

are proceeding is fully within the rules of the Senate. It is going to be a rough ride. We are in trench warfare, and it is going to be tough. But we are going to see the will of the Senate work one way or another. I hope, as I said earlier, my colleagues will, on the merits, take a close look at a comparison between the legislation we will produce with the unacceptable, unsatisfactory anarchy we have in immigration law today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, would the Chair report the bill, please.

#### RESERVATION OF LEADER TIME

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

#### COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid amendment No. 1934, of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I appreciate the cooperation of all Senators, those for the bill, those who have some misgivings about the legislation. I think we are at a process here now where I am going to ask unanimous consent that the time between now and 11:30 be for debate only, equally divided between the two managers, and of the minority time, there be 10 minutes for Senator DEMINT, and that following the use of all this time, at 11:30, I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object, the amendment is not yet ready. I would request that the leader keep us in morning business for the next hour. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

#### MORNING BUSINESS

Mr. REID. Mr. President, having heard from my friend from South Carolina, I ask unanimous consent that the time between now and 11:30 be for morning business—we can go into morning business—and the time be equally divided between the two managers; and of the minority time there be 10 minutes for Senator DEMINT—recognizing that people can talk about im-

migration or anything they want during this period of time—and that at 11:30 I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I want the RECORD spread with this: I have told a number of my colleagues who have some misgivings about this legislation that there are no tricks being done. We are just trying to move this legislation along as quickly as we can. If anyone has a problem—as my friend just had—if we can do that, we can always change the process. I am happy to do that. So we are now in a period of morning business with the time controlled by Senator KENNEDY and Senator SPECTER.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent—if I may have the attention of the distinguished majority leader—that of the time allocated to this side of the aisle, that 15 minutes be allocated to Senator HUTCHISON.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that 15 minutes of our time be allocated to the Senator from Virginia, Mr. WEBB.

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

#### IMMIGRATION

Mr. KENNEDY. Mr. President, the Senate today must make a choice. We can listen to the American people and support comprehensive immigration reform or we can ignore their voice and allow a dysfunctional immigration system to continue, at serious risk to our national security.

If we do not choose reform, we will perpetuate a system that allows 500,000 illegal immigrants to enter the United States each year, forces 12 million illegal immigrants to live in the shadows, and fosters a culture of fear and hatred against immigrants.

America demands change. Our bill provides the change the country needs. Change is not easy. There is much to criticize in this bill, but criticism is much easier than rolling up your sleeves and finding a solution.

The American people are growing impatient for a solution. Yesterday, the Washington Post reported that more than 1,000 bills have been introduced in the last year by State legislators fed up with congressional inaction.

States and cities are starting to step in and solve their immigration problems in their own way, regardless of the national interest. We cannot let that happen.

We are the guardians of the national interest. The national interest de-

mands action on immigration. If you are for a national immigration policy, a policy that is bipartisan in spirit and determined to succeed, then support this bill.

This bill contains the toughest and most comprehensive crackdown on illegal immigration in our Nation's history. It enhances our national security through tougher border protections. It ensures that criminals do not enter this country or receive immigration benefits. It prevents undocumented workers from obtaining jobs, and cracks down on employers who defy the law by hiring them.

This bill tackles the essential problem of providing the workers our economy needs. It will allow businesses to recruit temporary immigrants as workers—workers who will return home—if American workers and legal immigrants are not available to fill needed jobs.

This bill will allow families to plan for the future by tackling the plight of 12 million people hidden in the shadows of this country. We are giving undocumented immigrants a chance to earn legal status. People deserve this chance if they pay stiff fines, work for 8 years, pay their taxes, learning English, and go to the back of the line to wait their turn.

The American dream is a story of immigrants. We now have an opportunity to write a new chapter in the story of the American dream—an opportunity to enact tough but fair measures that protect our national security, restore the rule of law, and uphold our tradition as a nation of immigrants.

I look forward to the coming debate. Let's go forward together and achieve genuine immigration reform.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has 26 minutes, of which 15 has been dedicated to the Senator from Virginia.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I want the Senator from Virginia to have his full 15 minutes, and then, if it is agreeable, I will have what is left.

Mr. KENNEDY. Mr. President, I ask unanimous consent that following the Senator from Virginia, the Senator from California be recognized, and the remaining time on our side be allocated to her.

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

Mr. WEBB. Mr. President, I would be happy to yield, at this time, to the Senator from California, and then follow her, if she so desires.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to just take a few minutes this morning—I have spoken about this before—to address the motivations I have behind the amendment I have offered and to express my hopes that our colleagues will support this amendment. I

have offered this amendment in the hopes of helping to save the vote on this bill.

