

One of the key things of an effective immigration system is the US-VISIT exit system. That is not affected in this. I have talked about that some, but I won't go back into that.

I see my colleague from Louisiana here, Senator VITTER. He is an outstanding lawyer who has spent a great deal of his time and energy studying these 700 pages and trying to get the amendment of 370 or so pages so he can study it and help decide what it will do. I see Senator VITTER is here. I am pleased to yield to him 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. VITTER. Mr. President, I thank the distinguished Senator from Alabama.

I want to briefly take the floor to lay out how enormously unfair this process is. I am new to the Senate. Coming here, I had always heard, particularly coming from the House, about the fundamental aspect of the Senate being unlimited debate. I walked through the wrong door, because that is not the case, certainly not the case for me in terms of this bill. It has been exactly the opposite from start to finish.

Why do I say that?

First, we are handed an 800-page bill, given very little time to digest it. Then a few days later, in terms of this latest revisiting of immigration reform, we are handed a 373-page mega-amendment and given no time to digest it. Then some of us demanded the time to digest it by not agreeing to waive the reading of that 373-page amendment. Only because we did that, we were finally given the right to look at the amendment overnight last night. Great. So we come back at 10 a.m. this morning, after working with our staffs to wade through 373 pages of the amendment, only to find out that mega-amendment is out the window. We have a new modified version of the mega-amendment, which we have never seen before, which we were only given a copy of in the last hour. Now we are trying to digest a new mega-amendment. Meanwhile, the procedure is rolling along.

Of course, the majority leader, through this unprecedented use of the so-called clay pigeon, has hand chosen the only amendments that apparently will come up during this debate on the Senate floor. It is not an accident that there are no Vitter amendments. I had plenty filed. None of them are on the list. The majority leader could have chosen any list of amendments. He could have tried to make an effort to have a balanced list to include some amendments of folks such as me who have fundamental reservations with the bill. He did not. There are no Vitter amendments. It is not a coincidence there are no Sessions amendments. There are no DeMint amendments. There are no Cornyn amendments, the person who began this process working with the working group, developing the bill. It is not a coincidence there are no

Elizabeth Dole amendments. All of us have been completely shut out in terms of the handpicked list of amendments.

Then we try to participate in the process again on the Senate floor. I try to be recognized several times to exercise my rights as a Senator. I am shut down again because the majority leader will only recognize me for purposes that he decides, not me, for purposes that he approved of, not me. Basically, I am allowed to debate and nothing more. I am not allowed to offer a motion. I am not allowed to do any of that. It is coming to the point where I am wondering, even if he allows me to say anything, is he going to hand me a script and I will have to read from that?

This is not an open, fair process. This is not the Senate I heard about, with unlimited debate and amendment. Yes, there are unlimited amendments as long as they are approved, apparently, by the majority leader. None of them are my amendments. Yes, there is unlimited debate as long as you agree not to exercise any of your rights as a Senator. You can talk only. You can't make a motion. You can't try to bring up your amendments. You can't do any of that.

That process is fundamentally unfair. I hope many Senators who are still considering how they will vote on cloture will focus on this process. The American people have said loudly and clearly this is an important issue to them. They have also said loudly and clearly, by any poll out there, that they absolutely disapprove of this bill by enormous numbers. For us to move ahead anyway is one thing. For us to move ahead using this process, railroading me, railroading any strong opponent of the bill, is something else. It is patently disgraceful.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the comments of the Senator from Louisiana.

Let me say what I believe is not in dispute. The procedure Majority Leader REID has chosen to utilize is a procedure never before utilized in the Senate. They say: You are just saying it is unfair. Everybody says things are unfair.

The reason this is more than a question of fairness is because it is a transfer, an arrogation of power to the leadership by which, for the first time in the history of the Senate, the majority leader will be able to approve or disapprove whether a Senator gets a vote on an amendment. If one wanted to do that up until this time, since the founding of our Republic, they stayed down here and didn't agree to unanimous consent requests. They stood their guns. It might not be easy, but one could get a vote. They could talk about what they wanted to talk about. But this process by which the leadership will select a limited number of amendments, place them in this clay-

pigeon maneuver and only those amendments get voted on and every other amendment is rejected, is unprecedented in the Senate.

I had a senior Member of the Senate come up to me with some alarm not long ago this morning and say: You need to be able to get amendments.

I don't think we have thought this through. It is dawning on me how significant this is. I said earlier: What would Paul Wellstone say? What would Jesse Helms say? What would other Senators say, individual Senators who are proud of the ability—seldom used, perhaps—they could utilize to raise a point that they believe in, even if everybody else disagrees. That is part of our heritage. It will be eroded if we go through this process.

I know my time is up. I appreciate the personal courtesies of the majority leader. He has always been courteous to me. In this instance, a bad decision has been made. Hopefully it will be rectified in some fashion one way or the other by denying cloture on the legislation.

COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

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

Mr. REID. Mr. President, we have this matter before us. We are going to do our very best to work through it. To remind everyone about this legislation: This bill was taken up. We spent considerable days on the Senate floor. Prior to doing that, of course, we had a debate last year that encompassed much of what we have talked about this year. In addition to that, though, during the time we pulled the bill from the floor—this bill was pending here—of course, we brought that back with the amendments that had passed.

In addition to that, with the concurrence of the President—because the No. 1 complaint that folks on the other side had initially was there was nothing that was going to take care of the border—\$4.4 billion is now in this matter that is now before the Senate, \$4.4 billion to strengthen the border. It does do that. Not only do we spend the money, but we spend it well in this bill. There will be 370 miles of fencing that will be paid for—will not be just talked about—300 miles of vehicle barriers that work extremely well, probably better than the fences. It will now be possible to hire 20,000 new Border Patrol agents. There are 105 ground-based radar and camera towers. There will be a facility with detention beds for people who violate these immigration laws. There will be a place to put them.

It toughens employer sanctions by creating a mandatory employer verification system. It doubles criminal and civil penalties against employers who hire unauthorized workers. Employers can be fined up to \$5,000 per worker for the first offense, up to \$75,000 per worker for subsequent offenses, or they can serve jail time.

Also, as it relates to employer sanctions, it strengthens document integrity by requiring tamper-resistant biometric immigration documents.

And, yes, as the Republican Secretary of Commerce has said, and other administration officials have said, this is not amnesty. In fact, what Secretary Gutierrez has said is that if we do not do something, there is silent amnesty. We are going to move past that.

If someone wants to be on a pathway to legalization, they have a job, they pay taxes, they stay out of trouble, they learn English, they pay penalties and fines. They go to the back of the line, not to the front of the line.

This legislation, very importantly, includes AgJOBS and ends the exploitation of migrant farmworkers and provides them legal status.

The DREAM Act, which a number of individuals worked very hard on—but no one harder than my colleague, the senior Senator from Illinois, Mr. DURBIN—the DREAM Act is to legalize immigrant children brought by their parents to this country through no fault of their own and to allow them to go to college or join the military.

So this is a nice piece of legislation. It is a step in the right direction. We have had 36 hearings since 9/11, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 Senate floor amendments. We have been pretty thorough with this issue.

Mr. President, I yield to my friend for a question, and I would, of course, regain the floor when he completes his question.

Mr. KENNEDY. Mr. President, is it the Senator's understanding with this legislation we will have virtually the strongest border in the history of the United States of America in the Southwest? Is that the Senator's understanding of the effect of this legislation?

Mr. REID. Mr. President, the Senator is absolutely right. He has been on the Judiciary Committee for decades in the Senate. He has been chairman of the Subcommittee on Immigration for decades. He has watched what has gone on. We all recognize what happened in 1986 was not good. It is my understanding the senior Senator from Massachusetts voted against that legislation.

This legislation will correct that. This legislation will put 4.4 billion real dollars—not authorized—in direct funding. We got a signoff from the President to do this. If we did nothing else, zero—for those people who have concerns about this legislation—if we did nothing else other than do this to secure our border, they should vote for this legislation. But there is much more in it. I have given a brief review of the good things in this legislation. It is a good piece of legislation to correct the problem we have.

Mr. President, I would be happy to yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. Does the Senator agree with the Council of Economic

Advisers that said passing this legislation will mean there is \$55 billion—\$55 billion—in fees and in fines that will be paid that will be used to strengthen the border, to enforce worksite enforcement, to make sure we are going to have a tamperproof card, which is essential for any kind of immigration system; and that if this legislation does not pass, that \$55 billion is going to be paid for by the American taxpayer? Does the Senator understand that is the implication of these votes?

Mr. REID. Mr. President, the people who are talking about the negativity of this legislation I do not think understand how good it is. I have talked about the \$4.4 billion. But to think about that: \$55 billion to go toward making our country safer—not our borders—our country safer, and it is not paid for by the taxpayers. It will be paid for by the people who are seeking to change their status.

I think it is a tremendous improvement, a step forward. I think it is so important that the American people not hear all this “some of us have not been on the floor talking about this piece of legislation a lot.” It seems the voices we hear are people who are talking about the process being unfair, that they have not had a right to be heard. Some people complain, “I thought the Senate was different than this.”

Mr. President, for my friends, some of whom are complaining who served in the House of Representatives, this is a fair process. People in the Senate have a right to speak. We have rules that after so much time, when 60 Senators say you talked enough, debate comes to an end. That is where we are in this matter. We are at a point where tomorrow morning cloture will be invoked on this bill. It would be so important that we do that. It would make our country a better country. We need to do this; otherwise, our borders remain porous, with no end in sight.

Mr. President, what is now before the Senate?

The ACTING PRESIDENT pro tempore. Division III of the amendment is currently before the body.

Mr. REID. I thank the Chair.

Mr. VITTER. Mr. President, will the distinguished majority leader yield for a question?

Mr. REID. I will be happy to in a minute.

Division III is an amendment offered by the senior Senator from the State of Missouri. If anyone wishes to speak on that, what I would like to do is ask—not like to do; I am going to do—I ask unanimous consent that there be an hour of time, for debate only, on this amendment; that following that time being used—it would be divided equally between the two managers—following that time being used, I would have the right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I say to the leader, I am going to make about 5 minutes of remarks on it. I have not heard from many other people. I think we could move things along without taking an hour. I do not know if any of my colleagues on the floor wish to speak, but 20 minutes equally divided would—

Mr. REID. Mr. President, I withdraw my unanimous consent request. I appreciate the suggestion of my friend from Missouri. I think it is a constructive one. I, therefore, ask unanimous consent that on the Bond amendment there be 20 minutes equally divided, that this conversation during this 20 minutes be for debate only, that the time be controlled by Senator SPECTER—I am sure he will give his time to Senator BOND—and Senator KENNEDY on our side; and that following the using up of that 20 minutes, I obtain the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Reserving the right to object, as I consider the unanimous consent request, can I ask permission to pose two questions to the distinguished majority leader?

Mr. REID. Mr. President, it is my understanding I have the floor; is that right?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, I would be happy to yield to my friend for a question.

Mr. VITTER. I thank the majority leader. Two questions. One is on the substance of the bill. In particular, on the point you were making regarding funding for enforcement, are you aware of the CRS letter and report which says that \$4.4 billion, or at least much of it, can go to the Z visa and the Y visa program, and that it is not clear at all that the trigger provisions have to be met and that certification has to happen before those funds can instead be used for the Z visa program versus enforcement?

Mr. REID. Mr. President, in response to my friend's question, first of all, at least for the next 18 months, President Bush is our President. His Cabinet officers—two of whom have been heavily involved in this legislation, Secretary Chertoff and Secretary Gutierrez—have confirmed that this money—anything the President has power over through his administration—this money will go to border security, the things I have outlined earlier this afternoon: fencing, vehicle barriers, 20,000 Border Patrol agents, 105 ground-based radar and camera towers, detention beds—and a lot of detention beds, specifically 31,000.

One of the problems we have had at the border is that as our valiant Border Patrol agents grab these people coming across the border, they have no place

to put them. They will now have 31,500—a pretty good holding facility. It will alleviate many of the problems, many of the complaints that our own Border Patrol agents have.

So in response to my friend from Louisiana, the administration assured all of us this money will be used in a manner to make our border more secure.

Mr. VITTER. Mr. President, I ask unanimous consent to have this June 25, 2007, Congressional Research Service memorandum printed in the RECORD because it certainly states clearly that the trigger does not have to be fully met before these funds can go to the Z visa program.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 25, 2007.

MEMORANDUM

To: Honorable Jim DeMint
From: Blas Nuñez-Neto, Analyst in Domestic Security, Domestic Social Policy.

Subject: Trigger language in S. 1639.

This memorandum is in response to your request concerning the trigger provisions in S. 1639, the Comprehensive Immigration Reform Act. Specifically, you asked CRS to analyze whether the \$4.4 billion that would be authorized by the bill to fund the trigger provisions could be used to fund the processing of Y and Z visas. As such, this memorandum will be restricted to a discussion of Sections 1 and 2 of S. 1639. If you have any questions concerning this memorandum, I can be reached at 7-0622.

Section 1 of S. 1639

Section 1 of S. 1639 would establish certain requirements that must be met by the Department of Homeland Security (DHS) before the programs in Titles IV and VI of the Act “that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence” can be implemented.

The Act would make exceptions to this requirement for: the probationary benefits conferred by Section 601(h); the provisions of Subtitle C of Title IV (relating to non-immigrant visa reform); and the admission of aliens under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (as amended by S. 1639).

Prior to the implementation of the majority of the programs in Titles IV and VI, the Secretary of DHS would be required to certify in writing to Congress and the President that each of the following measures (commonly referred to as “triggers”) are “established, funded, and operational.”

DHS has “established and demonstrated operational control of 100 percent” of the land border between the United States and Mexico.

Customs and Border Protection (CBP) has hired, trained, and deployed 20,000 United States Border Patrol (USBP) agents.

CBP has installed 300 miles of vehicle barriers, 370 miles of fencing, 105 ground-based radar and camera towers, and deployed 4 unmanned aerial vehicles to the border.

DHS is detaining all removable aliens apprehended crossing the border illegally, except as specifically mandated by federal or state law or humanitarian circumstances. Additionally, Immigration and Customs Enforcement (ICE) would need to have the resources to maintain this practice, including the ability to detain 31,500 aliens on a daily basis.

DHS has established and is using secure, effective identification tools to verify the

identity of workers and prevent unauthorized aliens from obtaining employment in the United States. These tools should include the use of secure documentation that contains photographs and biometric information on the work-authorized aliens and comply with the requirements established by the REAL-ID Act (P.L. 109-13, Div. B). Additionally, DHS would be required to establish an electronic employment eligibility verification system capable of querying federal and state databases in order to provide employers with a digital photograph of the alien’s original federal or state issued identity or work-authorization documents.

DHS has received, is processing, and is adjudicating in a timely manner applications for Z non-immigrant status under title VI of this Act.

The Administration would be required to submit a report within 90 days of the enactment of S. 1639, and every 90 days thereafter until the trigger requirements are met, detailing the progress made in funding and satisfying each of the requirements outlined above. The Governmental Accountability Office (GAO) would be required to submit a report within 30 days of DHS’ written certification that the trigger provisions have been met concerning the accuracy of that certification.

