages, which helps working Americans be able to get higher wages and better benefits, is when their product or their labor becomes more valuable.

In this debate last year, I raised that question. I see my former chairman of the HELP Committee—the Health, Education, Labor and Pensions Committee—Senator ENZI. Senator KENNEDY now chairs that committee. When Senator ENZI chaired it, we had a hearing in September of 2006 with economists and experts to discuss the impact on working Americans, middle-class workers, the wages they receive as impacted by immigration. I don't think there was a single dissent in that committee—everyone agreed that large influxes of low skilled immigrant labor bring down the wages of the American workers that compete with them. And the Judiciary Committee last year also had one hearing on the matter in April of 2006. Witnesses at that hearing also agreed unanimously that the wages of working class Americans are adversely

impacted by large flows of immigrants into our country. How could it be otherwise? That is a basic economic principle—when supply goes up, the price goes down. When demand goes up and supply remains the same, the price goes up.

When I raised this point on the floor, Senator KENNEDY, during the immigration reform debate last year, responded to me. His solution was that we should raise the minimum wage. I responded that it is not my goal to have American citizens making \$7 an hour; my goal is to create a free market economy where their labor is worth \$12, \$15, \$18, or \$25 an hour. These wage levels are being seen by workers in nonunion businesses in Alabama right now. We absolutely don't need to go back to a system that allows self-interested union organizers to force people into unions when they are already making higher wages than they have ever made before, as they are in Alabama. I absolutely don't believe that unions are the way to see us make progress on wages. But I am concerned that the net effect of large flows of immigration is that wages are being brought down. It is not responsible to have immigration policies that depress the wages of American workers.

Some of the immigrants are legal, but most are not legal. Together, they are pulling down wages of the Americans that compete with them in the labor market. We have had expert testimony to that effect. I cite to my colleagues a professor at the Kennedy School at Government at Harvard University, himself a Cuban refugee, George Borjas. He says that working wages for Americans have been pulled down by as much as 8 percent in the areas where immigration is highest. That is a significant amount. Instead of going up in a booming economy, wages have gone down. Alan Tonelson, a research fellow from the U.S. Business and Industry Council Educational Foundation testified that from 2000 to 2005, in job categories where competition from illegal immigrants is the highest, real wages—those adjusted for inflation—went down, even though demand for labor was going up. How could it be otherwise? Don't we believe in a free market? Does any farmer doubt that if more cotton and corn were brought into this country, the price of their product would go down? Certainly we know that. We deal with that issue every day in the Senate, and we understand it. Why that basic economic free market principle would be denied and overlooked when it comes to how immigration effects the labor market is beyond my understanding.

So, sure, immigration is important. We are not trying to stop immigration. Immigrants are overwhelmingly good people, they are hard workers, and they want to make a better life for themselves and their families. But, we have to ask ourselves, what levels and types of immigration serve our national interest? How can we make sure

our middle-class workers are not having their incomes substantially reduced in a time when the growth and prosperity of our nation should be putting part of the high profits being made into their pockets? We can make sure that lower and middle class Americans are benefitting from out surging economy if we do this immigration bill right. This bill doesn't do that, and that is why I oppose it.

I had a wonderful day yesterday with President Bush. We disagree on this issue. He made the comment in my hometown of Mobile that a Texan friend of his once said if we agree 100 percent on every issue, then one of us would not be needed. Well, we don't agree on this issue, but he has a good vision for America. He believes we need to do something about immigration and he has high ideals about it. He wants to fix our immigration system and he wants to fix it comprehensively.

I have said repeatedly, in the last 2 years of debate, that we do need a comprehensive fix, we need a guest worker program that actually will work and be effective, one that is responsive to the needs of the market without depressing the wages of the American worker. I have said that we need to replace the lawless system of immigration we now have with a lawful one, one that serves our national interests, and by that I mean the interests of the American worker and the long-term national interests of our country.

Sadly, I do not believe that the bill before the Senate comes close to creating a lawful system that serves our national interests. The Senate bill is a 750-page document that was plopped down here after only 48 hours of notice, without any committee hearings this year. It lacks cohesive policy goals. It is a political baby-splitting document crafted by politicians who were focused on the need to write something that could pass, rather than a document produced by professionals and experts and economists and law enforcement officials focused on how to create a system that will be honest and will work. That is what the debate is all about. Will the Senate bill actually work. So my disagreement with the legislation is not what it aspires to do, if I believed that it would do what it aspires to do—to secure the border and restore the rule of law then I'd be supportive of the bill.

You will hear my colleagues come to the floor and talk about their mama and grandma and that they emigrated from country X and we are all blessed because overwhelmingly, except for Native Americans—even their ancestors at one time came here—we are all descendants of immigrants. I want to be clear. Those of us opposed to the Senate bill are not against immigration. Instead, we want to do it right so that it serves the immigrants who come to America and serves America by selecting those who can be most benefited by the American experience and who will most benefit America.