I am well aware there are a number of people in this body who would like to see this bill go down the tubes. I do not share that sentiment. There is a lot of good in this bill. We were given a briefing card yesterday, with which the Presiding Officer, I know, is also familiar, which outlines a lot of the positive aspects in this piece of legislation. It will go a long way toward toughening border security. It will, in a measurable way, toughen employer sanctions. It will create a program that, in my view, is a proper way to deal with the guest worker issue.

The difficulty I have with the present legislation, and the reason I have offered my amendment, goes to the issue of legalization and the notion of fairness in terms of how the laws of the United States are applied.

The second problem I have with this bill is the issue of practicality, when you look at what are called the touchback provisions. We do have, by all estimates, between 12 million and 20 million people who are here without papers. We need to be able to say, openly and honestly, the situation these people are in is a result of the fact they are here in contradiction of American law.

The average American believes very strongly in the notion of fairness when it comes to how we enforce our laws. Of those 12 million to 20 million people, as I have said for more than a year, there are a significant number who have—during a period of lax immigration laws—come to this country, become part of their community, put down roots, and deserve a path toward legalizing their status and toward citizenship.

But to draw the line arbitrarily at the end of last year, to include every single person—with a few exceptions—who was here in this country as of the end of last year, I think violates the notion of fairness among a lot of people in this country. It is one of the reasons we have had such a strong surge of resentment toward the legislation as it now exists.

Under my proposal, those who have lived in the United States for at least 4 years prior to the enactment of the bill can apply to legalize their status. I would like to point out that a year ago, people in this body were agreeing to a 5-year residency requirement. This bill is more generous than the legislation a lot of people in this body and also immigrants rights groups were supporting a year ago.

We then would move into objective measurable criteria which would demonstrate that the people who were applying have actually put roots down in their community through a work history, through payments of Federal and State income taxes, the knowledge of English, immediate family members in the United States. These are not all inclusive. They are the sorts of criteria

which would help to advance the legalization process.

I believe this is fair. I believe people in this country—who traditionally would be supporting fair immigration policies but who are worried about the legalization process in this bill—would come forward and support this bill. We need that support in this country if we actually are going to solve this problem and move forward.

The second part of this amendment goes to the practicality of the present legislation. It strikes the bill's unrealistic touchback requirement. For those who meet the test of having roots in their community and move forward, it removes the requirement that they have to go back to their country of origin in order to apply for legal status.

We know the difficulty a lot of families would have if their principal breadwinner had to leave his or her employment, go back to Manila, or wherever, file papers, leave their family here, and interrupt their job. That is simply impracticable. In many ways, it is a totally unnecessary obstacle.

So this amendment would reduce the scope of people who were allowed legalization to those who have put down roots in their communities in a very fair way that I think Americans will understand, but also would remove the unnecessary impediment of requiring people to go back to their country of origin.

I have heard loudly and clearly from not only Virginians but from people across this country—when I have talked to people about this issue over the past couple of years—that this Congress should find a fair system that, on the one hand, protects American workers and, also, respects the rule of law. This amendment is the fairest method I know to do so, and to do so realistically in order to truly reform our broken immigration system.

I am hopeful this amendment will get support. If this amendment succeeds, I am happy to support the final legislation. As I said, there are many good provisions in this legislation. But under the present circumstances, I think there are many people in this body who have a very difficult time, on the notions of fairness, with the widely embracing notion of all the people who are involved.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to have an opportunity to speak on the bill. I know then Senator HUTCHISON will offer her amendment, and I will have an opportunity at that time, hopefully, to speak against the amendment.

Mr. President, there has been one inescapable truth in all of this. Year after year—

Mrs. HUTCHISON. Mr. President, will the Senator from California—

Mrs. FEINSTEIN. Mr. President, I say to the Senator, I am sorry, I cannot hear you.

Mrs. HUTCHISON. Mr. President, will the Senator from California yield for a question?

How long does she expect to speak on the bill itself before talking about the amendment?

Mrs. FEINSTEIN. For the remainder of the time we have on this side, which is—

The PRESIDING OFFICER. Eighteen minutes.

Mrs. FEINSTEIN.—18 minutes.

Mrs. HUTCHISON. I thank the Senator.

Mr. KENNEDY. Mr. President, parliamentary inquiry: Isn't some of that time Senator WEBB's time?

Mrs. FEINSTEIN. He just spoke.

The PRESIDING OFFICER. He concluded his remarks and left the remainder of the time he had taken.

Mr. KENNEDY. I thank the Senator.

Mrs. FEINSTEIN. For the 14 years I have served on the Immigration Subcommittee of the Judiciary Committee, I have become more and more convinced that what we have is a broken system. To me, the word "comprehensive" means fixing a broken system. The system is broken in many different directions.