Section 2 of S. 1639

Section 2 would establish a new account within the DHS appropriation known as the “Immigration Security Account,” and would endow this account with a transfer \$4.4 billion from the Treasury’s general fund. These funds would be available for use by DHS for five years after the enactment of S. 1639 in order to meet the trigger requirements outlined above.

Section 2 further stipulates that, “to the extent funds are not exhausted” in carrying out the trigger requirements, they would be available to be used for any of the following additional activities: fencing and infrastructure; towers; detention beds; the employment eligibility verification system, including funds relating to the State Records Improvement Grant Program outlined in Section 306; implementation of the programs authorized by titles IV and VI; and, other federal border and interior enforcement requirements to ensure the integrity of the programs authorized by titles IV and VI.

This language appears to require DHS to expend the funds in the Immigration Security Account to meet the trigger requirements in Section I prior to funding the additional activities outlined above. DHS would be given the authority to transfer funds from the Immigration Security Account as needed to fund the trigger requirements and the additional purposes outlined above.

DHS would be required to submit an expenditure plan for the Immigration Security Account funds to the Senate Committees on Judiciary and Appropriations within 60 days of enactment, and annually thereafter, identifying: one-time and ongoing costs; the level of funding for each program, project, and activity and whether that funding supplements an appropriated program, project, and activity; the amount of funding obligated in each fiscal year by program, project, and activity; the milestones required for the completion of each identified program, project, and activity; and how these activities will further the goals and objectives of the Act.

Lastly, DHS would be required to notify the Senate Committees on Judiciary and Appropriations 15 days prior to the reprogramming of funds from their original allocation or the transferring of funds out of the Immigration Security Account.

Conclusion

In response to your question concerning whether the \$4.4 billion in funding appropriated under the Immigration Security Account could be used to fund the processing of

Y or Z visas under Titles IV and VI of S. 1639, S. 1639 appears to require that the trigger mechanisms be funded first. Receiving, processing, and adjudicating applications for the Z visa authorized by Title VI of the Act is one of the trigger mechanisms outlined in Section I; this means that funding from the Immigration Security Account could be used for this purpose. Section 2(C) would allow DHS to expend any funds remaining after the trigger mechanisms have been fully funded on certain activities, including the implementation of the programs authorized in Titles IV and VI of the Act. Thus, it appears the funding for the Y visa (and other programs) authorized by Title IV of the Act could only be made available through the Immigration Security Account once the trigger mechanisms had been met. However, S. 1639 does not explicitly stipulate whether the certification required by Section I would have to take place prior to funding being made available for the additional purposes outlined in Section 2(C).

Mr. REID. Mr. President, does my friend have another question?

Mr. VITTER. Yes. The second question for the majority leader is about procedure. I think he understands my frustrations in terms of the procedure we seem to be adopting. Does the distinguished majority leader see any opportunity between now and tomorrow’s key cloture vote for me and like-minded Senators to offer our amendments on the floor versus his handpicked amendments or to be recognized on the floor for reasons of our choosing versus merely being recognized for reasons of his choosing?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, we are in the Senate. We have certain procedures and rules. I have tried to make things as family friendly as possible; that is, Senate family friendly. I say to my friend, during the early days of this legislation, amendments were offered by him and others, some of which got votes, some did not. That is the way the Senate operates. We are now in a process to work toward in the morning when we have a cloture vote.

I think the process is very fair. The people who are managing this legislation, directed by Senators SPECTER and KENNEDY—two of the most senior Members of our Senate—have been as fair as possible for our getting where we are. There are amendments in this procedure we are going through by people who have never supported the bill and do not intend to support the bill. The amendments were arrived at in a way to try to improve this bill. Will all amendments improve the bill? I guess that is in the eye of the beholder.

I say to my friend, the procedure has been set here. I am sorry you are concerned about it. I, frankly, though, think we have been very fair. As a result of that, I would ask my friend if he has an objection to Senator BOND’s suggestion, that we debate this amendment of his—that is debate only—for 20 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving, again, my right to object, I ask unanimous consent to speak for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Is this for debate only?

Mr. VITTER. For debate only.

Mr. REID. I would have the floor as soon as the minute is up; is that right?

Mr. VITTER. That is correct.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the Senator is recognized for 1 minute.

Mr. VITTER. Thank you, Mr. President.

Well, again, I take it from the distinguished majority leader that his answer to my last question is no. Under this process, there will be no opportunity for me and like-minded Senators to offer our amendments. We will only consider his 26 handpicked amendments. Again, he put together that list. He could have included some amendments of folks who have serious problems with the bill. But there are no Vitter amendments on the list. There are no Sessions amendments. There are no DeMint amendments, no Cornyn amendments, no Dole amendments, no Bunning amendments, and we could go on and on. Is that a fair process?

I also ask, is it a fair process for me to only be recognized on the floor of the Senate during this momentous debate leading up to a cloture vote only for purposes of the majority leader's choosing and for no purposes of my own choosing?

With that, I yield the floor.

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

Mr. REID. So the record is very clear, HARRY REID, the majority leader, did not pick the Republican amendments. The Republican leadership picked those amendments. Senator MCCONNELL and I worked the process so that we would be back on the floor. It wasn't done by me; it was done by us.

I would further say, these amendments, Republican amendments in this bill, were not picked by me; they were picked by the Republican leadership. I didn't stand over his shoulder. They chose what they decided to do.

So I ask my friend if he has an objection to my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield myself 2 minutes before yielding to the Senator from Missouri. I do so at this time before hearing from the senior Senator from Missouri to comment about what the Senator from Louisiana has had to say.

When he objects to the procedure where he doesn't have an opportunity

to offer amendments, I would remind the Senator from Louisiana and everyone else that there was a time when we were searching for amendments. I refer specifically to the Thursday afternoon before the majority leader took the bill down on the cloture vote. We sat around for hours looking for amendments, and the people who objected to the bill would not offer amendments, nor would they let anybody else offer amendments. That is why I supported cloture, first to protect the rights of the minority to offer amendments, but then when they would neither offer amendments nor let anyone else offer amendments, I voted for cloture.

So when someone comes to the floor today and objects that they are not being able to offer amendments, I remind them as to what happened and what precipitated this unusual procedure.

As I said earlier, candidly, I don't like this, but it is the lesser of the evils. We don't have any choice if we are going to exercise the will of the Senate on this bill before the recess, because after the 4th of July recess, the Senate is going to be very heavily engaged in appropriations bills and other matters.

Now I yield to the Senator from Missouri. How much time would the Senator like?

Mr. BOND. To the distinguished ranking member of the committee, I would gratefully appreciate 5 minutes.

Mr. SPECTER. The Senator has it.

Mr. BOND. I thank Senator SPECTER and the majority leader for giving me this time.

Mr. President, my part of the division of this amendment, simply stated, will cut the path to citizenship for illegal aliens.

I think most people will recognize that citizenship is the most precious gift America can provide. There are many of us who believe it should not serve as a reward to those who broke the law to enter or remain in this country. The path to citizenship is at the heart of the amnesty criticism of this bill, which we are hearing very loudly in my State and across the Nation. I believe cutting this path cuts out the most severe complaint against this bill.

I supported the Vitter amendment to strike the entire amnesty proposal for 12 million illegal aliens in the country, and that amendment was rejected. Perhaps it was too broad. So my division of the current amendment targets the most controversial aspect of the proposal: the award of citizenship to those 12 million illegal aliens who essentially will stay here—maybe take a 1-day trip—enjoy the benefits of residence, and then can become citizens without having to go through the process everyone else seeking to become a citizen has to go through, which is applying in their home country, and waiting for their time to arrive. Whatever we end up doing for those 12 million illegal aliens, it does not, in my view, require

the further step of granting citizenship.

Those 12 million illegal aliens came to this country to work—to work—without expectation of becoming citizens. We ought to understand that. They came here to work, not to become citizens. Now, more legal aliens will come to this country on a temporary basis to work without the expectation of citizenship. There is no need to grant these people the gift of citizenship when they came here to meet their economic needs. The bill, as we know, puts the 12 million illegal immigrants who comply with its terms on the path to citizenship. Illegal immigrants who pay a fine and pass a security check, learn English, touch back to their home country, and show employment can become legalized under the new Z visa program.

After 8 years, formerly illegal immigrants, now legalized with Z visas, may apply for legalized permanent residence, otherwise known as a green card. As most of us already know, under existing law, once you have had a green card for a certain number of years, you can apply for and receive citizenship.

My division simply will cut off that path, automatically invoked once a green card is bestowed, by preventing those formerly illegal immigrants with Z visas from obtaining green card status and therefore citizenship.

Specifically, my portion of the amendment would strike the contents of section 602 on earned adjustment for Z status aliens, replacing it with a prohibition on issuing an immigrant visa to Z nonimmigrants, which is currently in the bill, and a prohibition on adjusting a Z nonimmigrant to legalized permanent residency, or so-called green card holders.

This proposal of mine would not change any of the bill's requirements to obtain and keep a Z visa, such as a clean criminal record, progressively better English competency, or continued employment. Nor does my proposal change any of the rights afforded to Z visa holders, including work, residency, and travel. Z visa holders would remain in that status as long as they chose. Alternatively—and this is an alternative—Z visa holders could abandon their status, return to their home country and, if they choose, pursue legalized permanent residency and citizenship from outside the country, as any other foreign citizen could.

As I discussed above, I do personally support granting the rights I enumerated for Z visa holders. I supported the Vitter amendment to strip all the Z program provisions. But the Senate had its vote on all of those provisions and we lost. This amendment is the next best thing.

Our immigration system is broken and must be fixed. I support a strong emphasis on border security and enforcing the immigration laws, but we should not hold border security hostage to amnesty. I voted before and

will continue to vote to appropriate more money for funding for border fencing, detention facilities, and border agents. I urge my fellow Senators to support those ways to strengthen and protect our country and our security, but reject rewarding illegal immigrants with undeserved citizenship.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. How much time remains on this side?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes remaining.

Mr. SPECTER. In light of the comments which have been made as to the cost of this program, I think it is important to focus on the fact that the nonpartisan Congressional Budget Office has made a finding that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up any immigration system and the costs of any Federal benefits temporary workers, Z visa holders, and future legal immigrants under the bill would receive. CBO estimates that increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases of mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of \$25.6 billion over 10 years. The surplus will be used to cover costs, including implementing the new program, and a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

I ask unanimous consent that this fact sheet be printed in the RECORD at this point.

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

IMMIGRATION FACT CHECK: CBO REPORT—THE REST OF THE STORY

The non-partisan Congressional Budget Office (CBO) finds that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up the new immigration system and the costs of any Federal benefits temporary workers, Z visa holders, and future legal immigrants under the bill would receive.

CBO estimates increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases in mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of \$25.6 billion over 10 years. This surplus will be used to cover costs including: the costs of implementing the new program; a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

CBO concludes temporary workers, Z visa holders, and future legal immigrants under the Senate bill will have a positive financial impact on Social Security and Medicare.

The temporary worker and Z visa programs will be funded by fees charged to participants, and will not be subsidized by taxpayer dollars.

Z visa holders and temporary workers under the Senate bill must pay income taxes

and are not entitled to welfare, food stamps, SSI, or non-emergency Medicaid.

CBO concludes that with border and interior enforcement provisions, this immigration bill will have "a relatively small net effect on the federal budget balance over the next two decades."

The bill authorizes more than \$40 billion in spending. Assuming all of this spending is appropriated, the bill would produce a net fiscal deficit. However, more than three-quarters of this spending is for enhancements to border security and interior enforcement. These enhancements will benefit the country as a whole and reflect costs that taxpayers currently bear. In addition, revenues generated by new workers under the bill will still cover about half of these enforcement costs.

The bill is an improvement over last year's Senate bill (S. 2611), which CBO estimated would have required a taxpayer contribution of twice the magnitude estimated for this year's bill.

CBO estimates the bill "would reduce the net annual flow of unauthorized immigrants by one-quarter" but admits "the potential impact of the border security, employment verification, and other enforcement measures on the flow of unauthorized migrants is uncertain but could be large."

For the first time, CBO has found that the enforcement provisions of an immigration bill are robust enough to reduce significantly illegal immigration.

CBO notes that, while previous attempts to cut illegal immigration have been relatively unsuccessful, the bill "would authorize significant additional resources as well as a comprehensive employment verification system to deter the hiring of unauthorized workers."

The report also notes that "the implementation of the new guest worker program and the provision of visas to the currently unauthorized population could occur only if the Secretary of DHS certifies" that certain enforcement measures are in place.

BACKGROUND ON THE BIPARTISAN IMMIGRATION REFORM BILL

The bill commits the most resources to border safety and security in U.S. history.

Temporary worker and Z visas will not be issued until meaningful benchmarks for border security and worksite enforcement are met. These triggers include: increasing border fencing, increasing vehicle barriers at the Southern border, increasing the size of the Border Patrol, installing ground-based radar and camera towers along the Southern border, ensuring resources are available to maintain the effective end of "Catch and Release" for every non-Mexican apprehended at our border, establishing and putting in use a reliable employment eligibility verification system.

The bill recognizes that enforcement alone will not work to secure our border and meet the needs of the U.S. economy. The temporary worker program will help immigration enforcement officers control the border by creating a lawful and orderly channel for foreign workers to fill jobs that Americans are not doing.

Mr. SPECTER. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. We have, as I understand, 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. I yield 5 minutes of that to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, and I thank the Chair.

First, let me make a comment about the process here. On the other side of the aisle we have heard people stand up and try to use every procedural obstacle they can to kill the bill. They want to kill the bill. What this Chamber ought to be about is trying to find solutions to those huge problems that face our country, whatever those problems may be, including the issue of immigration.

They have said this process is somehow unfair. Well, when I look at how much time this Chamber has spent dealing with the issue of immigration, I think there has been ample time for people to talk about and debate this issue over the last 2 years. Since 9/11—since 9/11—the Senate has had 36 hearings on the issue of immigration—36 hearings. Since 9/11, there have been 6 days of committee action with respect to immigration. Since then, there have been 59 committee amendments on immigration. Since then, there have been 21 days of Senate debate—21 days of Senate debate on immigration, and 92 Senate floor amendments—92 Senate floor amendments.

So for those who want to use procedure to kill this bill, they are wrong in making the case that they have not been heard. There has been ample time and opportunity to hear their arguments, and that has gone on time and time again. It is time we in the Senate get down to business and fix the problem of immigration for our country.

Secondly, this is a good bill. It may not be a perfect bill, but we can't let the perfect be the enemy of the good. This bill toughens border security. It does it by making sure that the \$4.4 billion is there for border security, 370 miles of fencing, 300 miles of vehicle barriers, 20,000 Border Patrol agents, and it goes on. It doubles employer sanctions to make sure we can enforce our laws here in our country through a variety of different means, and it also makes sure that we develop a realistic and tough solution to the 12 million undocumented workers who are here in America. Those who are part of a "round them up and deport them" crowd are being unrealistic because of the costs involved and the difficulty in ultimately fixing the problem we have. So we have come up with the right kind of solution that punishes them, fines them, puts them to the back of the line, and allows them to come out of the shadows of this society and into the sunlight.