We are indeed, I am afraid, moving to legislation that would repeat the error of 1986 in which amnesty was given and enforcement never occurred. Three million people were given amnesty then. Now we have 12 million people asking for amnesty again. What is the problem with the legislation? Let me share some thoughts.

First, under this legislation, the number of legal immigrants to be allowed into our country and to be given permanent legal status within the next 20 years will double. The legal number will double. Do you think most Americans understand that? I don't.

Let me briefly mention the history of immigration in our country.

From 1820 to 1879, we had what was called the great continental expansion, where people moved out toward the west. One hundred and sixty thousand came a year. Then it dropped off significantly.

From 1880 to 1924, they called it the great wave of immigration. Immigration averaged 580,000 people a year, a big movement of people into our country, and we continued to expand westward in our Nation. Then immigration again began to drop off, particularly during the Depression, and people's wages were down.

The period of 1925 through 1965 is sometimes referred to as the stop-and-settle period. During that time, immigration was at 180,000 a year, and the large great wave of immigrants that came in the decades before were assimilated into America. They became productive, mastered the language, and became part of a settlement and an assimilation that was important for our country.

In 1965, we developed the new system of immigration now known as chain migration, which resulted in about 500,000 immigrants a year up until 1990.

Since 1990, however, the number doubled, and it has been about 1 million a year. Since 2000, I suggest, counting the illegal flow, it has been at least 1.5 million a year, which is the highest rate of immigration in the history of our country.

This bill would basically double legal immigration and do very little to stop the illegal flow. This gives us no time for a stop-and-settle period but perpetuates the record high rates of immigration for an indefinite period. That is where we are historically, and we ought to understand that. I don't think anybody would dispute, basically, what I just summarized for you.

Let me explain how the Senate bill will double legal immigration. Under current law, 23.4 million immigrants, including 19.6 million green cards and 3.8 million workers, would be admitted and here in year 2027. But under the Senate bill, the numbers would be 47 million immigrants, composed of 38.1 million green cards, twice the 19.6 million green cards that would be issued under current law, and 8 million, almost 9 million temporary workers on top of that. That number of temporary

workers would be here on an annual basis. Some would have to leave every year and return every year but that is the potential number.

I am certain most Americans do not believe that doubling of the immigration levels in America is what was being discussed when people were promised comprehensive immigration reform. Doubling the legal rate, I believe, is contrary to the impression given by the bill's sponsors. People are not being told that reform means this kind of increase. In fact, I would think most people are expecting that immigration reform means we will reduce the rate of immigration which already is at the highest this Nation has ever had.

So this kind of knowledge, when it gets out to people, fuels cynicism about what Congress is doing, it fuels anger at the voters. I repeat, I don't think their anger is focussed at immigrants. I think it is focused at those of us in Congress who promised we were going to create a lawful system that would bring some control to our borders, and it ends up doubling the number of immigrants that come lawfully. That is part of the problem. Some people get mad at the talk shows. All the talk shows are doing is telling the truth, that people did not state clearly when they promoted this bill for passage. People ought to be cynical and they ought to be upset about that, in my view.

Mr. President, I ask unanimous consent to speak in morning business for an additional 10 minutes.

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

Mr. SESSIONS. That is what this is all about. I was under the impression that when the bill promoters came forward from their secret meetings, they thought they had produced a bill that was going to give us a lawful system of immigration. Didn't you hear that? Isn't that what you expected to be part of the product we would pass, that amnesty would be given but we would have a lawful system in the future, right? This is important. Isn't that what we were basically told by the people who produced this document, the 750-page bill they plopped down here without hearings a few weeks ago?

The sad fact is that the bill language does not keep the promises of its drafters. According to the Congressional Budget Office, a nonpartisan group that works for the Congress that helps us analyze legislation, Cost Estimate released on June 4: Implementing the bill's enforcement and verification requirements will only "reduce the net annual flow of illegal immigrants by one-quarter."

So that is a 25-percent reduction, approximately 2 million over 20 years. Twenty-five percent, do you think that is enough of a result for comprehensive reform? But wait, there is more. CBO also estimates that the bill's temporary worker provision will add ap-

proximately 1 million illegal visa overstays over the same 20 years. The bill will add an additional number of illegal overstays, more illegal overstays than under current law. That is because we already have a lot of temporary worker visa programs, and when you create new ones that will bring in more temporary workers, then more people are going to stay illegally.

CBO goes on to say this in their careful analysis:

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

This is their report—

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

Twenty years from now. The net result is that according to CBO, a mere 1.3 million less illegal immigrants will enter this country and live in this country in 2027 than would be expected under current law, where we expect 10 million under current law to come illegally.