In one direction, every year, year in, year out, 700,000 to 800,000 people cross the border looking for hope, opportunity, work, or to reunite with family. They come into this country in an illegal status, and they disappear. There is a portion of our economy that welcomes immigrant labor. They are able to find work. They are able to hide. They are able to falsify documents.

I have personally gone to Alvarado Street in Los Angeles and seen where, in 20 minutes, you can obtain a green card, a driver's license, a Social Security card. You cannot tell the difference between a real and a fraudulent document. The border is broken in that we cannot protect it.

Secondly, it is estimated that 40 percent of the people here illegally are visa overstays. Some go back after awhile. Some never go back. What does this constitute? It constitutes a silent amnesty because these people exist in America. They are able to work in America. Most are never found by authorities. Those who are found are similar to the Munoz family in San Diego.

A few weeks ago, a mother and a father were deported in the middle of the night. They have three American children, the oldest of which is 16. They own their home. They both work. They own their furniture. In the middle of the night, Immigration Naturalization Service comes in, picks up the parents and deports them. This is an actual case—the house is gone, the furniture is gone, the three children are living with an aunt in San Diego. Why? Because they could be found, or because perhaps somebody reported them, but they could be found. But the dominant number of people here illegally cannot be found.

What this bill tries to do is fix the broken border. We fix it with infrastructure. We say this new infrastructure, whether it is UAVs or vehicle barriers or fencing, has to be in place before anything else is done. The bill mandates \$4.4 billion upfront in spending for border enforcement. This money will be used to carry out the enforcement triggers. That is one part of the fix.

A second part of the fix—

Mr. KENNEDY. Mr. President, would the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. KENNEDY. From what the Senator said, therefore, what we are doing on the border is the most extensive border security in the history of this country, No. 1; No. 2, with the—am I not correct on that, that this will be the most extensive—extensive paid-for border security in the history of this country? Am I correct?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, there is no question about it.

Mr. KENNEDY. Secondly, if this legislation doesn't go through, we are not going to have that provision; is that not correct as well?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, that is absolutely true. We will have a continuation of what is, in effect, a silent amnesty.

Mr. KENNEDY. All right. Thirdly, is the Senator saying this is not only an issue on border security, but it is an issue with regard to national security because we don't know who those people are and they disappear into our country, and those who have spoken about national security in this country have urged us to take this action?

Mrs. FEINSTEIN. That is absolutely true. We have no idea who is in this country and who comes into this country illegally. We have no idea who is in this country overstaying their visas.

These are the 12 million people who remain unidentified. This is what we are trying to do: First, fix the border as it has never been fixed before. Second, hire the additional Border Patrol, bringing the total number of agents up to 20,000. Third, fix interior enforcement. Fourth, provide for employer verification documents. No more fraudulent documents. Everybody will have biometric documents to be able to prove they are, in fact, who they are.

One of the big problems is in a category called OTMs, "Other Than Mexicans," coming across the border. Because it is so easy to come in, more and more people from other countries are going to Mexico first and coming up through that border, particularly countries from the Middle East. This represents a serious national security issue.

Mr. KENNEDY. Could the Senator yield for 2 quick questions?

Mrs. FEINSTEIN. I will.

Mr. KENNEDY. So we are talking about not only national security and border security, but the Senator is also

talking about worksite security. We don't have any worksite security at the present time. That is the problem with the 1986 act. We hear a lot of talk about it, but that is the problem.

Is the Senator telling us we will have the most extensive not only border security but worksite security; and beyond that we are going to have 1,000 inspectors to make sure the new security is going to work; and beyond that, for the first time, we are going to have a tamperproof card that will finally give us the opportunity to get control of our immigration system?

Mrs. FEINSTEIN. The Senator from Massachusetts is absolutely correct. This bill has three huge chapters called titles that are devoted to enforcement. It is extraordinarily important, and it isn't going to get done if this bill doesn't pass.

Now, in addition to that, it says—because there is no way to find and deport these individuals because they live in the shadows and because an overwhelming number of them live a life of hard work and want to continue to work and want some hope and opportunity for their family—that if they go through an extensive process—not an easy process, not a process of amnesty in any way, shape or form—as a matter of fact, they feel the process may be too tough because they must go through an extensive period of paying fines. For one person, the fines amount to \$8,500 over the first 8 years. They must learn English. They must show work documents. They must do this periodically. They must pay taxes. They must show documents that they have paid taxes. This is not a pushover by a long shot.

If they can comply with this, they receive something called a Z visa. That Z visa eventually, between 8 and 13 years into the future, will enable them, after everyone now in the green card line—after that green card line is expunged—to get a green card. It is hard. There are many hoops they will jump through. The fines are heavy. But they say they will do it. The dominant majority say they will do it. That means they will be documented. That means the national security problem will end.

Additionally, we are requiring US-VISIT to track people leaving our country so we will know if somebody who is here on a visa actually leaves the country when their visa expires. There is a penalty. If they come back illegally, they will be held and do some jail time prior to deportation.