Finally, we can't forget the human values at stake in this debate on immigration. In this picture we see Army SPC Alex Jimenez. He was deployed for a second tour in Iraq. He has been missing in Iraq since May 12. We have found some other of his personal belongings. But as he is in Iraq missing in action, his wife was being questioned

by ICE in our country, in America, because her immigration status was undocumented. Now, is that the American way? Is that the American way, to have one of our soldiers missing in action in Iraq, with his wife concerned about her immigration status here in the United States of America?

What this demonstrates to me is we have a system of chaos and disorder here in America. We need to fix the problem. This Chamber can fix the problem. I hope we will stand behind the solution we are bringing to the floor today.

I yield the floor.

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

Mr. KENNEDY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. KENNEDY. If the Chair would let me know when I have 1 minute.

Mr. President, maybe we could take a moment and look at those words that are written in stone right above the Vice President's chair there: *e pluribus unum*, meaning one out of many. One out of many. That is the desire, that is the hope, that is the dream of this country: one out of many.

Many come from different traditions, backgrounds, and experience, but we all are one country with one history and one destiny—not with the Bond amendment, not with the Bond amendment.

The lines written at the Statue of Liberty are:

Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door!

That is right, as long as those individuals are working and who will never become citizens, who will never have that right to become a part of the American dream, and once you stop working, out of the country you go. Better gather up all of your belongings, because you are going to be out of status, and out of status means you can be subject to deportation.

You can imagine what that individual is going to say to their employer when the employer says: Sure, you have worked 40 hours. You work 50 hours, 60 hours, and bring your wife in and make sure she works overtime this week as well; otherwise, you are out of status. You are out of here.

That is what the Bond amendment would do to Americans. One America that has rights and privileges, and to a second group in America they say: Once we wring out of you the last bit of sweat that you can give to some employer, you are finished, you are out of status, you are deportable.

That isn't what this country is about. Maybe we don't like the fact that people are not satisfied with the regime we have given or recommended in this legislation that says: You go to the back of the line. You came here be-

cause you wanted to work, because you wanted to provide for your family; you came here, and you are at church on the weekends; and you came here and your son or daughter is serving in Iraq or Afghanistan. But we say: OK, you go to the end of the line, pay a fee, learn English, and you have to demonstrate that you are working and you are going to become a good American. That isn't good enough for some.

Well, Mr. President, this creates the two Americas, which I think all of us understand is not what this Nation is about. That is the result of the Bond amendment, and I think it would be a major step backward. We can imagine the resentment and hostility that will seethe and grow with generations that come with their families when they see them exploited. Talk about a danger and social dynamite in our society, this amendment will breed that. We don't need that or want it, Mr. President. We should not have it. I hope the amendment is not accepted.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, how much time remains on my side.

The ACTING PRESIDENT pro tempore. There is 1½ minutes remaining.

Mr. SPECTER. I yield that time to the Senator from Missouri.

Mr. BOND. Mr. President, my colleague from Massachusetts made a very powerful statement on behalf of those who came here, but he kind of forgot an important distinction. There are those who come here legally and those who come here illegally. We are talking about the illegals. With the argument so forcefully and persuasively made by my colleague from Massachusetts, if you took that argument to its end result, then there should not be immigration laws. We should not have a process for going for citizenship because anybody who wanted to come in could.

We have changed those laws. We have provided laws, and the people we are talking about have come here illegally to work. If they wanted to become citizens, there is a process. If they join the military, I strongly believe they should become citizens.

But if they come illegally just to work, then they have not earned citizenship like all of the others do, like my ancestors and the ancestors of almost every Member of this body. We are all immigrants, but we did not come here illegally and expect to get citizenship. Therefore, Mr. President, I strongly urge my colleagues, if you believe there is a difference between people who come legally and people who come illegally, to support the Bond division or proposal, vote against the motion to table.

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

Mr. KENNEDY. Mr. President, we have broken borders. The 1986 act had no enforcement mechanism, and that was under a Republican administration. We are not bringing that up. We

have 12½ million immigrants. You can say we are going to ship them back, and it will take \$250 billion and 25 years to be able to do it. Buses will stretch from Los Angeles to New York and back again. Are we going to do that? No, we are going to take another route and just exploit them and not do what is in this legislation, which makes them pay a fine and demonstrate that they are going to work hard and learn English and provide for their family and give something back to America, like they do when their sons and daughters serve in Iraq and Afghanistan. You will be able to stay here under the Bond amendment, but you are going to work for an employer. When you get tired of working, we are going to report to the INS that you are out of status, and out you are going to go, lock, stock, and barrel. It will be just sweat labor here.

We are going to have two Americas. You may not like our solution, but it is preferable to this alternative, which will create a permanent underclass. I think it would be a mistake.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader is recognized.

Mr. REID. Is all time expired?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. All time is expired.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

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

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—56

| | | |
|-----------|------------|-------------|
| Akaka | Feinstein | Murray |
| Bayh | Graham | Nelson (FL) |
| Bennett | Hagel | Obama |
| Bingaman | Harkin | Pryor |
| Boxer | Inouye | Reed |
| Brown | Kennedy | Reid |
| Brownback | Kerry | Salazar |
| Cantwell | Klobuchar | Sanders |
| Cardin | Kohl | Schumer |
| Carper | Kyl | Smith |
| Casey | Lautenberg | Snowe |
| Clinton | Leahy | Specter |
| Collins | Levin | Stabenow |
| Conrad | Lieberman | Voinovich |
| Craig | Lincoln | Warner |
| Crapo | Martinez | Webb |
| Dodd | Menendez | Whitehouse |
| Durbin | Mikulski | Wyden |
| Feingold | Murkowski | |

NAYS—41

| | | |
|-----------|----------|---------|
| Alexander | Barrasso | Bond |
| Allard | Baucus | Bunning |

| | | |
|-----------|-----------|-------------|
| Burr | Ensign | McConnell |
| Byrd | Enzi | Nelson (NE) |
| Chambliss | Grassley | Roberts |
| Coburn | Gregg | Rockefeller |
| Cochran | Hatch | Sessions |
| Coleman | Hutchison | Shelby |
| Corker | Inhofe | Stevens |
| Cornyn | Isakson | Sununu |
| DeMint | Landrieu | Tester |
| Dole | Lott | Thune |
| Domenici | Lugar | Vitter |
| Dorgan | McCaskill | |

NOT VOTING—3

| | | |
|-------|---------|--------|
| Biden | Johnson | McCain |
|-------|---------|--------|

The motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, my friends, Senators VITTER and DEMINT and SESSIONS, have asked a number of questions during the day, and they are valid questions, but I feel it is appropriate to respond. The way I will respond now is with a letter I wrote in response to the letter they wrote to me a few days ago. This letter is dated June 25:

DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS and DEMINT: Thank you for writing to me earlier today about my effort to bring the comprehensive immigration reform bill back to the Senate floor.

As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators, including Minority Leader McConnell, Republican Conference Chairman Kyl and Judiciary Committee Ranking Member Specter, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.

The so-called "clay pigeon" procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator McConnell. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of the President's top priorities.

I respectfully disagree with your assertion that I intend to "shut off the debate" and that the procedure in question will "silence amendments instead of facilitate their debate." On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.

Moreover, your claim that the Senate will only debate amendments which I "hand select" is plainly untrue. The dozen or so Republican amendments that will become pending to the bill have been selected by the Republican leadership, not by me.

In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator McConnell and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by

many Republicans and endorsed by President Bush.

I signed it, Senator REID.

Mr. President, what is the matter now before this body?

The PRESIDING OFFICER. Division IV is now pending.

Mr. REID. What I would like to do, Mr. President—this is the Dodd amendment—I would like to ask, as I did with the prior amendments that have come up today, I ask unanimous consent for debate only; that we start with 1 hour, equally divided, to debate this amendment, and then following that, I would be recognized to do whatever I felt appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. And I would like to ask the majority leader's—

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. REID. The Senator from Louisiana is not recognized. I have not given up the floor.

Mr. President, it is my understanding—

The PRESIDING OFFICER. The majority leader, please.

Mr. REID. It is my understanding the Senator from Louisiana objected; is that true?

The PRESIDING OFFICER. Did the Senator from Louisiana object?

Mr. VITTER. I am reserving my right to object, and I was trying to gain recognition, and I believe I did gain recognition.

The PRESIDING OFFICER. The Senator is acknowledged but not recognized.

Mr. VITTER. Then I ask that the record be read with regard to whether I was recognized or not.

The PRESIDING OFFICER. It is a misstatement that the Senator was recognized. There is a unanimous consent request pending.

The majority leader.

Mr. REID. Mr. President, I would ask my friend to object, if he cares to, and then I would be happy to enter into a dialog with the distinguished Senator from Louisiana.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. I would like to enter into that dialog on two points.

Mr. REID. Mr. President, first of all, I would be happy at this time to yield to my friend from Louisiana for 2 minutes for the purpose of a question, and then I, of course, would have the floor following the termination of those 2 minutes.

Mr. VITTER. I thank the majority leader, and simply two points, quickly.

First, with regard to the statement the majority leader just made and the letter he read, let me end the debate. Let me stipulate for the record that Senator MCCONNELL is not being railroaded and President Bush is not being railroaded. I am being railroaded and my allies on the floor of the Senate are

being railroaded. So we will end that debate and stipulate that for the record.

Second, with regard to your last unanimous consent request, I would love to agree to it if it can be modified so that my rights on the floor of the Senate are also preserved—specifically so that I can be recognized for 2 minutes for any purpose.

Mr. REID. I could not agree to that, Mr. President, so I would certainly object to that.

Now, we had in the last amendment that was laid down, I thought, a very sensible debate. People were able to offer their opinions as to the merits. In fact, it was a good debate. Senator BOND was advocating his position, and Senator KENNEDY and others were advocating against that. My question to the Senate now is, Could we have the same procedure? I have suggested 1 hour equally divided, which would be for debate only, and following that period of time, I would be recognized.

I ask, Mr. President, unanimous consent that request be back before the Senate at this time.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. I am sorry. Oh, there you are. I would be happy to yield for a question from my friend from South Carolina for up to 2 minutes, and then I would get the floor back.

Mr. DEMINT. I thank the leader. I would just ask that I have the opportunity, as you did, to read the letter that I wrote, along with a number of other Members, in response to your response to us. It is just a few paragraphs. I ask unanimous consent that we be allowed to put in the RECORD our particular response to what you read.

Mr. REID. Go ahead.

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

Mr. DEMINT. Thank you.

DEAR SENATOR REID:

Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to "overcome the tactics of a small number of Senators." This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every Senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, "the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs." If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of Senators who oppose this immigration bill, but hundreds of Senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

That is signed by Senators VITTER, DEMINT, SESSIONS, ELIZABETH DOLE, and I think several others on another page.

I thank the majority leader for allowing us to read the letter.

Mr. REID. Mr. President, I would ask unanimous consent to have printed in the RECORD the letter I wrote, along with Senator DEMINT's—that both appear in the RECORD, Senator DEMINT's first, with mine following that.

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

U.S. SENATE,

Washington, DC, June 25, 2007.

Re: Unprecedented floor procedure will harm the United States Senate as an institution, and will diminish the senatorial powers of each individual member.

Majority Leader HARRY REID,
U.S. Senate,
Washington, DC.

MAJORITY LEADER REID: We write to express serious concern regarding the potential use of an unprecedented procedure to place the Senate immigration bill's floor amendment process under your sole control. Our understanding is that you are considering the introduction of a specially crafted amendment with 20 or more carefully selected parts, known as a "clay-pigeon" amendment. By exercising your priority right of recognition, you can divide the amendment into its parts and fill all available amendment slots with issues that you hand select. All Senators who have amendments to the bill that were not selected will be completely shut out of the floor amendment process.

Because you have priority right of recognition over all other Senators, you are the only member that can use a "clay-pigeon" amendment to limit the rights of the other 99 members in this body. To our knowledge, all previous uses of a "clay-pigeon" amendment have been to preserve the rights of mi-

nority members who sought votes on amendments the majority wanted to block.

Your use of the "clay pigeon" to shut off the debate and amendment process will be the first time in history this procedure has been used to silence amendments instead of facilitate their debate. Undoubtedly, such a procedure would significantly undermine the U.S. Senate's reputation as the greatest deliberative body on earth. We ask you to announce publicly that you will not allow such a procedure to be invoked on this critically important legislation.

This immigration legislation is critically important to the American people. The public is becoming increasingly aware of a number of serious problems with the bill, and, like all legislation, this bill would only benefit from the sunlight of a free, open, and transparent amendment process. Without a fair, open, and robust debate to improve this bill, the public's confidence in Congress will continue to erode.

Sincerely,

JOHN CORNYN.
DAVID VITTER.
ELIZABETH DOLE.
JEFF SESSIONS.
JIM DEMINT.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, June 25, 2007.

Hon. JOHN CORNYN,
Hon. DAVID VITTER,
Hon. ELIZABETH DOLE,
Hon. JEFF SESSIONS,
Hon. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS AND DEMINT: Thank you for writing to me earlier today about my efforts to bring the comprehensive immigration reform bill back to the Senate floor.

As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators including Minority Leader MCCONNELL, Republican Conference Chairman KYL and Judiciary Committee Ranking Member SPECTER, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.

The so-called "clay pigeon" procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator MCCONNELL. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of President Bush's top priorities.

I respectfully disagree with your assertion that I intend to "shut off the debate" and that the procedure in question will "silence amendments instead of facilitate their debate." On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.

Moreover, your claim that the Senate will only debate amendments which I "hand select" is plainly untrue. The dozen or so Republican amendments that will become pend-

ing to the bill have been selected by the Republican leadership, not by me.

In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator MCCONNELL and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by many Republicans and endorsed by President Bush.

Sincerely,

HARRY REID.

U.S. SENATE,
SENATE STEERING COMMITTEE,
Washington, DC, June 26, 2007.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to "overcome the tactics of a small number of Senators." This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, "the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs." If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of senators who oppose this immigration bill, but hundreds of senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican Leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate, shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

Sincerely,

JIM DEMINT.
JEFF SESSIONS.
DAVID VITTER.

ELIZABETH DOLE.

Mr. REID. Mr. President, I will say that his letter makes our argument. Of course there were more than 60 who voted against proceeding on that legislation. That is precisely why we are back on this legislation, because a significant number of those 60 came to me and Senator McCONNELL and said that we need to bring this bill back and we need to have amendments heard. So I think the letters speak for themselves.

Finally, let me say this. Would the Senator from Louisiana or South Carolina—I asked for 1 hour—would they agree to 30 minutes equally divided on this amendment, for debate only?

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I can inquire of the distinguished majority leader and explain to him, through the Chair, that my objection does not rest on the time period; it rests on my rights on the Senate floor being shut down.

So I would again ask if the unanimous consent request can be modified to allow me to exercise my rights on the Senate floor—specifically, to have a mere 5 minutes on the Senate floor to be recognized for purposes of my choosing, not merely for purposes of the majority leader's choosing?

Mr. REID. So is there objection?

The PRESIDING OFFICER. Does the leader so modify his request?

Mr. REID. No, I would not do that.

Mr. VITTER. Regrettably, I must continue my objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Thank you very much.

Mr. President, my objection to the request comes from the fact that we are here as a result of the Republican leadership coming to me. And I am glad to be here, but we are here because, as everyone will recall in the first go-round, we had seven votes from the minority. We needed more than that. Everyone realized that. And in an effort to do that, we have these amendments which have been brought before this body. It is a fair process.

