

Now, all this time we have been waiting to send this bill to conference so we can move ahead and make it law. This is ethics reform. This is the essence of what we should be about. We are here to do the people's business, not big money's business. We are here to protect average people in these United States, not the lobbyists in the hallway.

Ethics reform should be at the top of our list. What happened when our leader asked for this bill to go to conference? The Republican leader objected. What in the world is going on that we would pass a bill 96 to 2 and then the Republican leader would say, "I object to it going to conference"?

The American people have been very engaged on the immigration issue for weeks. That bill has come to its conclusion. I urge every American out there to use those same fingers and those same phones, to use those same e-mails and those same letters, to immediately begin calling their Senator and say to them: Why in the world would you be blocking ethics reform in the Senate? There is no good excuse—except politics. If we cannot get beyond politics to reform ethics, then I think the people have a right to give us an approval rating in the cellar.

So I call on the Republican leader, I call on our Republican colleagues: Stop playing games with ethics reform. Let's move forward. Let's make this happen on behalf of the people we came here to represent. If we cannot do this, we ought to put our tail between our legs, be ashamed, and go home.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### IMMIGRATION

Mr. SESSIONS. Mr. President, I thank the Presiding Officer for his insight into the legislation we considered. I guess the Presiding Officer understands, when you have completed a tough campaign and you have talked to voters, you learn some things. Hopefully, our Senate has learned some things: That the heart of the American people is good, that they are not mean spirited, but they are concerned about a lawful system of immigration.

I was on an Alabama-based radio show "Rick and Bubba." They are expanding out around the country and do an excellent job and are very fair about immigration. One told me the other morning: Senator, let me tell you my philosophy. My philosophy is that if you have a broken pipe in your attic, and there is water on your floor, you don't go spend all your time mopping up the floor, you fix the leaking pipe.

So I guess I would say the failure of the legislation today, despite the good efforts of my esteemed colleagues who met together and wrote this bill—and they did not want anybody to change a jot or tittle of it—despite all of that, despite their good efforts, it did not do the job. It did not shut off the water. According to the Congressional Budget Office, it would only have reduced illegality by 13 percent, and in the next 20 years we would have another 8.7 million people here illegally.

I think our Senators—after hearing that and having it pounded in and seeing this is not an exaggeration but an objective report by the Congressional Budget Office, and then we heard the promises: The only way to get a lawful system in America is to vote for this bill—they were not persuaded, especially because the American people saw through it.

Rightly, the American people have grown to be cynical about the words of Congress on immigration. They have grown to be cynical about that. For 40 years, Presidents and Congresses have promised we are going to make a lawful system: We are going to do this. Don't worry, I voted for that bill last year. It was going to do this and do that, double Border Patrol—but nothing ever happens.

We arrested a million people trying to enter our country illegally last year—a million people. Why do we have that many people arrested? One reason is because the border is known, worldwide, to be insecure and that you have a very good chance of being able to enter the country illegally.

If we can change that and we create a clear message around the world that our border is secure and if you come you are going to be apprehended and you will be prosecuted if you come across the border illegally, we could see a dramatic dropoff in that and a dramatic increase of people applying, waiting in line to come legally. That is what it is all about, and this bill did not do it.

Now, somebody was saying to me and asking me recently about President Bush and his legacy. I have to tell you, I like President Bush. He is a friend of mine. I believe his heart is good. I believe he wanted to do something good about immigration. I have the highest regard for him.

What I would ask President Bush to do with regard to his legacy on immigration would be to carry on at a much more effective and aggressive rate than he has with a movement toward enforcement. He has done things in the last several years to improve immigration enforcement more than the previous four or five Presidents, but it has not been enough.

So I would suggest to the President: Make it your legacy to leave a secure border for America. Enforce our current laws. Utilize every effective and appropriate tool we now have, which would make a huge difference. Ask the Congress for what additional tools you

need. Let's begin to create a lawful system at the border.