The bottom line is this bill also incorporates two other bills. One is a bill that has been negotiated between farmers and growers and organizations representing farm labor, such as the United Farm Workers, over a substantial period of time. The reason for this portion of the bill is because agriculture in America is dominantly—perhaps 90 percent—undocumented illegal workers. The reason it is that way is because American workers will not do the job. I know that in California be-

cause we have tried over the years to get American workers to do these jobs.

One day I went out to the Salinas Valley, and I watched row crops being picked. What I saw was the degree to which this is stooped labor in the hot sun but with a skill. These people bring a skill. Agriculture workers have a skill: the way they pick, the way they sort, the way they pack, the way they prune. If you watch them, you see they go from crop to crop. They are not American citizens. They come from other countries. They are the labor that puts our food on the table in the United States of America.

What this bill does is incorporate a closely negotiated bill called AgJOBS, which would allow these workers to become documented and, at the end of 8 years, if they carry out their requirements to continue their agricultural work for an additional number of years, they are then eligible to be first in this line for a green card.

The final part of the bill is the DREAM Act, which recognizes that children, for example, such as the three Munoz children, or other children who are brought here illegally and go to school and earn a degree in college or serve in our military, can earn a green card.

So the bill is a compromise bill as well. People on the other side of the aisle wanted certain things in this bill. People on our side of the aisle wanted certain things in this bill. It was negotiated and the bill was put together. Is the bill a perfect bill? No. Is it a good bill? I absolutely believe that it is. I absolutely believe this Nation will be better off with this bill. Will the Judiciary Committee have to practice oversight? We have Senator KENNEDY, we have the Presiding Officer, and members of the Judiciary Committee. I believe very strongly what we should do is have bimonthly hearings, oversight hearings into the operation and mechanics of the bill, so that as the bill is carried out, if there are tweaks that need to be made, we can make them.

But to fail, at this point in time, is to continue this situation where 12 million remain unidentified, where they pose a serious risk to national security, where 700,000 to 800,000 people will enter our country illegally or overstay their visas over 10 years, with 7 million to 8 million additional people here in undocumented capacity, where 400 to 500 people die every year trying to cross the Mexican border, and where 4 million people will continue to wait for a green card. We take these problems and we try to solve them in this bill.

Now, people who are opposed to the bill say: I don't like this. I am going to vote against the bill. I don't like that. I am going to vote against the bill. Yes, they can do that. Yes, they are entitled to do it, but know what you are doing when you do it. There will be no \$4.4 billion to enforce the border. There will be no additional Border Patrol.

There will be no electronic verification. There will be no biometric documents, and the flow and the silent amnesty will, in fact, continue.

This is our chance. We should not squander it.

Mr. KENNEDY. Mr. President, would the Senator yield for a further question?

Mrs. FEINSTEIN. Certainly. I would be happy to.

Mr. KENNEDY. First of all, I thank her for an excellent review of where we are. This is a continuing process.

The Senator mentioned earlier about the fines and the fees that are going to be charged to the population if they are going to be on the track. After all those who have waited in line gain entrance into the United States, they would be at least on the track toward a green card. That amounts to \$55 billion, is what it comes to?

Mrs. FEINSTEIN. That is correct.

Mr. KENNEDY. That is going to be used in terms of border security. That will be used for border security, worksite security, the development of the biometric card; and \$6 billion of that \$55 billion is going to be used to help to assist States to offset any of the burdens they have in terms of health care and education—\$6 billion is going into that.

Does the Senator agree with me that if this legislation does not go through, that \$55 billion disappears and Americans are still going to want to try and make some progress on that line and it is going to be the taxpayer who is going to pick up the burden? Could the Senator comment on that.

Mrs. FEINSTEIN. I would be happy to. Through the Chair to the Senator from Massachusetts, he is dead right. This is \$55 billion where the people affected by the bill pay for the costs. That is a big thing: \$55 billion will flow to do what needs to be done, whether it is the biometric cards, whether it is the US-VISIT Program, whether it is the infrastructure at the border, whether it is the 5,000 additional Border Patrol; whatever it is in the bill, the fines are very heavy in this bill. Many people—and a reason why much of the immigrant community has become concerned about the bill—is because of the size of the fines. Nonetheless, we can make the argument that this bill will pay for itself, by and large. The fines are stiff to do that.

Mr. KENNEDY. Mr. President, I thank the Senator. Would the Senator also agree with me that the initial bill, without some of the recent amendments—we actually find out through CBO that immigrants add to the economy, and their conclusion—this is the CBO, which is a governmental agency charged to review it—is actually those immigrants contribute \$25 billion more than using over this period of time as well. I am wondering because there has been a lot of talk about whether immigrants add to the country and our society through the payment of taxes. We have the independent Congressional

Budget Office which made that judgment which is included in the record.