I just think my friends from South Carolina and Alabama and Louisiana have made their point, and I think we have made our point, also. This is a process which we are trying to move. Why are we trying to move it? Because immigration is in need of fixing.

Mr. President, it is my understanding the Senator from Arizona wishes to ask me a question, and I will be happy to yield to my friend for a question.

Mr. KYL. Mr. President, I have a question for the majority leader. Do I understand that currently the pending business before the Senate—or will be pending—is a motion to table the Dodd amendment; is that correct?

Mr. REID. I say to my friend that we have really no alternative. That is the process we are in. So the answer is, I would think there would be a motion to table made if we can't resolve this debate issue.

Mr. KYL. Also, just for the purpose of propounding a unanimous consent request, Mr. President, my thought would be, given the fact we are about to vote on an amendment, it would help the body, obviously, to have a brief explanation of that amendment. I wonder if the body would agree to give the Senator from Connecticut 5 minutes to explain his amendment, for 5 minutes on this side, for me or—

The PRESIDING OFFICER. The Senator from Arizona does not have the floor and cannot make that request.

Mr. REID. I would be happy, Mr. President, because of the suggestion of my friend from Arizona, to make a unanimous consent request, so that people better understand this amendment, that the Senator from Connecticut be recognized for 5 minutes, the Senator from Arizona be recognized for 5 minutes, and then following that, the Senator from Pennsylvania would be recognized for purposes of making a motion.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, may I ask if that can be amended to allow the Senator from Louisiana 30 seconds—30 seconds—to gain the floor for purposes of my own choosing rather than the majority leader's choosing?

The PRESIDING OFFICER. There is objection.

Mr. REID. Is there an objection to the request I made?

Mr. VITTER. Regrettably, because I am being shut down, I will continue my objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

VOTE ON DIVISION IV OF AMENDMENT NO. 1934, AS MODIFIED

Mr. SPECTER. Mr. President, I move to table the Dodd amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—56

| | | |
|-----------|----------|-----------|
| Alexander | Coleman | Feinstein |
| Allard | Collins | Graham |
| Barrasso | Corker | Grassley |
| Bennett | Cornyn | Gregg |
| Bond | Craig | Hagel |
| Brownback | Crapo | Hatch |
| Bunning | DeMint | Hutchison |
| Burr | Dole | Inhofe |
| Byrd | Domenici | Isakson |
| Chambliss | Dorgan | Kennedy |
| Coburn | Ensign | Kyl |
| Cochran | Enzi | Lott |

Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts

Salazar
Sessions
Shebby
Smith
Snowe
Specter
Stevens

Sununu
Tester
Thune
Vitter
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Durbin

Feingold
Harkin
Inouye
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez

Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden Johnson McCain

The motion was agreed to.

The PRESIDING OFFICER (Mrs. MCCASKILL). The majority leader.

DIVISION V, WITHDRAWN

Mr. REID. The next amendment up is the Kyl amendment. Is that true?

The PRESIDING OFFICER. Division V.

Mr. REID. Is that Kyl? I withdraw it. The PRESIDING OFFICER. The division is withdrawn.

Mr. REID. What is the next amendment pending?

The PRESIDING OFFICER. Division VI.

DIVISION VI OF AMENDMENT NO. 1934, AS MODIFIED

Mr. REID. Madam President, we have been moving through these. We have a number more to go. What I have tried to do—

Mr. VITTER. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. REID. No, I do not. I yield to my friend for a question, if it is short. Does my friend have a question?

Mr. VITTER. Yes. I would like to ask the leader if what happened, where apparently we withdrew one of the sub-amendments, takes unanimous consent or any consent?

Mr. REID. No, it does not take consent.

Mr. VITTER. I would like to ask for clarification from the Parliamentarian and what the effect is on that amendment?

Mr. REID. I would direct a question to the Chair. It is my understanding that I have the right to withdraw that amendment.

The PRESIDING OFFICER. The Senator does have a right to withdraw division V.

Mr. VITTER. Thank you for the opportunity to ask the question.

Mr. REID. Madam President, during the time that we were in the well during the last amendment, I was told by my friend from New Jersey that he had a question he wanted to ask me. We want to move on. I certainly will try to get a time agreement on it. We haven't been too successful on that in the past. I would be happy to yield to my friend

from New Jersey for a question if, in fact, he still has one.

Mr. MENENDEZ. I appreciate the majority leader yielding for a question. My question to the majority leader is—

Mr. KENNEDY. Madam President, can we have order? These amendments are important and the Members deserve to hear the Senator.

Mr. MENENDEZ. My question to the majority leader is: Is it his understanding that the next amendment that is up in the divisions is the Menendez-Obama-Feingold amendment that would, in essence, give the right to U.S. citizens and U.S. permanent residents the ability to be able to claim their family under the new point system that is envisioned under the bill, where that point system would, in fact, allow for up to 10 points, out of a 100-point score, to be subscribed on the basis of—

Mr. VITTER. Madam President, I have a parliamentary inquiry: Regular order.

Mr. MENENDEZ. With an understanding that in doing so it does not guarantee a family member ultimately being able to achieve a visa but would, in fact, give them a fighting chance under the 100-point system to at least have the ability—

Mr. VITTER. Regular order. The Senator is not asking a question.

Mr. MENENDEZ. And would also give them the wherewithal at least to have a fighting chance to come in under our visa system.

The PRESIDING OFFICER. The Senator from New Jersey must ask a question.

Mr. MENENDEZ. I was asking a question, Madam President. I am asking the majority leader for his understanding.

Mr. REID. I understand the question. I will respond to it right now. He started it, if you read the RECORD, he asked me if I understand what his amendment does. I do understand what it does.

A brief summary, Madam President. This legislation comes up with a point system. The point system—

Mr. VITTER. Madam President, regular order. The Senator is not responding to a question, he is making a statement; he is engaging in debate.

Mr. REID. Madam President—

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. I have a right to make a statement. Back to where I was before I was so rudely interrupted.

Madam President, I understand the question. In this legislation which has been worked on, as I have indicated, 36 hearings, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 floor amendments, one of the questions a number of us had and have is: What does it do for family reunification? And no one has spoken out more on that issue than the Senator from New Jersey, Mr. MENENDEZ.

The question he asked me is about the amendment. Now a point system

has been set up where the process has been used over these many months coming up with this legislation to give various points to different parts of the immigration process.

Now, what my friend from New Jersey and others feel would be appropriate is that out of a 100-point system, 10 points would be allocated to someone for family reunification. I understand the amendment. There is more to it than that, but that is a synopsis. That is what the amendment does. It recognizes the importance in America of family. It recognizes the importance in immigration of family.

Madam President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—55

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

NAYS—40

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

NOT VOTING—5

| | | |
|-------|---------|---------|
| Biden | Johnson | Sanders |
| Hagel | McCain | |

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, under the order that is before the body, there is time that has been allocated to the

distinguished junior Senator from Alabama. I would ask the Chair how much time he has under the order?

The PRESIDING OFFICER. Forty-seven minutes.

Mr. REID. Madam President, I had a conversation during the vote with the Senator from Alabama. I ask him at this time, would this be an appropriate time for him to use the 47 minutes or any part thereof?

Mr. SESSIONS. Madam President, I will be pleased to use 30 minutes now, and will reserve the remainder of my time, if I could.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Alabama be allowed to speak, for debate purposes only, for the next 30 minutes, and that following that, I be recognized to obtain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, we are in the process of dealing with a very important issue. A number of our colleagues—in some ways dismissive, I think, of the concerns of the American public—refer it to as an emotional issue. I think it is more than an emotional issue. I think it is a serious issue that requires our serious concern. It requires that this great Senate, on a matter of tremendous importance to our Nation and to our constituents, do it correctly.

I love my colleagues who met to try to write this bill. I believe their hearts were correct. But they are not law enforcement officers. They have not investigated and prosecuted cases. They apparently were inundated with information and ideas, and so forth, from special interest groups and others.

I have said I wish the American people had been in the room. I wish the head of our Border Patrol association had been in the room or perhaps the chief of Border Patrol during President Reagan's tenure or the chief of Border Patrol during former President Bush's tenure. All of those people, including the current chairman of the association of retired Border Patrol officers, have criticized this bill in the most severe manner, saying it is a slap in the face to people who followed the law, saying it will not work, saying the 24-hour name check is not going to work at all, and will not provide security to our country, that it will actually be a benefit to terrorists. I am not saying this; they said this. It would be a benefit to terrorists. One called it the "Terrorist Relief Act," or something to that effect.

What I want to tell my colleagues is, the professionals who deal with these issues absolutely oppose this legislation. Now, we can dismiss that. Maybe you talk to somebody from some news outlet or talk to somebody from some business group or some activist organization, and maybe you have a different view. But the people who enforce the laws every day oppose this legislation.

They do not believe it will work. I suggest it will be demoralizing to them.

Our own Congressional Budget Office has analyzed the legislation. We have them for our use. We rely on that organization. It operates under the Speaker of the House, NANCY PELOSI, and the majority leader here, and all of us. It is a bipartisan group. But the Congressional Budget Office has analyzed our current law and concluded that if current law is not changed, we will have 10 million more illegal immigrants in our country in the next 20 years. We have 12 million now, maybe 20 million. But we would have 10 million more under current law. They say if this legislation were to be passed, we would have some reduction of illegality at the border—not much—but we would have an increase in visa overstays because we have so many temporary guest worker programs going on, and the net result would be that this Nation would only have a reduction of 13 percent in the illegal flow of immigrants into our country. Indeed, there would be 8.9 million more persons illegally in our country 20 years from now than today.

Now, what does that say about my good and well-intentioned colleagues who are trying to tell us all that the thing is going to work, that if you do not pass this amnesty, if you do not give these benefits to people who came here illegally, then you will not get enforcement?

Well, we are not getting enforcement, everyone. The bill does not provide enforcement—not in any significant way that would allow us to proceed effectively.

We had hearings in our committees that dealt with the question of the impact of large numbers of foreign workers on the wages of American workers. It is not, I think, subject to dispute. At the current rate we are going, at the current rate of immigration, legal and illegal, wages of lower income Americans are being adversely affected. Professor Borjas at Harvard, who has written a most authoritative technical book on immigration at the Kennedy School, has said it has brought down the wage of low-income workers 8 percent. That is a lot. That is a lot, an 8-percent decline in wages. In many areas, it could be even greater than that, I suspect. It is pretty understandable that it would happen. If you bring in more cotton in this country, if you bring in more cotton, you will have a lower price for cotton. If you bring in corn, you will have a lower price for corn. If you bring in large amounts of labor, it will pull down the value of a working man's hourly wage. So I am concerned about that.

My colleagues have said a number of times that by getting this—Madam President, there is a little bit of a buzz.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SESSIONS. So we have a number of questions that cause us concern. I talked about wages. Let me mention the rule of law.

Our Nation is founded on law. Edmund Burke, when he talked about reconciliation between the Colonies and the King, asked that there not be a war against the Colonies. He said: They follow us in law. He even said: I understand the Colonies have more copies of Blackstone's Commentaries on the law than they have in England.

We have always been a nation of laws. It is our strength. We should not create a system that will not restore that law, even at our borders; otherwise, we are going to have a difficult situation.

Under this bill, we carefully looked at the number. I don't think anyone will dispute it. The level of legal immigration will double—double the amount of legal immigration. That is a number I don't think most Americans understand. I think they are worried about the current level, which is at about the highest this Nation has ever had—highest by far in real numbers we have ever had—and it is going to double, without any reduction in illegal immigration. So this is a bargain, a grand bargain we should not take. If we do, I think we will regret it because the American people are not going to be happy with us.

By the way, the polls continue to show that our constituents overwhelmingly oppose this legislation. A decent respect for our own constituents, even if we might think them wrong, on an issue of this importance where they are so decidedly hostile to this legislation suggests we ought to slow down and listen to them and talk with them about what their concerns are and make sure when we go back home and campaign and seek reelection, we can look them in the eye and say: I heard your concern, and I fixed that concern, or I believe the legislation answers your concern.

But here we have a completely new bill that has been plopped down on the Senate floor, first with over 700 pages, and then I guess last night there was a 370-page amendment, and that had so many errors in it that even the sponsors themselves have plopped down another amendment of 403 pages. They want to vote that through right away. I don't think that is what we owe our constituents.

They say: Well, we have had 2 years of debate, and all that. We had a bill last year that was quite different from this one. It had some things in it better than this one. I thought this year's bill was going to be better, and said it was better several times, but it actually—as I have studied it, I am not sure it is any better. It is weaker in a number of different areas. For sure, it is weaker in a number of different areas. So that is a matter we should consider as we go forward with this legislation. I think we ought to give careful attention to what we are doing.

I want to address one more very important matter that very fine Senators have raised. They have suggested one of the best things that is going to be

happening with this legislation is everybody will be given an identification, and the Nation will be safer for that. Therefore, even if the bill is not perfect and has lots of problems, let's vote for it anyway because it has that in it. Let me share some thoughts with my colleagues on that issue.

Michael Cutler, who is a retired INS—Immigration and Naturalization Service—senior agent, participated in a press conference last Thursday at the National Press Club. It focused on the grave threat to national security the immigration bill represents. He also authored an op-ed in the Washington Times last Friday entitled "Immigration Bill a No Go." This is an experienced INS agent. He focused on the security question in the bill: Does it make us safer? This is what he said. I doubt our good friends who met in secret and wrote this bill asked his opinion, but this is what he says after reading it:

If a person—

Let me quote:

If a person lies about his or her identity and has never been fingerprinted in our country, what will enable the bureaucrats at the USCIS—

That is who will be checking his 24-hour background—

the bureaucrats at USCIS to know that person's true identity? If the adjudicators simply make a fictitious identity through a computerized database, they will simply find the name has no known connection to any criminal or terrorist watch list.

What is the value of that? Remember, we are talking about a false name. There is absolutely no way this program would have even a shred of integrity and the identity documents that would be given these millions of illegal aliens would enable every one of them to receive a driver's license, Social Security card, and other such official identity documents in a false name. Undoubtedly, terrorists would be among those applying to participate in this ill-conceived program. They would then be able to open bank accounts and obtain credit cards in that false name. Finally, these cards would enable these aliens to board airlines and trains even if their true names appear on all of the various terrorist watch lists and no-fly lists. That is why I have come to refer to this legislation as the "Terrorist Assistance and Facilitation Act of 2007."

Do you get it? Unless you already happen to be fingerprinted and you come here and you are a known terrorist and you give a false name with some false electric bill, they will give you this temporary visa and you get an ID then. Before, if you are illegal, you would have a hard time getting a bank account or a Social Security card or a driver's license. Now, you are given one. You can travel all over the country with no problems. That is what he is saying. So in many ways, it is going to facilitate a dangerous situation.

How about this gentleman, Mr. Kris Kobach, a former Department of Justice attorney under Attorney General Ashcroft, who specialized in the Department of Justice in terrorism and immigration issues and who has spoken out often and is a college professor

now. He agrees with Mr. Cutler. He posted an article on the Heritage Foundation Web site titled "The Senate Immigration Bill: A National Security Nightmare." He says:

The bill will make it easier for alien terrorists who operate in the United States by allowing them to create fraudulent identities with ease. Supporters of the Senate's comprehensive immigration reform bill have revived it under the guise of national security. However, the new public relations campaign is a farce. The bill offers alien terrorists new pathways to obtain legal status, which will make it easier for them to carry out deadly attacks against American citizens. The top priority in this bill is extending amnesty as quickly and as easily as possible to as many illegal aliens as possible. The cost of doing so is to jeopardize national security.