They go on to say:

CBO expects that the enforcement measure and the higher number of overstayers would on net diminish the number of unauthorized immigrants by about 500,000 in 2017 and about 1.3 million in 2027.

What that means is when you take the 25-percent reduction of illegality at the border and an increase in visa overstays illegality, it comes out, according to their numbers, to only a net 13-percent reduction in illegality.

So we are going to double the legal number, see, and as a result we are only going to get a 13-percent reduction in illegality.

I say to the Members of the Senate, that is not what we are getting paid to do, that is not what we promised to do, that is not what we should do. That is not acceptable. I wish it were not so. I wish we had legislation before the Senate that would do better job at reducing illegal immigration, that would comprehensively fix our illegal immigration, but we don't.

I have been warning my colleagues about this and pointing out the flaws in the bill, and other Senators have pointed out flaw after flaw. We have this official report that indicates we have only a 13-percent reduction in illegality, and it is not right. We cannot pass such a bill and then go to our constituents and say we did something good for you, we fixed a broken system. We just cannot do that.

I urge my colleagues, no matter how much they want to see our immigration system reformed, no matter how much they have hoped that this legislation would be the vehicle to do it to consider my comments before you vote. A careful reading of this bill indicates it will not create the system they are envisioning, and we should not pass it.

Once again, didn't the promoters of the legislation promise more than this, that it would actually secure our border, that it would end lawlessness? Isn't that what they promised? Isn't creating a lawful immigration system for America a national imperative? Isn't it something we must do? No wonder the American people are cynical and angry.

Another promise we were given when the bill was introduced, and probably while it was being prepared, was that we would move to a merit-based system; that we would do a better job of identifying those people who apply to our country who have the greatest potential to flourish in America and do well. Canada does this. Sixty percent of the people who come to Canada come based on a merit-based competition. If you speak English or French, if you have some education, if you have special skills Canada can utilize, you get more points and you compete with others who apply. So they attempt in this fashion to serve the national interest. A move toward more skill based immigration is what Canada has done, and they are very happy with it. Australia does it. New Zealand does it. Other countries operate their immigration system in this fashion. They still provide immigration slots for refugees, as they always have, and if the United States moved to this system, we would still have humanitarian based immigration as well. We would not end those programs.

We were told that moving the United States to a Canadian or Australian immigration system might happen in this new bill. I was very interested in it because I urged my colleagues last year to have a point system or a merit based system in the bill. Nothing was even discussed about it last year and there was no hint of it in the bill that was offered then. So when I was told it was being considered this year, that presented some hope.

Unfortunately, the merit-based system that actually made it into the bill does not commence in any effective way at the passage of the bill, instead it will not increase the percentage of immigrants who come to America based on skills until 9 years after passage of the bill.

In 2006, employment-based or skill-based immigration made up 22 percent of our immigrant flow. In 2006, we only had 12 percent. So, recently, skill based immigration has made up 12 percent to 22 percent of annual immigration. As I stated before, Canada has 60 percent and Australia has 62 percent skill based immigration.

Under the Senate bill, skill-based or merit-based immigration will make up about 18 percent of the total immigration levels for the first 5 years. That is not even as high as we had in 2005. Then, for the years 6 through 8 after the bill passes, merit immigration will drop to 11 percent of the total annual immigration level, lower than the 12 percent we had in 2006. Even when the

percentage finally increases after the ninth or tenth year, it only rises to as high as 36 percent based on skilled immigration, which is a little more than half of what the Canadian system now has.

I don't think that is a strong enough move, and it is a strong disappointment to me that this is the case.

Mr. President, I see my colleague from Wyoming, the ranking member of the HELP Committee, is here. I will not go on at greater length. I could do so because what I am pointing out to my colleagues today is fundamental flaws in this legislation. It is those fundamental flaws that one or two amendments are not going to fix.

The difficulty we have with amendments is the bill's sponsors, the group that was in the grand bargain coalition, have agreed that anyone who submits an amendment that changes any substantial part of the agreement they reached in secret somewhere without hearings, without input from the American people, will have their amendment voted down. They basically have said that publically and have told that to me personally. They say: JEFF, I like your amendment, I think it addresses a valid criticism. But, we met and we reached this compromise, and I am going to have to vote against it because we made a pact and we are going to stick together to make sure we move this bill through the Senate without any real changes.

That is what they have said on the floor of the Senate. They said: This violates our compromise. I am sorry, Senator, we can't vote for it. They ask their colleagues to vote the amendment down because it is a killer amendment, one that will harm their deal. They claim that if the amendment passes, the compromise will fail, and the whole bill will fall apart. JEFF, we have told you what we are going to do. Take it or leave it. Vote for it or vote against it.