Does the Senator not agree with me, in representing a State that has both the wonderful opportunities of people who have worked and contributed to that State, that it is an important contribution that these workers provide for our society?

Mrs. FEINSTEIN. Mr. President, there is no question that that is the case, certainly, in California. We have the largest number of undocumented immigrants, people estimated at between 2 million and 3 million. California is an expanding economy. When you get your gas filled in your tank, when you are served a meal in a restaurant, when you look at who is doing the dishes, the person who is changing the beds in the hotel where you stay, who transports patients in the hospital, who does landscaping in the gardens, sweeping the streets, picking the crops, pruning the crops, working in the cannery factories that dot our State, you see people who are among those 2 million or 3 million people. No question about it.

Mr. KENNEDY. Mr. President, I see the Senator—

The PRESIDING OFFICER. The time controlled by the majority leader has expired.

Mr. KENNEDY. I understand the other half hour is for the Senator from Pennsylvania. The Senator from Pennsylvania intended to yield to the Senator from Texas. I think I can yield 15 minutes to her on his behalf. I think the Senator can probably get more when Senator SPECTER gets back.

The PRESIDING OFFICER. Fifteen minutes have been allocated to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to use 10 minutes. The Senator from California said she wanted to speak against my amendment. I would like to reserve 5 minutes of my time for after her argument, so I can close the discussion on my amendment. I ask unanimous consent that I be allowed to do that.

The PRESIDING OFFICER. The Senator from California no longer has time.

Mrs. HUTCHISON. Mr. President, in that case, I am going to speak on my amendment—

Mrs. FEINSTEIN. Reserving the right to object, is the Chair saying I will not be able to have time to speak against the amendment?

The PRESIDING OFFICER. The Senator's time between now and 11:30 has expired.

Mrs. FEINSTEIN. I see. After 11:30, I would be able to speak against the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. After Senator REID.

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that at some

point between 11:30 and the time we vote, I be allowed to speak for 5 minutes after Senator FEINSTEIN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to talk about probably the most important bill we are going to address maybe in my time in the Senate, certainly in the last 25 years, and in the next 25 years, from a domestic policy standpoint.

There are some good features of this bill. I think we have run into many problems, one of which is it didn't go through committee, which I think everybody agrees has caused there to be so many conflicts and rewrites, and when you adopt an amendment, it changes something else. That should have been done in committee. Another is that this issue hits so close to so many people. So we see objections from all different types of groups, Democrats and Republicans, business groups and labor groups. So it is something that I think now is on the radar screen of the American people. It is something that I think is good that we are discussing because I do believe it is Congress's responsibility to fix this problem. It is a problem that was made in a 1986 act of Congress when amnesty was granted and the law was not enforced. There was no guest worker program that was going forward, so we had illegal behavior and there was a blind eye turned.

Now it is 20 years later, after 1986, and we find ourselves having to deal with the inability to know who is in our country because we have not enforced the laws and we have not had a workable program to provide the jobs that would grow the economy of our country. So here we are, trying to pass a bill that will fix the problems of the past but also to set a standard that says we are not going to have the going-forward capability for someone to come into our country illegally and stay long enough that they will be able to become legal without applying through the processes from their home country.

There are good parts of the bill. I give those who have worked so hard on this bill credit for significant border security increases, for an effort to end chain migration. In most countries in the world, the guest worker green card equivalent ratio is two-thirds workers, one-third family. It is the opposite in America; it is two-thirds family, one-third worker, which is why we have this crisis of needing more workers but not having the capability to bring them in legally in a process that will work. So that effort was made in this bill, and it is one of the important good points of the bill. So I recognize there are good parts of the bill.

The problems in the bill must be fixed if we are going to do this right and deal with the people who are here illegally in a responsible and rational and pragmatic way but also set the

standard that we start now, and will be set through the future, that you must apply from your home country to come into this country to work legally. If we don't set that standard in the bill, we will have another disaster 20 years from now that a future Congress will be trying to fix.

My problem with the bill is the amnesty. Anyone who tries to say it is not amnesty is not being realistic. If you can come to this country, stay, never have to go home and go into the process of legalization and going into our Social Security program, which is allowed in the underlying bill, that is amnesty. So I have an amendment going forward that will try to take the amnesty out of this bill. That is one of the major things I think we can do to make this a bill that could be supported. My amendment would provide that all adult work-eligible illegal people in this country would have the ability to come forward, and they would have 1 year to do it, for a temporary permit while the processing is done on that person's background, and then a temporary card would be given, after which a person would have 2 years to go back to their home country and apply and come in legally to get that Z visa, or that ZA, which is the ag worker visa, legally in our country. It was important.