That is Mr. Kris Kobach who has testified before Congress a number of times, former Assistant Attorney General specializing in immigration and national security issues.

So I urge my colleagues to look at this bill because we don't need to pass a piece of legislation that we can't defend to our constituents, that we cannot tell our constituents with confidence it will make them safer. It will reduce illegality dramatically at the border 13 percent; 80, 90, 95 percent is the goal we should have to reduce illegality, and that should be the beginning point. We can get there. We don't need to pass a piece of legislation that is going to double the legal flow, not reduce the illegal flow, and end up having the wages of Americans further diminished by this incredibly large flow of low-skilled, low-wage workers. We don't need to further erode the morale of our Border Patrol officers and erode American confidence in the rule of law.

Those are my thoughts. I hope we will give this serious consideration as we make our judgment tomorrow about whether we should proceed. If we don't proceed tomorrow, that is not the end. Of course, we are going to consider this bill and this issue—continue to consider it. Polling data suggests the American people, what they want us to do, is to take incremental steps focusing on enforcement.

Why don't we just do that? We might could get that done. That would be what I suggest.

Also, one more time, I urge my colleagues to give the most serious consideration to the procedure by which we are moving forward with this legislation. People have said it is unfair. I think it is unfair, but it is more than unfair. It is a historic departure from the traditions of the Senate. The leader of this Senate is arrogating to himself the ability to approve every single amendment that is voted on. No amendment can be voted on the leader does not approve. That is the way this clay pigeon has been set up. That has never been done before. Any Senators willing to come down here and battle and hold out and not give up can get his amendments up and voted on. I think it is a matter that most of us

haven't fully comprehended yet. I think Senators who are proud of the great ability of individual Senators, when they feel strongly about an issue—it doesn't happen often—but they can stand up and make sure their amendments get voted on, and they have an opportunity to speak.

Madam President, I reserve the remainder of my time and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, it is my understanding that the distinguished Senator from Alabama has about 27 minutes in the time that has been ordered; is that true?

The PRESIDING OFFICER. He has 28 minutes.

Mr. REID. I am also of the understanding, having spoken to the ranking member of the Finance Committee, Senator GRASSLEY, that Senator SESSIONS is at this time willing to give him part of the time he has been allocated for debate only on this matter.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes.

Mr. SESSIONS. Madam President, I will yield up to 10 minutes to the Senator from Iowa.

Mr. REID. Yes, Madam President.

Mr. SESSIONS. I understand this would be time allotted to me. The Senator does still have his entitlement to speak on his amendment when that appropriate time comes.

Mr. REID. It is my understanding that the Senator from Iowa is going to take 10 minutes of the time of the Senator from Alabama for debate, and if we have an opportunity to debate his amendment, of course, he can speak on it.

Mr. KYL. Reserving the right to object, if this is a unanimous consent request, I have comments to make in opposition to the amendment of the Senator from Iowa and would like to be afforded an opportunity to do so. So if the agreement is to afford time to one side, but the other side won't get an opportunity to speak, then I will object to that. I hope we can work something out where I would get at least 5 minutes. The Senator from Iowa should have time to debate his amendment, but I want time to respond.

Mr. REID. Madam President, I can handle the issue dealing with the Senator from Iowa because that is simply time the Senator from Alabama is giving him. As to the amendment itself, I know how strongly the Senator from Arizona feels on this amendment. He has explained that to me. He knows what we have been going through trying to get people the opportunity to speak. The only thing I can do now is

ask unanimous consent that the time of the Senator from Alabama, which is 10 minutes, be allocated to the Senator from Iowa for debate only, leaving the Senator from Alabama, at a subsequent time, 17 or 18 minutes.

Mr. SESSIONS. Reserving the right to object, under the circumstances and the nature of the amendment, I am prepared to yield 5 minutes to the Senator from Iowa from the balance of my time.

Mr. REID. I think that is very fair. I thank the Senator from Alabama.

I propound a unanimous consent request that the Senator from Iowa be recognized for 5 minutes from the time given to the Senator from Alabama and 5 minutes to the Senator from Arizona for debate only.

Mr. SESSIONS. No, I object, Madam President. If the Senator is going to be speaking on his amendment, it is not mine. I don't like his amendment. I am going to give him 5 minutes out of courtesy. I am disappointed that the Senator from Arizona would not be able to respond.

Mr. GRASSLEY. I don't care if I speak. Let's forget all this. I can speak some other time. I would like to say why I ought to have debate on my amendment. If I don't talk about the substance of the amendment, can I talk about why I ought to be able to bring up the amendment?

Mr. SESSIONS. The Senator from Iowa looks at me. The majority leader won't allow you to speak. I was trying to give you 5 minutes.

Mr. GRASSLEY. Would you mind if I said why I ought to be able to bring my amendment up?

Mr. REID. I say to my friend from Iowa, I have been trying all day to allow people to speak to their heart's content. I have had objections. At this time, I have no objection to you speaking for a reasonable period of time and the Senator from Arizona speaking for a reasonable period of time. You can talk about your amendment, and he can talk about why he doesn't like your amendment. Forget about the Senator from Alabama. He reserved his 28 minutes.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes for debate only, and following his remarks, I ask that the Senator from Arizona be recognized for up to 10 minutes for debate only and following their remarks, that I be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized for 10 minutes and then the Senator from Arizona for up to 10 minutes.

Mr. GRASSLEY. Thank you. I am not going to talk about the substance of my amendment. I want to remind people before the amendment comes up that, No. 1, I was promised by the Senator from Pennsylvania and, in turn, his talking to the Senator from Massachusetts, that I would have an opportunity to offer an amendment. Now I

have that opportunity to offer the amendment, so that promise has been kept. I have tried to clear it with my Republican colleagues who have been objecting all afternoon so that they would not object to my efforts to offer and debate my amendment. So I hope you realize it doesn't do much good to make a promise for me to offer my amendment if I don't have an opportunity to debate the amendment. That is the first point.

The second point is that I should not even be here having to offer this amendment. If you go back to that Thursday afternoon in April when there were rump sessions in S. 219, I was invited by some of the people to the rump session who were working on this compromise—to come in and offer a compromise on Social Security identification, employer identification, or verification. I went to that meeting and sat there for a long time and explained a compromise. I had no objections to the compromise at that particular time, but 3 weeks later, the document comes out and it is not the compromise I had presented, which I assumed was agreed to. That doesn't surprise me because going back to January or February, Senator KYL had met with me and some other people, because this is in the jurisdiction of the Finance Committee—we have jurisdiction over IRS and over the Social Security system—saying that they were very strongly in favor of having something that went way beyond protecting the privacy of Internal Revenue tax records and Social Security information and were hellbent on going down a route of giving the Department of Homeland Security any sort of information they want, not within the tradition of protecting the privacy of income tax records.

So that is why my amendment is being offered, because I am going back to that compromise which I presented to the committee in the rump session back in April which I thought was OK. I find out now that it is not. That is why I am going to offer my amendment.

How much time do I have?

The PRESIDING OFFICER (Mr. OBAMA). Seven minutes 50 seconds.

Mr. GRASSLEY. Mr. President, I am going to speak generally about the legislation before us.

There is some concern that I have expressed—not so much on the floor but in other public comments I made—that I am one of about 22 or 23 Members of the Senate who were here in 1986 when we passed amnesty, as is in this bill as well. I was one of those Senators who voted for amnesty at that particular time. At that particular time, we had maybe 1 million to 3 million people cross the border illegally and who were here illegally. We all thought—and there have been plenty of references to statements made in the CONGRESSIONAL RECORD 20 years ago—that if we were to adopt amnesty, it would settle this problem once and for all, do it once and

for all. You know, I believed that. But do you know what I found out maybe 5 or 10 years ago? When you reward illegality, you get more of it. Now the guesstimate is that we have 12 million people here illegally. They are not illegal people, but they came here illegally.

I think I have an obligation to consider the votes I made before and, if they are wrong, not make that mistake again. You know, it is a little like the chaos you would have if you didn't respect and enforce red lights and stop signs. You would have chaos at intersections and accidents. Wherever you don't enforce the rule of law, those are the things that happen. You need social cohesion, and social cohesion comes from respect for the rule of law in our country.

So it seems to me that, as we go down this road, what we ought to do is concentrate on legal immigration, the reforms we are bringing to the H-1B program, the reforms we are bringing in the way of a temporary worker program. People would rather come here legally rather than illegally, I believe. I know it is not very satisfying to people to hear that we have 12 million people in the underground. The point is that if people could come here legally to work, they would soon, one by one, by attrition, replace people who are here illegally, I believe.

I am not one who wants to make that mistake again. That is why I am weighing very heavily the issue of what we do with amnesty or what other people who don't like the word "amnesty" would say is earned citizenship, guest worker program, those sorts of things that are covering up really what we are doing.

I say if it walks like a duck and it quacks like a duck, it is a duck. If it looks like amnesty, it is amnesty. That is the bottom line. We ought to learn the lesson that in 1986 it didn't work. I don't think it will work now. I am 73 years old, so obviously I am not going to be here 20 years from now when we have another immigration bill. But I should not make that problem so that a successor of mine has to deal with 25 million people being here illegally as opposed to the 12 million now or the 1 to 3 million before.

I yield the floor and whatever time I didn't use I will retain or whatever is done with the surplus.

Mr. REID. Why don't you just yield it back?

Mr. GRASSLEY. I reserve my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized at this point for 10 minutes.

Mr. KYL. Mr. President, may I be notified after 5 minutes so I might yield time to Senator KENNEDY?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Iowa. He was absolutely assured by people on our side that he would be al-

lowed to bring up an amendment, and I am glad we have been able to do that. He certainly should be afforded that right.

With that said, however, I can't match his opposition to the bill with his amendment. If you want to assure that the bill will not work, then adopt the Grassley amendment. It substitutes the existing title III in the bill, which is a very good title to ensure employee verification, with a potpourri of provisions that, frankly, look a lot like the status quo and will not ensure that employees are adequately checked to ensure they are entitled to be employed.

For example, the Grassley amendment provides that none of the current employees are checked. In other words, the only people who have to be checked are future employees, so all the people working today, including all the illegal immigrants working today, don't have to be checked under the Grassley amendment.

Secondly, amazingly, the only way to physically verify that the person seeking the job is, in fact, the person with the identity entitled to be employed is with a photograph. Nobody is proposing that we fingerprint people to get jobs, and that leaves the photograph as the best identity document. The bill provides that either a passport with a photograph or a driver's license with a photograph be the document. You have to verify that the person standing in front of you is the person to whom the document has been issued and the rightful owner of the Social Security number he has given you.

The Grassley amendment does not require that a photograph be used in the identification process. This is one of the first things that was recommended by the 9/11 Commission, to have a secure document with a photograph with which you can confirm identity.

Third, and this is amazing, and I honestly don't understand why this would be in the Senator's amendment, but it gives foreign temporary workers the right to file legal complaints against employers who hire American workers instead—basically, to file a discrimination complaint based upon the fact that they were not hired.

Current law does not permit temporary workers to file these complaints. The basic bill would not allow workers to file these complaints. But the amendment does this by eliminating current laws that prohibit temporary workers from filing a discrimination claim based on immigration status.

Next, one of the key things we did after 9/11 was to ensure that Government agencies could share information with each other. When we determined the best way to ensure people are legally eligible to work, we quickly understood that we had to have sharing of information from the Social Security Administration, from the Department of Homeland Security, even, in some cases, from the Internal Revenue Service. Unless these agencies are able to

share the information with each other when we access the databases, we are not going to know for sure whether the individual is entitled to be employed. What the amendment provides is that after 5 years, the information-sharing provisions are sunsetted.

None of these are really calculated to ensure that we can have a good employee verification system. They undercut that system and, as a result, they would weaken our ability to ensure employee eligibility to work.

Finally, in some cases, we have employers who are violating IRS rules because they don't report income. The underlying bill allows the IRS to identify those employers and go after them. This is one of the things the American people are upset with today, that we are not going after employers who are violating the law, who commit tax violations in hiring unlawful workers. The underlying bill allows us to do that. The amendment doesn't allow us to do that, and I don't understand why.

The bottom line is that title III of the underlying bill is a very good, strong provision supported on a bipartisan basis to ensure that we can verify the eligibility of workers to be employed.

Title III, unfortunately, is weakened dramatically by this Grassley amendment which would in all the five ways I indicated undercut our ability to verify employment.

Mr. President, I reserve the remainder of my time and yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Arizona has explained the technical provisions of this legislation very well, but I want to underscore a very important difference. And that is how each system will treat their workers.

If there is some glitch in the system, under the legislation before us, under the existing law, the worker should be able to continue to work and can continue to work until ultimately there is a determination by a court that the worker should not be confirmed. The decision being appealed is called a non-confirmation. If there is a glitch in the system—and we understand there are going to be a number of glitches in the system, but this was a provision that we took a considerable amount of time to make sure that workers who are going to be caught up in the system, if there is a glitch in the system, they will still be able to continue to work until there is a real indication of trouble. They will continue to work, unlike the proposal of the Senator from Iowa.

The amendment of the Senator from Iowa says that if there is found to be some glitch in the system, they will have a legal case, but they will have to demonstrate—this is the test: that the government's conduct has either been negligent, reckless, willful, or malicious. The employee will have to demonstrate one of those qualities, which

means they have to go out and get a lawyer. They will be let go, and they will have to go out and get a lawyer and go through the whole legal process in order to recover some damages. There is a large difference.

I believe the underlying provisions which have been included—this is it, and I agree this is one of the most important provisions in the legislation. We want employer enforcement. That has to be a part of it. Tough borders that are going to be enforced and legality in the workplace, and the only way we are going to have legality in the workplace and also protection for the workers is the underlying bill.

The bill requires SSA to begin issuing only fraud-resistant, tamper-resistant, wear-resistant Social Security cards within 2 years. This will help prevent counterfeiting and identity theft by undocumented workers. The Grassley amendment has no comparable provision. It only requires that the worker give an employer a Social Security number rather than presenting an actual card.

If we are serious, and I think all of us in this body, are serious, about dealing with the undocumented, we have to have tough worksite enforcement, and we are also going to have to have tamper-proof cards. I think this moves us in that direction in a very positive and important way.

As I say, most importantly, at a time that we are going to go into this transition, how are the workers going to be treated, and really there is a dramatic difference between how those workers are going to be treated under the proposal we put forward under the existing bill and under the Grassley amendment.

For these reasons, I hope his amendment will not be accepted.

The PRESIDING OFFICER. The Senator from Iowa retains 3 minutes.

Mr. GRASSLEY. Mr. President, I have 3 minutes left, I have been told. First of all, I think the Senator from Massachusetts was doing a good job reading from a letter Secretary Chertoff sent to me. I sent back a rebuttal letter, and I would like to provide the letter for the Senator from Massachusetts to read. It is a point-by-point rebuttal of what is wrong with Secretary Chertoff's analysis of my amendment.