That is fundamentally what has been said, and that is not right. That is not what this Senate is about. If they had a bill that would actually work, I may be irritable with the way it was produced and brought to the floor procedurally, but maybe I would be able to support it. Instead, I can only judge how valuable the bill is based on what it says and whether or not it will work. CBO says it will not work. I believe it will not work. I believe we are going to have another 1986 situation where we provide amnesty without enforcement. I believe we are again going to send a message around the world that all you have to do is get into our country illegally and one day you will be made a citizen.

There is another concern that I have not talked about much so far, but it is critical. I can show you why the Z visa and the legal status that is given to illegal alien applicants 24 hours after they file an application for amnesty will provide a safe haven and a secure identity for people in our country who

are here unlawfully and who are actually members of terrorist groups. The bill provides them, without any serious background check, lawful identity documents that they can then utilize to get bank accounts, to travel, and do potentially fulfill their dastardly goals.

In fact, Michael Cutler, a former investigator with the immigration enforcement agency wrote an article in the Washington Times today titled "Immigration bill a No Go" discussing that very point. In careful detail, he explains the utter failure of this bill to protect us from terrorism.

In addition to stating that the bill would not reduce illegality, CBO also found out it is going to cost the taxpayers. You are used to hearing that the bill will make money for us, help us and make the Treasury do better, all claims that I have strongly disputed. But the way CBO scored the bill this year, it is going to be over \$20 billion in costs in the next 10 years and may be closer to 30, and those costs to the Treasury will increase in the out years. That is because under this system, we are going to legalize millions of illegal immigrants who are uneducated, many illiterate even in their own countries, and statistics tell us that they will draw more from the Treasury than they will ever pay in. I just tell you, that is what they say. And the numbers get worse in the out-years, dramatically worse. In fact, the Heritage Foundation has said, based on the amnesty alone—and I don't know if these numbers are correct but they were done by Robert Rector and he has been known to be very correct on many occasions—based on the amnesty alone, based on the educational levels and the income levels of the people who would be given amnesty, the cost to our country would amount to \$2.6 trillion during the retirement periods of the people who came here illegally and would be given amnesty under the bill.

So that is a stunning number. I can't say with absolute certainty it is correct, but that is what we have been told, and we should be talking about it and studying it. We also know this: The net deficit caused by the bill according to the CBO score will grow each year after the first 10 years. They have said so themselves at last August's Budget Committee Hearing chaired by Senator ALLARD.

Mr. President, I thank the Chair. I hope my colleagues will study this bill carefully. I hope the Senate will reject it, not approve it. I hope we will do a better job in the future.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The senior Senator from Wyoming is recognized.

#### EMPLOYEE FREE CHOICE ACT

Mr. ENZI. Mr. President, I thank the Senator from Alabama for his steadfast effort to inform the Senate and other people about the flaws of the immigra-

tion bill. It is a bill that was put together by a coalition. It didn't go through a committee. I have never seen a bill that passed this body that didn't go through a committee. That is because people put together the bill by bringing together their own pet projects and one saying to the other: I don't like your part, but if you will put my part in there, I will vote for your part and we will stick together to the bitter end. And that is usually what happens to a bill like that, it is a bitter end.

I don't think people are paying attention to their phone calls, their e-mails, and other things they are getting if they stick steadfast with that bill. But that is not what I am here to talk about today.

I am here to voice my strong opposition to the grossly misnamed Employee Free Choice Act. It should be called the Union Intimidation Act.

For generations, this body has faithfully protected and continually expanded the rights of working men and women. Today, however, the proponents of this legislation would do exactly the opposite and would strip away from working men and women their most fundamental democratic right—the right to a secret ballot. That is right. This bill would strip away the right to a secret ballot.

If the Democratic Party stands behind that principle, they should have to change their name. You can't strip away the right to a secret ballot from people of the United States or, hopefully, anywhere in the world. For generations now we have guaranteed to all workers in our country the right to choose whether they do or do not wish to be represented by a union. That is very often a critical decision for most employees, one that entails significant legal and practical consequence. It is a fundamental matter of individual choice and an essential right in the workplace.

Given its importance, we have secured that right through the use of the most basic and essential tool of the free and democratic people—the private ballot. The private ballot is the way those of us who live in a free society select all of those we would ask to represent us. Everyone in this Congress was selected by a private ballot, and American citizens wouldn't have it any other way. That is why it is so astonishing to me the majority is trying to take us to this bill, this Union Intimidation Act.

Under this bill, the rights and safeguards for a private ballot would no longer apply when employees decide whether they want the union to be their exclusive representative in the workplace. It is a very disturbing development when this body, which has no greater purpose than the preservation of our democratic rights, would choose to tell the working men and women of this country that democracy will stop at the factory gate.

To make it even more astonishing, some of the very people now pushing