One of the things we did in my amendment that I think is so important is we treat every work-eligible adult the same way. Whether it is an ag worker, restaurant worker or someone working in a hotel, everyone would be treated the same way if they are in the Z-1 category or ZA category—the workers we are trying to regularize would have the same requirements.

Now, there will be an amendment later that will say just the heads of households would have to go home. That was my original thought. But then how can I say the working spouse of a head of a household could stay here, but the head of household could not? So we set the 2-year timeframe for the people who are adult, work-eligible people illegally in our country—we set 2 years after they have signed up for their temporary permit for them to go home and get regularized, get that final stamp before they come back, and if they do have a homestead here with children, they would have 2 years so that one spouse at a time could go home. To me, that says we are setting the standard today. It will be the standard that we ask people, if they want to have the privilege of working in our country, to do; and we will ask people who want the privilege 10 years from now and 25 years from now to do the same, so that we send the major message, which was the problem we had that created the crisis, that you cannot come to our country and stay illegally and eventually get regularized without ever having to apply, according to the law from your home country. That is what my amendment does.

We do have a modification of the amendment as it applies to agricul-

tural workers because we don't intend to change the sort of different requirements for an ag worker to keep their ag worker visa the same. We have modified our amendment so the basic requirements for agricultural workers, which is somewhat different from the restaurant workers, would stay the same, but the ag workers would have the same requirements that the restaurant worker has, and that is they would have to go home within the 2-year period after they have signed up as illegal and apply from home, or have the ability, if the Secretary designates another consulate as able, to return home to the consulate to take that application that would be done. So we have the SAFE ID, which is going to be the basis of the worker verification system, which will be a tamperproof ID that will have a picture and a biometric signal that can be picked up easily by an employer. It will be an online verification system so the employer can, with ease, determine that the person working is eligible to work.

If we can do this and take the amnesty out of the bill, it is so very important that we set the standard now, so that everybody who wishes to have the privilege to work in this great country will know what the rules are and will know that the rules are going to be enforced. That is the purpose of my amendment.

I believe if we can pass this amendment, it would add a major component to this piece of legislation that would say not only are we going to have border security measures and this effort to end chain migration, have the merit-based system, take care of the H-1Bs and technical workers we want to come in and to attract into our country, that all these things would be done that are good.

But in addition, we are setting the standards today and into the future that if you want to work here, you come in through the system, applying from outside the country.

I hope my amendment will be able to be passed. Having the 2 years after the first year would allow the process to work. Anyone who says we cannot do the processing with all of the consulates that are available in the countries, most of whom are going to be in Mexico or Central or South America—and easily accessible—and also Canada, anyone who says we cannot do that over a 3-year period, I think, is raising a red herring.

I believe it is possible, if we are committed to doing it and committed to the laws of our country that would be adhered to by everyone who comes in.

We must know who is in our country. We must have a guest worker program going forward that will work and accommodate the economy that does need these work jobs that are not being filled.

I hope we can come to an agreement on this bill that we can all support and know that it is right for our country today and it will be right for our coun-

try 25 years from now and that future Congresses will not look back and say: What were they thinking? Why didn't they do what was right for our country? I hope we can do that, Mr. President.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WEBB). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to clarify where we are right now. It is my understanding in the unanimous consent agreement with respect to morning business that the next 15 minutes belongs to the Republican side; that Senator DEMINT has 10 minutes reserved of that time, and then the remaining 5 minutes of that time can be accorded however the Republican side wishes to do; and that the majority leader is coming back on the floor at 11:30 a.m.

The PRESIDING OFFICER. The Senator is correct, 11:30.

Mrs. FEINSTEIN. I thank the Chair.

Mrs. HUTCHISON. Mr. President, let me add for clarification, however, that after 11:30 a.m., I have 5 minutes following Senator FEINSTEIN to discuss as in morning business my amendment.

Mrs. FEINSTEIN. Mr. President, if I may respond to the Senator, it is my understanding that is correct; that following the majority leader, then I will have 5 minutes to respond to Senator HUTCHISON and then she will have 5 minutes to respond to me.

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, as has been noted, I control 10 minutes of the last 15 minutes.

I ask unanimous consent that Senator VITTER be allowed to control the time of the remaining 5 minutes on the Republican side.

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

Mr. DEMINT. Mr. President, I think it would be a good idea that we create a national warning system to tell Americans when we decide we need to do something, even if it is wrong. A few weeks ago, we decided we needed to do something about immigration. A few of the Senators announced on a Thursday that we had reached this delicate compromise and nothing could be changed from this bill. We all found out a few days later that the bill had not been written yet, but over the weekend one version was written, and by Monday, another version had been written. We were told we needed to vote on that bill by Friday.