One of the criticisms that Senator KYL gave against my amendment is we are not going to force employers to look through 160 million workers to find illegal workers. Let's look at the basic legislation. The legislation legalizes people who are here already illegally. So if they are illegally working, and this bill legalizes them, don't you see how ridiculous it is that we are going to tell people to go out and find people who are here illegally when the bill has already legalized them?

The second point is that we eliminate the requirement of a photograph for identification. My amendment requires every U.S. citizen to present a passport

or driver's license and every noncitizen to present a legal permanent resident card or work authorization card. Each of these documents is required to contain an individual's photograph.

Moreover, my amendment requires workers to submit their passport number, driver's license number, or employment authorization number in addition to their Social Security number through the employment verification system. Without that information, there is no guarantee that Homeland Security will be able to contact the issuing agencies or determine which document was issued. This is the very same problem that has prevented Homeland Security from utilizing Social Security Administration data in the past.

My amendment further requires the Social Security Administration, the State Department, and the State departments of motor vehicles to establish a reliable and secure method to allow the Department of Homeland Security to verify the identity document of each issuing agency.

On another point Senator KYL made saying it eliminates after 5 years the information sharing among Government departments, which is critical to making this work, a sunset is standard practice when we compromise the protection for the individual taxpayer, that the taxpayer's income tax information will be private so that, like President Johnson and President Nixon, it cannot be used to violate your privacy for political reasons. That is why that law was passed.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters regarding this issue.

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

U.S. SENATE,

Washington, DC, June 22, 2007.

Hon. MICHAEL CHERTOFF,
U.S. Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: We are again disappointed that you have written another erroneous and misleading letter regarding our amendment to Title III of the immigration bill. However, we appreciate the opportunity to explain why our amendment provides a more cost effective and administratively feasible employment verification system.

(1) Your letter states that "employers have no independent obligation to resolve no-match problems . . . (DHS) could only ask employers to resolve no-match problems." This statement reflects a fundamental misunderstanding of our amendment. Our amendment establishes criteria to determine mandatory participation in the employment verification system with respect to current workers. Current workers identified by DHS would be verified through the employment verification system in exactly the same manner as newly hired workers.

The purpose of an employment verification system is to prevent unauthorized workers from using fraudulent Social Security numbers (SSN) or misusing legitimate SSNs to obtain employment in the United States. This goal is accomplished by comparing the name and SSN submitted by the worker to the records maintained by the Social Security Administration. Regardless of whether

this comparison occurs when a worker is hired, or when a worker's W-2 is processed, the result is the same.

Our amendment requires every employer to verify every newly hired worker through the employment verification system. According to Bureau of Labor Statistics data, more than 60 million workers would be verified each year through this process. In addition, under current tax law, every employer must submit an annual W-2 for every worker. According to Social Security Administration data, more than 160 million workers will be verified each year through this process.

Requiring every employer to verify every worker through the employment verification system would merely duplicate the results of verifying every worker through the W-2 process. If the names and SSNs match in one case, there is no reason to believe they won't match in the other case. In order to avoid needless duplication, our amendment allows DHS to obtain data through the W-2 process and thereby identify every worker using a fraudulent SSN, or misusing a legitimate SSN. The employers of these workers would be required to utilize the employment verification system to verify each of these workers.

(2) Your letter states that under the version of Title III supported by DHS "we will be relying on electronic verification . . . [to prevent] . . . illegal employment. Your amendment does not require equivalent security measures." This statement reflects a fundamental misunderstanding of our amendment. Our amendment requires workers to submit their Passport number, driver's license number, or employment authorization number (as applicable based on citizenship status) in addition to their Social Security number through the employment verification system. It further requires SSA, the State Department, and state DMV agencies to establish a reliable and secure method to allow DHS to verify the identity documents issued by each agency. Thus, DHS will be able to determine when identity documents are fraudulent or when more than one person is using the same legitimate document.

Our amendment differs from the approach envisioned in the version of Title III being supported by DHS. The approach being advocated by DHS would require employers to verify the photo on every identity document presented by every employee at the time of hiring. This represents an unnecessary and overly burdensome requirement for workers and employers. Our amendment would allow DHS to generate a tentative nonconfirmation whenever the identification number does not match agency records, or when the same number appears multiple times. In such cases, the employee would be required to resolve the tentative non-confirmation with the issuing agency.

(3) Your letter states "The need for no-match information . . . will not disappear in five years." Our amendment provides DHS with the ability to independently verify SSNs, state driver's license numbers, and U.S. Passport numbers. There is no reason to believe continued access to SSA no-match data will be necessary once DHS has fully implemented the employment verification system. However, should continued access be needed, we would fully support an extension of the 5-year limitation, provided DHS meets its obligation to protect and properly use this confidential taxpayer data.

(4) Your letter states that we ". . . misunderstand the current bill . . ." There is no misunderstanding on our part. The current version of Title III supported by DHS states "An employer may not terminate an individual's employment solely because that indi-

vidual has been issued a further action notice . . . [or] . . . reduce salary, bonuses, or other compensation . . ." The comments in our previous letter referred to individuals who are issued a "final nonconfirmation," not a further action notice. Moreover, your letter states ". . . the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations." This statement is true only with respect to a further action notice. The current version of Title III supported by DHS does not require employers to pay workers who appeal a final nonconfirmation. In contrast, our amendment protects workers throughout the entire appeals process.

(5) Your letter states we oppose the requirement that employers resolve no match letters ". . . because the letters are not sent to every single employer." That is not correct. We oppose the no-match requirement because it is ineffective and unenforceable. DHS would have no knowledge of who received a no-match letter. Moreover, employers could continue to rely on the current flawed I-9 process to "resolve" their no-match letters. Our amendment would allow DHS to readily identify every single employer with a no-match, and target those with the biggest problem for worksite enforcement or accelerated participation in the employment verification system.

Thank you for providing us with the opportunity to explain our amendment. We stand ready to work with you to create a more effective and feasible verification system.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 21, 2007.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I received your June 20, 2007 letter regarding my concerns that your amendment to the immigration reform legislation represents a serious step backward in our worksite enforcement effort. I must respectfully disagree with your statement that your amendment "would improve Title III." On the contrary, reading your response to my letter underscores my initial concerns, for the following reasons:

(1) Your letter acknowledges that under the Grassley-Baucus-Obama amendment, employers need not use the Electronic Employment Verification System (EEVS) to find out whether their existing employees are working legally except "when there is evidence to suspect unlawful employment." Under your amendment, employers have no independent obligation to resolve no match problems, and the Department of Homeland Security (DHS) could only ask employers to resolve no-match problems if DHS already had enough information to begin an investigation. But if DHS has enough information to begin an investigation, it should not ask employers for their help. The value of verification is that it generates evidence of unlawful behavior. It is odd to say that DHS must have evidence of potential wrongdoing before utilizing the best means of uncovering this wrongdoing in the first place.

DHS has no intention of asking employers to act as police. The EEVS is a convenient nondiscriminatory but powerful tool that will bring violations to DHS's attention without imposing heavy burdens on employers. We should not impose arbitrary limits on its use.

(2) As you observe, the current bill requires that only secure licenses and identification cards be accepted after 2013. In the meantime, we will be relying on electronic

verification as the principal means of identifying identity fraud and preventing illegal employment. Your amendment does not require equivalent security measures. In view of the widespread industry specializing in production of fake documents, I believe that your amendment keeps us and innocent employers vulnerable to such documents and weakens the protections against identity theft.

(3) We all agree that DHS should have access to the "no-match" information that both the current bill and your amendment allow. Our difference arises from the fact that the Grassley-Baucus-Obama amendment arbitrarily cuts off that access after five years. As you will recall, our recent enforcement efforts have shown that fake IDs and made-up Social Security numbers are rampant in many industries. The need for "no-match" information to combat such fraud will not disappear in five years.

We should not exempt employers from enforcement of immigration laws because we fear that they may refuse to comply with tax law. I am confident that the vast majority of employers want to follow the law. Indeed, our enforcement system rests on the expectation that individuals—employers and employees alike—will obey the law. For those few who may flout the law, however, the tight response is more enforcement, not less.

(4) I believe your letter misunderstands the current bill in one important respect. The current Title III would not allow employers to cut off pay to workers who seek administrative review of their further action notices. In fact, Title III expressly prohibits businesses from doing so, or from taking other adverse actions against an employee who received such a notice.

I am pleased to correct this misunderstanding.

I am also surprised that you appear to prefer a system requiring that a worker who receives a nonconfirmation notice be fired first, and that he pursue his administrative and judicial appeal while unemployed, with the distant prospect of getting back lost wages. By contrast, the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations.

(5) We agree that the Grassley-Baucus-Obama amendment does not require employers to act on the no-match notices they receive. You argue that the law should not require employers to resolve no-match letters because the letters are not sent to every single employer. But the letters are sent to the employers with the biggest no-match problems. And your alternative proposed solution is far less effective. Your amendment proposes that all of the no-match data be sent to DHS, which would then have to repeat everything that the Social Security Administration has already done to locate and send notices to employers whose employees may be violating the law.

In sum, I committed to inform the bill managers if I became concerned about an amendment that would threaten the enforceability and/or workability of the underlying bill. A good enforcement program benefits the vast majority of law abiding employers by ensuring that they are not competitively disadvantaged by the unscrupulous few. Unfortunately, I continue to believe that your amendment will perpetuate the kinds of obstacles that have burdened effective enforcement of immigration law at the worksite since 1986.

I appreciate your genuine concern about this matter and please know that I am always glad to meet and discuss these concerns.

Sincerely,

MICHAEL CHERTOFF.

U.S. SENATE,
Washington, DC.

Hon. MICHAEL CHERTOFF,
Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: We are extremely disappointed that your June 19th letter to Senators Kennedy and Specter contained a number of erroneous and misleading allegations regarding our amendment to Title III.

Letter to Senators Kennedy and Specter:

“(1) Job Security for Criminal Aliens . . . existing workers are never checked out . . .”

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires all employers to run all existing workers through the verification system within three years. This is an onerous and unnecessary requirement given the fact that these workers are already subject to the annual wage reporting (no-match) process. Our amendment would require employers to run existing workers through the system only when there is evidence to suspect unlawful employment. To accomplish this goal, DHS would be given access to Social Security and IRS data to identify all mismatched, duplicate, deceased, minor children, or non-work SSNs.

Letter to Senators Kennedy and Specter:

“(2) Loophole for Fake Documents . . . present any driver’s license . . . not required to . . . provide a second document . . . eliminate grant program . . .”

Grassley/Baucus/Obama Amendment:

The pending immigration bill says state driver’s licenses and ID cards that are not REAL ID compliant will no longer be accepted beginning in 2013. The language also gives the Secretary of DHS the authority to modify state driver’s licenses and ID cards prior to the implementation of REAL ID. Finally, it authorizes—but does not fund—grants to States for REAL ID. Congress can only fund REAL ID through the appropriations process. Our amendment avoids imposing an arbitrary deadline and allows the continued use of state driver’s licenses and ID cards (subject to new verification procedures with the state DMVs) in recognition of the fact that final implementation of REAL ID remains in doubt.

Letter to Senators Kennedy and Specter:

“(3) Arbitrary End to Information Sharing . . . cuts off all information sharing after five years . . .”

Grassley/Baucus/Obama Amendment:

The pending immigration bill provides DHS with access to Social Security and IRS data. Our amendment would sunset these provisions after five years, subject to a future extension, as is standard practice when allowing access to private taxpayer data for the first time for a new purpose. Moreover, the long-term value of SSA and IRS data for immigration enforcement is highly suspect. Once employers realize their W-2s will be used against them, they may simply stop filing suspect W-2s.

Letter to Senators Kennedy and Specter:

“(4) Punishing the Enforcers Instead of the Violators . . . individuals . . . can seek compensation . . . even if the initial error was caused by the individual and not the government . . .”

Grassley/Baucus/Obama Amendment:

The pending immigration bill prohibits employers from firing workers for as long as DHS wants to review a worker’s appeal of a final nonconfirmation notice. This would force employers to keep workers on their books, but allow them not to be paid, while the government attempts to find and correct the mistakes in its databases. This will put legal workers in a financial bind while providing no incentive for DHS to improve the system. Under our amendment, illegal workers who receive a final nonconfirmation notice would be immediately fired. But, legal

workers who are erroneously fired could recover lost wages, if they did not cause the error, and the government was at fault.

Letter to Senators Kennedy and Specter:

“(5) Ignoring the Government’s Best Evidence of Illegal Workers . . . Grassley-Baucus-Obama . . . would not . . . require employers to resolve no-match letters”

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires employers to retain SSA no-match letters and document steps taken to resolve them. But, SSA sends no-match letters only when there are more than 10 employees whose names and numbers do not match, and the total number of no-matches exceeds 0.5 percent of total employees. Thus, an employer with 11 no-matches and 2,199 employees would get a letter, but an employer with 11 no-matches and 2,200 employees would not. No-match letters are completely at the discretion of SSA. SSA does not inform DSH which employers receive a no-match letter. Under our amendment, DHS is granted access to all no-match data. They can use this data to identify employers for worksite enforcement or to require early participation in the verification system with respect to new or existing employees.

Letter to Senators Kennedy and Specter:

“(6) No Improvement to IRS Authority... Grassley-Baucus-Obama drops all of these important provisions . . .”

Grassley/Baucus/Obama Amendment:

The pending immigration bill would increase IRS penalties for filing incorrect information returns and authorizes—but does not fund—additional IRS personnel to investigate incorrect returns. This is a poorly concealed effort to recruit IRS personnel to do the job DHS is supposed to do: enforce our immigration laws.

We strongly support creating an effective, mandatory employment verification system for all employers to verify the legal status of their workers. But the design, implementation, and oversight of the system as proposed in the pending immigration bill are flawed in several respects.

Our amendment would improve Title III by (1) protecting U.S. citizens and legal workers from errors in the system; (2) protecting the states from excessive federal intrusion; (3) protecting the rights of all legal workers; (4) protecting the privacy of all Americans; and (5) improving our ability to prevent unauthorized employment while minimizing the burden on workers and employers.

We hope that your future correspondence to the Hill will acknowledge these much needed improvements and avoid the erroneous and misleading allegations contained in your previous letter.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 19, 2007.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I promised at the start of this process that I would tell you if the bill you were shepherding became so unworkable or unenforceable that it threatened to worsen our current illegal worker problem. In general, the Senate has avoided workability and enforceability pitfalls, but for the first time I must write to you to express concern about a proposed amendment that would be a serious step backwards in our enforcement effort.

Enforcing the law means more than border enforcement. We have to shut off the job magnet that pulls illegal aliens into our country. The current bill’s Title III will do

just that. It creates a much stronger, more effective worksite enforcement system than the one that exists today. This system will stop illegal aliens from getting hired, and it will punish employers who make illegal workers part of their business model. By contrast, the Grassley-Baucus-Obama Amendment will significantly weaken the current Title III, with the result that illegal workers will still be drawn across our borders by the lure of easy employment.

These are just some of the specific examples of deficiencies in the Grassley-Baucus-Obama Amendment that will lead to a lack of enforceable worksite enforcement:

(1) Job Security for Criminal Aliens—Current Title III requires mandatory verification of all existing workers. Under the Grassley-Baucus-Obama Amendment, existing workers are never checked. So serious criminals, and other aliens who are not eligible for legal status, would be able to hide in their existing jobs indefinitely, without ever having to prove that they are authorized to work in this country.

(2) Loophole for Fake Documents—Current Title III requires that new hires show a secure identification card to keep their jobs. Under the Grassley-Baucus-Obama Amendment, in contrast, most new hires will be able to present any driver’s license, whether or not it meets federal standards for secure documents. And unlike the current Title III, individuals presenting a non-secure license will not be required by the Amendment to provide a second document to establish that they are authorized to work in the United States. Finally, the Grassley-Baucus-Obama Amendment eliminates a grant program to reimburse States for the costs of improving license security. The result will be to continue a flourishing market for fake documents and identity theft.

(3) Arbitrary End to Information Sharing—The best way to catch unscrupulous employers who do not verify their employees is to compare Social Security records to the records of the EEVVS. Current Title III allows DHS to do so. But the Grassley-Baucus-Obama Amendment cuts off all information sharing after five years. Grassley-Baucus-Obama tells unscrupulous employers that, after five years, when the government agencies stop talking to each other, they can return to “business as usual,” employing unauthorized workers.

(4) Punishing the Enforcers Instead of the Violators—Many Americans want tough financial sanctions and strict liability on employers who hire illegal workers. So far as I am aware, none of them want to impose sanctions and no-fault liability on immigration enforcers. But that is precisely what the Grassley-Baucus-Obama Amendment would do. Under the Grassley-Baucus-Obama Amendment, any individual who wins his judicial appeal against the government’s determination of his employment eligibility can seek compensation for lost wages—even if the initial error was caused by the individual and not the government. Moreover, in a poorly concealed effort to make DHS avoid tough enforcement, the Grassley-Baucus-Obama Amendment actually proposes that any award come from DHS’s enforcement budget. This would actually make the enforcement climate worse than it was after the 1986 law.

(5) Ignoring the Government’s Best Evidence of Illegal Workers—Every year, SSA sends out millions of “no-match letters”, indicating that an individual’s name and social security number do not match. These letters are a powerful indicator that the individual may not be work-authorized. The current bill gives DHS authority to require that employers take action to resolve “no-match letters.” Grassley-Baucus-Obama would not.

It would encourage employers to continue to turn a blind eye to evidence that their workers may be illegal.

(6) No Improvement in IRS Authority—Nothing worries an unscrupulous businessman more than the prospect of a tax audit. The IRS has great investigative skills; it also has authority to punish immigration violators who file incorrect information about their employees, but this authority does not have the deterrent effect it should because the current fines are so low. Title III fixes this problem by raising the fines and creating a dedicated Criminal Investigation Office to investigate tax violations related to immigration violations. Grassley-Baucus-Obama drops all of these important provisions.

Title III is the foundation of comprehensive reform. We will not reform our immigration system, nor will we shut off the stream of illegal immigrants pouring across our border, without addressing the force that draws them here in the first place. We need better documents and stronger tools to uncover identity fraud. The current version of Title III gives us these tools; by contrast the Grassley-Baucus-Obama Amendment eliminates needed tools and allows unscrupulous businesses to continue to freely hire illegal workers.

Finally, weak enforcement is bad for business. Legitimate businesses that comply with the law will be undercut by competitors who disobey that law if enforcement is lacking. I ask that you help to defeat the Grassley-Baucus-Obama Amendment, not just to help our enforcers but to give a fair shake to those who want to obey the law.

In the end, the Grassley-Baucus-Obama Amendment unfortunately fuels public skepticism about whether enforcement will work or political forces will frustrate serious efforts to bring employers into compliance with the law. I reject that view. We must enforce the law, and with your help we will. I urge you to join with me in opposing the Grassley-Baucus-Obama Amendment.

Sincerely,

MICHAEL CHERTOFF.

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

Mr. GRASSLEY. Yes.

Mr. KENNEDY. Isn't it true that the Finance Committee estimated that under these systems, there were going to be a certain number of mistakes that were going to be made?

Mr. GRASSLEY. Yes, we presented that to you that day in April—

Mr. KENNEDY. That is exactly right. It is significant numbers, in the hundreds of thousands, as I remember. It is in the hundreds of thousands of mistakes that are going to be made as they set this up. I am just wondering about the protection of those workers. In our bill, we provide that those individuals should be protected because they can keep their jobs while they appeal a nonconfirmation. I am wondering if the Senator will relate to us how he thinks—

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

Mr. KENNEDY. Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute yielded by the Senator from Arizona. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from

Iowa have an additional minute to respond, and then I will take my last minute.

Mr. REID. For debate only.

Mr. KYL. Yes, for debate only.

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

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the only response I can give to the Senator from Massachusetts is that we have worked very hard in the Finance Committee to make sure that private income tax information and private Social Security information is protected. It seems to me that is basic to a system of taxation that is voluntary compliance.

We have made some compromises of that, some use of that under very strict guidelines in the past. We presented it to the Senator's committee on this bill the same as we have in the past. The 5-year sunset is one example. Certain penalties for misuse of the information is another one.

It seems to me that is very basic if we are going to have confidence in our tax system and protect the privacy of the individual taxpayer.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

Three quick things. The amendment of the Senator from Iowa eliminates both the requirement of an employee to show an official identification card with a photo in State or Federal databases and the DHS-run photo match system that is the ultimate protection against document fraud in the workplace. You have to be able to do that match.

Second, the Senator from Iowa says why would we want to check workers after we have made them legal? Well, the whole point is to be sure we don't have anyone continuing to work here illegally.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that oppose the Grassley amendment.

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

The following organizations are publicly opposing the amendments listed below.

GRASSLEY

American Farm Bureau Federation
 Compete America
 Information Technology Industry Council
 TechNet
 Essential Worker Immigration Coalition
 Alabama Employers for Immigration Reform
 Arizona Employers for Immigration Reform
 Colorado Employers for Immigration Reform
 Federation of Employers and Workers of America
 Florida Employers for Immigration and Visa Reform
 Nevada Employers for Immigration Reform
 New York Employers for Immigration Reform
 Oklahoma Employers for Immigration Reform
 Texans for Sensible Immigration Policy
 Texas Employers for Immigration Reform
 Tennessee Employers for Immigration Reform

American Health Care Association
 American Hotel & Lodging Association
 American Nursery & Landscape Association
 American Subcontractors Association
 Associated General Contractors
 California Landscape Contractors Association
 Federation of Employers & Workers of America
 Florida Transportation Builders Association
 Golf Course Superintendents Association of America
 International Franchise Association
 National Chicken Council
 National Club Association
 National Restaurant Association
 Outdoor Amusement Business Association, Inc.
 PLANET
 Society of American Florists
 US Chamber of Commerce

BAUCUS

American Farm Bureau Federation
 Coalition for a Secure Drivers License
 Essential Worker Immigration Coalition
 Alabama Employers for Immigration Reform
 American Health Care Association
 American Hotel & Lodging Association
 American Nursery & Landscape Association
 American Subcontractors Association
 Associated General Contractors
 California Landscape Contractors Association
 Federation of Employers & Workers of America
 Florida Employers for Visa and Immigration Reform
 Florida Transportation Builders Association
 Georgia Employers for Immigration Reform
 Golf Course Superintendents Association of America
 International Franchise Association
 National Chicken Council
 National Club Association
 National Restaurant Association
 Outdoor Amusement Business Association, Inc.
 PLANET

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as one of the managers of the bill, I will speak very briefly, and then I will move to table the Baucus amendment; and after conferring with the majority leader, it is my understanding that we are going to proceed without further debate to move to table two additional amendments this evening. All efforts to reach some reasonable time agreements have proven to be of no avail.

I think it is worth stating again that when those object that they are not able to offer their amendments, we had time before the bill was taken down a week ago Thursday for people to offer amendments and the objectors did not offer amendments or even allow others to offer amendments. So they have had their opportunity, which has fomented the current situation.

I wish to respond briefly to the distinguished Senator from Iowa, who made a comment that the Senator from Pennsylvania had not kept a promise.

Mr. GRASSLEY. I said you would have to have debate in order to keep your promise or it doesn't mean anything.

Mr. SPECTER. Well, I am not going to ask the record be read back. If the Senator from Iowa said I did not keep

a promise, I am glad to hear that. I don't make promises, I follow procedures. The Senator from Iowa wanted an amendment and he got an amendment, but I didn't make any promises. And if I made a promise, I certainly don't break promises.

When an amendment is offered and you seek a time agreement around here, you have to have unanimous consent to get a time agreement. If you don't have unanimous consent, somebody gets the floor and can filibuster and can talk forever and the majority leader was not going to put this body in a position to have someone get the floor and talk forever. So that the Senator from Pennsylvania doesn't control unanimous consent agreements.

The Senator from Iowa and I have worked together now for 27 years plus. We came to the Senate on the same day. Regrettably, he had an edge in seniority because he had been in the House. They didn't base it on State size. We have had no disagreements up till now, and I am glad to see we don't have a disagreement now.

Mr. GRASSLEY. We don't.

Mr. SPECTER. I would add one addendum, Mr. President, and that is that I have to differ with him when he says he will not be around here 20 years from now. He is only 73 and Strom said he is a young fella.

VOTE ON DIVISION VII OF AMENDMENT NO. 1934,
AS MODIFIED

Mr. President, I move to table the Baucus amendment, and I ask for the yeas and nays.

Mr. VITTER. Will the Senator yield for a clarification?

The PRESIDING OFFICER. Will the Senator yield?

The majority leader.

Mr. REID. Mr. President, I know this is not debatable, I understand that, but we are going to move to table Baucus, Grassley, and Domenici. I ask unanimous consent that the first vote be the standard time; the next two votes be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I could simply make a clarification about a statement that has been made.

Mr. REID. Mr. President, I ask for the yeas and nays on the motion to table.

Well, first, we have a unanimous consent request.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. VITTER. I object.

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

The PRESIDING OFFICER. The motion to table has been made. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—45

| | | |
|-----------|-----------|-------------|
| Allard | Domenici | Lugar |
| Bennett | Durbin | Martinez |
| Bond | Ensign | McConnell |
| Boxer | Feinstein | Murkowski |
| Brownback | Graham | Nelson (FL) |
| Burr | Gregg | Reid |
| Byrd | Hutchison | Roberts |
| Carper | Inouye | Salazar |
| Chambliss | Isakson | Schumer |
| Clinton | Kennedy | Smith |
| Cochran | Klobuchar | Specter |
| Coleman | Kohl | Stevens |
| Corker | Kyl | Thune |
| Cornyn | Lieberman | Voinovich |
| Dodd | Lott | Warner |

NAYS—52

| | | |
|-----------|------------|-------------|
| Akaka | Dorgan | Nelson (NE) |
| Alexander | Enzi | Obama |
| Barrasso | Feingold | Pryor |
| Baucus | Grassley | Reid |
| Bayh | Hagel | Rockefeller |
| Bingaman | Harkin | Sanders |
| Brown | Hatch | Sessions |
| Bunning | Inhofe | Shelby |
| Cantwell | Kerry | Snowe |
| Cardin | Landrieu | Stabenow |
| Casey | Lautenberg | Sununu |
| Coburn | Leahy | Tester |
| Collins | Levin | Vitter |
| Conrad | Lincoln | Webb |
| Craig | McCaskill | Whitehouse |
| Crapo | Menendez | Wyden |
| DeMint | Mikulski | |
| Dole | Murray | |

NOT VOTING—3

Biden Johnson McCain

The motion was rejected.

Mr. REID. Madam President, as I indicated earlier, I am going to move to table the—oh, we can't do that. We are stuck on this amendment. Why don't we agree to the amendment now and move on to something else?

Mr. VITTER. I object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, the distinguished junior Senator from Oklahoma has indicated he wants to speak for up to 10 minutes as in morning business. I ask unanimous consent that he be so recognized and that I be recognized following his 10 minutes. I have explained to the Senator from Oklahoma, and he understands, this is for debate only.

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

The Senator from Oklahoma.

Mr. COBURN. Madam President, I appreciate the distinguished Senator from Nevada allowing me the time. I think it is really important for us to ask ourselves what the test is before us today in the Senate.

As many of you know, I spent the last 2 weeks recuperating from a surgical illness, and I got to see—from a perspective of watching television on all the different channels, reading all the different papers—there was a recurring theme that I noticed that came through from all across this country. It did not matter what part of the country. It did not matter who was saying it, no matter whether they tend to lean liberal or they tend to lean conservative. That theme is this: We have failed to instill the confidence in the American people in the Congress that we are about doing what is in the best long-term interest of our country.

It is not about being against immigration or for immigration. It is not about being against an ethnic group or for an ethnic group. It is not about being liberal. It is not about being conservative. It is about the worry that the American people have for this concept called liberty. They are worried about that concept right now. They are worried about whether we have the mettle to stand up to the test, to put us back on a road that will give them the confidence that what we do will be done in the best interests of them and their children. There is worry that the thing that gives us liberty, which is the rule of law, is somehow now being tinkered with in a way that undermines their confidence and security in what this American dream is all about.

So we have had a very interesting experience today, but it is really not about the immigration bill. It is about something much greater that we should be paying attention to. It is about the right to govern with the confidence the people of this country give us and the responsibility that comes with us to have the integrity to do that in a way which builds that confidence, which rebuilds the strength, rebuilds the positive attitude, rebuilds the "I can do" America has been known for.

I asked for this time to speak not as a Republican but as a citizen of this country with children and grandchildren, like everybody else out there who wants the best for our country. We can debate about the details.

I had this wonderful experience about a year ago traveling with members of the opposite party to China. We met with students at Chinese Harvard. What we found was 95 percent of the things we agree on, we were solid in our bond.

The very thing that makes this country great is what Democrats and Republicans agree on: the idea of the rule of law; the idea of freedom; the idea that we have a Constitution that has to be supported, nurtured, and maintained. The only way that happens is if we rebuild the confidence of the American people in our abilities to do that.

We are in the midst of a debate on immigration that is a very wildly moving, emotional issue for all sides. But it should be a signal to us that when it is this wildly emotional and wildly divided, it should temper our thoughts to

say the most important thing is not to finish the bill, the most important thing is to reestablish credibility in what we do for the American people.

I happen to believe if we do the right things that the American people in their gut know are right, ultimately, we will go from the 17-percent approval rating the country has of this body today back to where we should be—a healthy, vibrant confidence that the people who are elected to represent them in the Senate will, in fact, have the confidence of the American people to do and carry out this wonderful, creative experiment our Founders started over 200 years ago.

My question for the body and my challenge to the body is that we have a greater problem than immigration. The problem is the test: Do we meet the test that is before us of regaining the confidence of the American people? I think that is the biggest test we have today. I think all 100 of us need to redouble our efforts to assure that No. 1, we listen; No. 2, the Constitution is our guide; that the oath we took said nothing about Republican, said nothing about Democrat, said nothing about an individual State, but said we have an oath to uphold the Constitution of these United States without regard to party, without regard to locale.

So I would beg my fellow Senators, over the next few weeks, as we go on break in a week and we come back here, that the No. 1 goal that ought to be in front of us is, how do we change that approval rating? How do we restore the fact that we are listening, that we are hearing, that our action is based on what we know to be right, what we know to be good, and what we know is in the best interests long term for our country?