This bill has been a moving target since it began. It is hard to tell on any given day what is actually in the bill. We were able to convince our leadership to at least go to a second week. But when many of us came down to offer our amendments, consistently there was objection to bringing up additional amendments. When finally the

original bill came to its final day, there were three cloture votes that failed. This bill was put down.

Now we have brought it back. We brought back a bill, just yesterday, a new bill in which we have already found significant flaws the writers didn't know were there. We have problems in the underlying bill, and yesterday we were all waiting down on the floor to get this new amendment, this amendment that is almost as big as the original bill, 373 pages. We were all waiting, and we received it later in the afternoon.

What actually happened was, when we asked that the amendment be read, we had to recess the Senate and go finish writing the bill. But we finally got the bill. It was warm from the copier, 373 pages, after a couple of hours of delay.

When we asked that it be read so we would understand what was in it, we finally got the majority leadership to agree we could have the night to review it, which we greatly appreciate.

Now we have come to the floor, got here at 10 today because we understood the majority leader was going to divide this amendment in this grand clay-pigeon procedure to divide this amendment, only to find out the amendment is being changed, but it hasn't been written. We are waiting on the floor again to get a new version of this amendment, but we don't know what is going to be in it.

It is amazing that something so important that has been talked about on the floor of the Senate, something we have to do, is continuously being revised and rewritten every day. Instead of stopping and getting this amendment in some form we can work with, we continue to press the whole process forward.

Some of us who are critics have been called obstructionists because we don't think this process is fair or that the underlying bill is right for America. We have been called a lot of names, but we can't even get started with a fair process, and we can't start to fix it with amendments if we don't even have it written yet. It is hard to know what the amendments should even be if we don't see what is actually in the bill.

So here we are again. It is going to be offered sight unseen, just as yesterday, when not one Member of the Senate had read it when it was offered. We are going to get a new amendment, probably 400 pages today, that not one Member of the Senate will have read, that we will be expected to bring up and to vote on.

Mr. President, I wish to ask a couple unanimous consent requests. First, we need to stop this moving target and know what we are working with. I ask unanimous consent that it be in order at this time to order the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, then maybe it would be fair to ask unanimous consent that after Senator REID modifies the amendment, that the modification be read.

The PRESIDING OFFICER. Is that a unanimous consent request?

Mr. DEMINT. That is a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Mr. President, it is extraordinary that we are using Senate procedures to actually keep a 400-page amendment from being read.

I ask unanimous consent that when the amendment is modified, when it is broken into these clay-pigeon pieces, that I be recognized to request the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. I am asking for votes. Let's not say later on that we are trying to stop votes.

I also ask unanimous consent that when the Senate resumes consideration of the bill, the pending amendment be temporarily set aside and that all the filed amendments be called up en bloc and that the Senate then return to the consideration of the Reid amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, what I have done in these requests is to show that there is no intent to let this body actually see what we are voting on, which is incredible with such a complex bill; that we are going to bring up an amendment we haven't read, and when we ask that it be read, that request is denied. When we ask for a vote on the underlying amendment, that is denied. When we ask for the yeas and nays, which means you can't voice it, that means eventually we are going to get a vote on the amendment that will be offered today, that is denied.

I wish to make it clear that those of us who don't think this process is fair or that this bill is good for this country, that we have not wanted it to be voted on. But the intent is for these to be modified, just as they have been throughout this process. All these 26-some-odd amendments will be modified minute by minute, hour by hour, so when we come to vote on these amendments, nobody is actually going to know what is in them.

I heard Members say, it is like what we were talking about a couple weeks ago, but we found out this morning when we asked questions about the new amendment that it isn't like what we were talking about a few weeks ago. In fact, there were important amendments that were passed that we were told would be in this bill which have been eliminated by the amendments that have been offered.

We can talk more about this as the process goes forward, but right now I wish to reserve the remainder of my time and yield to Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I truly find this process amazing. We have been told by the master crafters of this bill, who have developed this grand compromise in a relatively small group, that this is a delicate compromise and nothing can be allowed to upset it, certainly not allowing our amendments to reach the floor this week to be debated. So it has to stay exactly like it is.

For that reason, our amendments are being blocked en masse. But at the same time, these crafters of the compromise are changing their bill every half hour. It is a constantly moving target. Just a few days ago, we were presented with a brandnew underlying bill that is 761 pages. In addition, yesterday we were given a huge amendment, really 26 amendments put together, that is 373 pages. We had the audacity to ask that we be allowed to read the amendment and understand it.

After making the clerk read the amendment out loud for some period, Senator REID finally acknowledged that, yes, maybe it would be fair to let us read the amendment. So we recessed for the night. Great. The trouble is, that amendment is out the window. They are now working on a brandnew version that they are trying to present soon. We have no idea what changes are being made to yesterday's amendment to make it today's amendment. It is probably going to be over 373 pages. So our study last night is basically for nought.