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, are we in morning business?

The PRESIDING OFFICER. The Senate is on the legislation.

AMENDMENT NO. 1978 TO DIVISION VII OF
AMENDMENT NO. 1934, AS MODIFIED

Mr. KENNEDY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1978 to division VII of amendment No. 1934, as modified.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mr. KENNEDY. Madam President, I think all of us understand we have had a very full day today of voting on this legislation, the Comprehensive Immigration Reform Act. After more than 30 days of hearings since 9/11, after the 6 days of markup in our Judiciary Committee on the legislation that we addressed last year, which is very similar to the underlying legislation that is before us; after now some 23 days of debate on the legislation, both last year and now; after the consideration of more than 70 different amendments—70 different amendments—there is an awareness and understanding by the Members of this body about the substance of this legislation and, hopefully, a recognition of its importance.

We are sent here to legislate—not just to make speeches and to submit amendments but to legislate in our national interests, and we have a national challenge. We have a national challenge. I think everyone as Members of this body understands it. Certainly we receive the phone calls, the wires, the e-mails, and the rest. After it is all said and done, I think the people in our respective States and the people of this country are expecting us to exercise the best judgment about this legislation. They are not asking us to put our finger to the wind and say, from which way is the wind blowing the strongest and from what direction, but to try and take some initial steps—and they are initial but very important and fundamental steps—that can make a difference in terms of our national and border security.

(Mr. CASEY assumed the Chair.)

Mr. KENNEDY. The American people are expecting action in this body. Tomorrow, in the morning, it will certainly be an extremely important and perhaps decisive vote about whether we are going to complete our responsibility, or whether we are not. I have respect for those who have expressed reservations and observations. But my commitment and view is stronger than when we first started this legislation. The importance of this legislation, I think,—I find it more persuasive than the day it was initially introduced, developed, and shaped over the period of the last years.

We all have been faced with this legislation more closely over this debate and the debates we have had in recent days. We know, as we have heard frequently, and as I have said and many others have said, we have a national security issue and a problem. We can, as a nation, no longer afford to have, effectively, almost an open border in the Southwest. We also know, because in our committee we have listened to those who understand this issue, when they say we need to have secure borders, they also understand that with the strong kind of magnet attraction the American economy has, there is going to be leakage on that border. No matter how high we build walls or how many radars or air drones we have there or how many border guards we

have, there is going to be leakage, unless we provide at least some opportunities for those who have some skills that in the United States we find we are unable to get filled in terms of the American workforce.

There has to be at least some opportunity for those individuals to come to the United States. Those of us who support this legislation believe in legality. We believe in national security, but we believe in legality. What we have today is lawlessness. We have lawlessness on the border, approaching the border, after the border, and in too many shops, plants, and factories around our country, including in my own State, in which we find the undocumented exploited, and they continue to be exploited. That is happening today.

We have to ask: Do we have something that is going to be basically serious about the border? Are we going to have a way for us to be able to say, OK, there are certain skills that we need here in terms of the American economy—those may be high skills, but in many circumstances it is going to be low skills, according to the Department of Labor. This legislation approaches that issue. We may say we would like to have it skewed this way or that, to some degree, but the fundamentals are essential in terms of the legality on our borders, in terms of national security, and also with regard to worksite enforcement.

As one who has, along with others, been involved in these debates about immigration reform, unless you are going to have a tamperproof card, you might as well forget it. We have learned that lesson in the 1986 act and in the 1992 act and earlier periods of time. The idea that somehow tomorrow we are not going to be willing to continue this process and end this process without the assurances that we are going to end up with a tamperproof card is going to mean that the challenges we are facing on this issue at this time are going to be multiplied many times over, many times over. That is a fact.

Some people are troubled by the way that has been fashioned in this legislation. I think there is a strong and persuasive case we can make. We will have an additional opportunity with the Schumer amendment and, hopefully, with passage of cloture tomorrow. So we have those elements that are law enforcement at the border, respectful law, by coming into the United States and respecting our laws and our immigration laws, law enforcement at the worksite, and respect for the laws in that period of time. To say to those individuals who have come that—their motivations for coming here, by and large, are the values which Americans respect and admire, such as hard work. Sure, there may be some individuals who have gamed the system out there. But there can be no denial when any of us look at this situation and examine it and when you look at particularly the faces and meet the individuals, as

we all have, and we have had the issue spoken to so well by many of our colleagues, this is a population that is interested in hard work. That is a value Americans admire. They also admire the fact that these are families who work hard and care about the members of their family.

Mr. President, \$40 billion a year is sent back to Central and South America by the primarily undocumented workers in the United States. This is where individuals are making \$10,000 to \$12,000 a year. So they care about their families. They are not coming in on their own to try to game the system. The statistics are there. I think those figures speak for themselves in terms of their willingness to work hard, care about their families and, as we all know, this community, this constituency—they are men and women of faith and belief, strong individuals of faith and belief.

On another occasion, we would say those are American values that we admire, and so many of them want to be part of the American dream and make America better. They reflect it by urging their sons and daughters to go into the service—thousands of them being in the service of our country in Afghanistan and Iraq. Many of them have lost their lives in the service of this country. So many of these families—as I listened to the mayor of Los Angeles today talk about a number of mothers he had met who lost their children in Iraq—the particular one he referred to had been undocumented and their son had been lost. In any event, that is the general sense of their desire and willingness, similar to other immigrants who came at other times.

So what is their great violation? The violation is that they have violated our immigration laws. That is serious. What is on the other side of those barriers? The magnet of the American economy. The magnet of the American economy has drawn these individuals like moths to a flame. Sure, it is all there because they have violated our laws, but they work hard and they care for their families. They are men and women of faith, with an extraordinary record of looking after their grandparents, and they have a great desire to be part of the American dream. They have violated laws and they should have a penalty. We looked around and looked around, those of us, Republicans and Democrats, at what should be the penalty. Should they get a penalty? The \$5,000 processing fee can vary. We can put a requirement in about learning English. In Boston, MA, it is not that the undocumented don't want to learn English; it is a 3-year wait. Courses in English cost from \$2,000 to \$3,000 in my part of the world. I look forward to the Alexander amendment—the Senator from Tennessee. He wants to at least provide greater access to individuals to learn English. We are for that. There are requirements that they have to learn English. They have to demonstrate they have worked here

and that they paid their taxes and they have to demonstrate that they are good Americans and that they are learning English. We have those requirements. Before they can even think about moving on the pathway to a green card, they have to wait in line for the 8 years to clear up.

Then, according to a merit system, over the next 5 years, they will be able to hopefully get on the path for a green card and then wait another 5 years to become a citizen—8 years, 5 years, and 5 more years. That is 18 years for some of those individuals, plus the penalties and fines—for people who want to be a part of the American dream.

This has, as others have spoken to, very important provisions in here about the ag jobs. I remember going through the Southwest in the early 1960s when I arrived in the Senate. Americans were involved in the Bracero Program, which, outside of slavery, was the greatest exploitation of humanity. Perhaps we could talk about some of the incidents in terms of the Native Americans certainly. But this was a sanctioned program that continued for years and years with the exploitation and abuse of people.

That was the beginning of the rise of the farmworker movement and the extraordinary tensions that existed between the farmworkers and the agricultural interests. It took a long period of time. Finally, they got together to try to have a program which both of them agreed with, which is the AgJOBS bill, to make a difference to 800,000 or 900,000 people who are some of the hardest working people in America. Then there's the DREAM Act. There is some responsibility in the areas of education. We know of the difficulty so many have in completing high school. It is true in the Latino community. This kind of opportunity—if they are the sons of people who came here undocumented, these children didn't know about it, but if they work hard and complete school, they have the opportunity to serve this country and they can get on a pathway for citizenship, or if they are otherwise eligible and the State approves, they can also continue in education.

So there are, I know, strong views about these different provisions; but, quite frankly, I think it is a compelling story that demands and requires action. If we fail this opportunity, we know we are going to miss this opportunity for some time. It is getting late into the season now, July and August we will be out and in September is the appropriations time. We will move into a highly politicized period of time, and we will move into a Presidential campaign. So we will miss an incredible opportunity.

I hope the Senate is going to be responsible tomorrow. We know if we fail, those individuals are all going to be out there; the numbers are going to increase, exploitation will increase, and we are going to have the silent amnesty that others have referred to.

That is the real alternative. I don't say that because I believe the failure to act is bad, and it is going to get worse, although I believe it will. It is that if we can take this action and make this downpayment, we can continue to work on this issue as the House does. That will take time. We can obviously work with those who are interested in it and try to make adjustments and changes and try to strengthen and improve it. That is the way the legislative process works. Hopefully, we will be able to come to the period where we can all feel the final product is the best judgment we have had on this bill. That is the optimum, and it seems to me this is an exceedingly important opportunity we should not miss.

Finally, I again thank our leaders for giving us a chance to come back to this issue. We know it has been a complicated and difficult one. As I have said repeatedly, immigration and civil rights are the hot-button issues. We have had complex issues in our HELP Committee dealing with biologics, an enormously complex and difficult issue. We came together and passed that legislation. We had issues dealing with information technology, privacy, grants, and we came together and took action. Our committee has been dealing with the general cost of education and loan programs, and we were able to, Republicans and Democrats, cut some \$18 billion from the lenders and return \$17 billion to the students. We came together, Republicans and Democrats, and have been able to get reauthorization of the Food and Drug Administration. We look forward to continuing with mental health parity and other issues. But it is the issues of immigration and civil rights that are the hot-button issues, and they get the juices flowing.

I hope tonight people will stand back and think through the significance of this vote tomorrow. It is going to be a matter of enormous importance to our country. It is going to have enormous importance in terms of quality of life for millions of people. We are going to make the decision whether they are going to continue to live in fear or whether they are going to be able to come out of that darkness into the sunshine and be part of this country. If we don't act, we all know what is going to be happening in local communities all across the country and the increasing backwash that is going to arise that is going to make other matters much more difficult for us to continue to make progress on.

I look forward to tomorrow, and I hope all our Members will exercise their best judgment. We will have an opportunity to move ahead and complete this legislation and then hopefully we will continue the progress we made in the Senate so we can work with those who have differing views in the House and in the Senate and ultimately get legislation that is worthy of the Senate.

Mr. LEAHY. Mr. President, I am pleased to offer my support for the

Baucus-Tester-Collins-Leahy amendment to strip the references to the problematic REAL ID program from the underlying immigration bill. We may agree or disagree about the merits of the actual REAL ID program, but as hearings in the Judiciary Committee and the Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for prime time.

While the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation, REAL ID licenses are rapidly becoming a de facto national ID card, since you will need one to enter courthouses, airports, Federal buildings, and—if this bill passes—workplaces all across the country. With roughly 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID and this immigration bill up and running by the 2013 deadline set in this bill. Moreover, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years.

In addition to numerous privacy and civil liberties concerns, REAL ID is a massive drivers' tax that could cost Americans taxpayers more than \$23 billion. Opposition spans the political spectrum, from the right to the left, and a large number of States have expressed concerns about the mandates of the REAL ID Act by enacting bills and resolutions that oppose REAL ID. Georgia, Washington, Oklahoma, Montana, South Carolina, Maine, and New Hampshire have gone so far as to pass binding legislation that says they intend to refuse to comply with REAL ID. The National Conference of State Legislatures and the National Governors Association have expressed serious reservations about the costs imposed on the States—and the structure of the poorly drafted grant program in the underlying bill. The Center for Democracy and Technology and the ACLU have expressed serious concerns about the lack of privacy and civil liberties protections within the REAL ID program. The reaction to the unfunded mandates and lack of privacy standards in the REAL ID Act is a good example of what happens when the Federal Government imposes a unilaterally devised and ill-considered mandate rather than working to meet goals through cooperation, bipartisanship, and partnership.

For any new immigration measures to be effective, they must be well designed. Forcing employers, employees, and the States to use this troublesome national ID card will slow down the hiring process, stifle commerce, and not serve as an effective strategy. In addition, the States have already told us that they will not all have their new license programs up and running by the 2013 deadline called for in this bill. On top of that, I have gone through this bill several times, and I have found

money for border fences, money for surveillance technologies, money for border patrol agents, and money for detention facilities, but I cannot find any hard money that actually goes into REAL ID implementation. So doing away with this poorly drafted grant program will not take \$1 away from the \$4.4 billion in enforcement money contained in this bill.

As a result, I do not believe that we should jeopardize the future success of the immigration reforms sought in this bill by tying REAL ID too closely to it. Instead of mandating REAL ID licenses for employment verification, I think we should support the Baucus-Tester-Collins-Leahy amendment to strip REAL ID from this bill and put together a workable employment verification system that does not needlessly burden every legal job seeker in this country with the onerous and problematic requirements of REAL ID. The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I know my friend from South Dakota wishes to speak. I have a unanimous consent request I wish to make that will put us into a situation where he can speak. I understand he wants to speak for 5 minutes. This will only take a minute, and then I will be recognized to do some other business we have to do tonight. It is nothing in relation to immigration. No one need worry about that.

ORDERS FOR THURSDAY, JUNE 28, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes business today, it stand adjourned until 9:30 a.m., Thursday June 28; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the immigration bill, with an hour for debate only prior to a cloture vote on S. 1639, with the time equally divided and controlled between Senators KENNEDY and SPECTER or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments; and that the mandatory quorum required under rule XXII be waived.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. REID. Mr. President, it is my understanding the Senator from South Dakota, Mr. THUNE, wishes to be recognized. Is the Senator going to use the full 10 minutes? He is entitled to it.

Mr. THUNE. Mr. President, I shouldn't take that long. I guess maybe 7 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

IMMIGRATION

Mr. THUNE. Mr. President, I thank the majority leader for his indulgence. I appreciate very much the opportunity to speak to the issue before the Senate today.

The debate over immigration has been a contentious one. Soon we are going to come to that moment of truth when we all have the opportunity to cast a vote either for or against the so-called "grand bargain" that is before the Senate. Most of us are going to make that vote formed by our own experiences, formed by our conscience, formed by our constituents, and like so many others in this Chamber, those are all factors that come into play and influence the way that I view this very important and serious issue.

In fact, to speak to some of the experiences I have had, it was not too long ago I was in a supermarket in my home State of South Dakota in Sioux Falls. I was approached by someone who was working there who had asked me to help with a problem. It turns out he was in this country, and his wife had been here illegally. They had a child here. The child, therefore, is a citizen. His wife determined that she wanted to be legal. So she left this country and went back home and decided to come here through a legal mechanism. That was a year ago. For the past year, she has been trying to come back to this country legally. I have been working with her. They have to first get an immigrant waiver and then ultimately go through the process where she can come into this country and come legally.

I make that point because I believe it is very relevant to the debate we are having on the floor of the Senate. If this woman who wanted to do the right thing and decided to go back because she wanted to come into the United States of America legally—she didn't want to be here illegally—had just stayed here, under this bill, she could become legalized. What does that say to all the people such as her who are trying to follow the laws, who are trying to play by the rules we have created?

That is one episode, one example, as I look at this debate and think about the consequences for those who have played by the rules, those who follow our laws, those who observe the rule of law in America, how it forms the way I view this issue.

We have been told throughout this debate that this is the best compromise