That process is not fair. It is patently unfair. We have the right to understand what is before the Senate. We have the right to read it. That is exactly what Senator DEMINT's unanimous consent requests all went to. They were all shot down. They were all denied by the majority. I think it is a patently unfair process.

Let me ask this unanimous consent to at least allow us to digest this brandnew mega amendment, and that is, when Senator REID offers his modified version of this amendment, which we expect will contain many changes from yesterday, including serious and substantive changes, that we have 5 hours as in morning business so that we are allowed to digest the contents of this new amendment. That is the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object, Mr. President, but before I do, I wish to respond. This is not a new bill, this so-called 700 pages. These are amendments packaged together which are subsequently divided. These are amendments which have been around for a substantial period of time. It is true some of them have been modified. Senator HUTCHISON is modifying her amendment. However, we

have had an opportunity to know that and see it and can speak to it. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Reclaiming the remainder of my time, Mr. President, I think this is amazing. We are going to be presented with a brandnew mega amendment fairly soon. It is going to be at least 373 pages, maybe 400 pages, and we are not going to be allowed to read it before this Senate forges ahead debating and possibly voting on it.

I don't understand why we are not offered the opportunity to digest this brandnew mega amendment. Senator REID stood on this floor yesterday and acknowledged it was only right and only fair to give us an opportunity to digest his mega amendment yesterday. The problem is, come this morning, that is out the window. There is a new mega amendment. We have no idea what line has been changed, what paragraph has been changed, what is new language, what is old language. We need a reasonable opportunity to independently digest that amendment, not simply take other people's summaries and word for it when we are presented with this brandnew 400-page amendment.

I will be happy to yield to the majority leader on this point, reserving the remainder of my time.

Mr. REID. Mr. President, I am sorry, I was in a briefing with Admiral McConnell. It is my understanding the distinguished Senator from Louisiana said that minor changes have been made since he looked at the legislation, which I assume he finished this morning sometime. He wants to take a look and see what changes have been made; is that right?

Mr. VITTER. Mr. President, yes, but to do that we have to read the whole new mega amendment, I suggest to the majority leader. It is in that vein and in that spirit that I offered the unanimous consent request, that once the new mega amendment is presented, once that happens, we be in morning business for 5 hours so we may be allowed to read it.

Mr. REID. Mr. President, I object to that.

I would say to my friend, however, that we would be happy to have our staff—they are relatively simple amendments, some with simple word changes—that we would be happy to have our staff, with his staff, show what those changes are. There would be no need to read the whole bill. If you read the whole bill, few changes have been made, and it would be very apparent. So I am sure we can do that, and we can do that with little trouble.

It is my understanding, Mr. President, that the time for morning business has ended.

#### COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

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

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Parliamentary inquiry.

The PRESIDING OFFICER. A parliamentary inquiry is not in order during a quorum call.

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I renew my unanimous consent request that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object.

Mr. REID. Mr. President, he can either object or not object.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I remove my objection.

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

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the distinguished Senator

from South Carolina thought they had 5 minutes left; is that right?

I would ask unanimous consent that he be allowed to speak, and this would be for debate only. Following the using of 7 minutes, I will take the floor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DEMINT. Mr. President, I would like to yield my time to other Senators. I will give 1 minute to Senator VITTER and 4 minutes to Senator SESSIONS.

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

The Senator from Louisiana is recognized for 1 minute.

Mr. VITTER. Mr. President, with the majority leader on the floor, I want to use my brief minute to follow up on my inquiries and frustrations.

Very soon, we are going to be presented with a brandnew version of this mega-amendment, 400 pages or whatever it is. I would like to be allowed some reasonable opportunity to independently study that mega-amendment without having to depend on other people's summaries, and it is for that reason I made the unanimous consent request that we be in morning business for 5 hours once that brandnew mega-amendment is presented.

With that explanation and background, given that the distinguished majority leader recognized that right of ours yesterday, when we were allowed to read the old version of the amendment, I would like to make that unanimous consent request.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. REID. Mr. President, I object. I will use my own time in response to him.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. So as not to use the time of the Senator from South Carolina, Mr. President, there have been a few changes made, but they are very minor. As I indicated to my friend, this is not a new mega-amendment. This is the same amendment which was laid down last night, and people on both sides have had ample opportunity to read this. As I indicated, we would be happy to talk with him and/or his staff, with individual Senators and/or their staff to indicate where the changes have been made and what the purposes of those were. If that is not sufficient, I don't know how I can be more fair than that.

So I will now turn it over—

Mr. VITTER. Mr. President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No, but I just want to make sure it is still under the same time agreement we had before. We add 30 seconds to the time we had given.

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

Mr. VITTER. I would suggest, through the Chair to the distinguished

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.