As the American people see that and gain confidence in us as a government, then we begin to talk about some of the more difficult problems: What do we do about 12 million people who are here illegally?

One of the things that very much concerned me in this bill—and it shows the mindset that seemed to be driving the legislation and was an indication there was no real commitment to enforcement—was moving the date of the people who would be allowed to go on a path to legality and even citizenship to even if you came into our country last year.

Now, last year's bill, which I vigorously criticized, said you could take advantage of the amnesty or legalization process if you came into America before January 1, 2004. This bill said you could take advantage of the amnesty—you would not be asked to leave—and you could become an American citizen if you broke into our country before January 1, 2007, this year.

So after the President has called out the National Guard, after we have said the border is closed—and it has not been closed; we made some improvement, but it has not at all closed the illegality at the border—but if you could get past the National Guard last December 31 and get into this country, this bill would have put you onto a citizenship path.

But that is not what our colleagues told us who supported the legislation. They said it was going to help those people who have deep roots in America who have children here and ones we cannot ask to leave. I am sympathetic to that. I am prepared to work on something like that. But the idea that some single person who broke across the border last December, past the National Guard, is being given all the benefits of citizenship, all the benefits we would give to somebody who waits in line to come legally makes no sense to me and indicates the mindset we have here.

The mindset is confused is all I am saying. The President, the executive branch, and the Congress have not yet gotten the message. The message is: We don't want talk. We don't want promises. We want you to get busy and create a lawful system of immigration, and then we can begin to talk about how to deal with people who are here illegally and what our future flow of immigration would be. They had some good ideas in the bill about how to improve the future process by which we select for admission immigrants who desire to come. We know we can't accept everybody. Eleven million people applied for the 50,000 lottery slots we had in the year 2000. It just indicates that the number of people who would like to come here vastly exceeds our ability to admit them all, so we must select some way for those who come. I believe that a touch, a bit, in this bill that tended toward a Canadian-type

system was a great first step and should give us a model for future flow.

So to my colleagues and particularly to my friend, the President of the United States, whom I respect so much, I would say let's make it a legacy of this Congress and this President to do everything possible, beginning today, to have a secure border in our country. I believe it would be widely approved by the American people. I believe it would be good for our country. It would be a true contribution to American society and put us on the road toward a step to adopting new and better policies for immigration.

It is great to see my colleague, Senator HUTCHISON from Texas. I thank her for her insight and commitment to creating a good system. Being from Texas and having lived with this issue for years and years, she is sympathetic and compassionate to those who want to come to America, but she also understands the need to create a system of laws we can be proud of.

Mr. President, I thank the Chair and yield the floor.

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

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alabama for his remarks.

This is a hard time. This has been a very difficult issue. There is no question that so many people put hours and hours in to try to produce a piece of legislation that could get a majority or 60 votes to proceed. I think it is important for us to take a moment and say, yes, it was a disappointment, but we must go forward. This should not be the end of efforts to deal with one of the most important, if not the most important, domestic problem in our country today; that is, we are a sovereign nation which must have secure borders.

We know there are terrorists who are trying to enter our country to harm Americans. We would be naive to look the other way. We know there are drug cartels trying to enter our country with illegal drugs. We know there are human traffickers who are bringing people into our country illegally and robbing these people of huge amounts of extorted money. We know we must stop that.

We also know there is a need in this country for work and jobs that are not being filled by Americans, and we must provide a legal way for people to fill those jobs. We must not equate the people who have come here for jobs, trying to feed their families—because they have little hope from their country of origin of being able to do that—with terrorists and drug dealers. They are two separate kinds of problems and separate kinds of people. We need to provide an avenue for those who are trying to do better for themselves and their families to work in our country and to be in our country and, within the laws we have, to go into permanent residency and citizenship.

We do have a crisis, and it is our responsibility to meet it. Just because this effort failed does not mean we didn't make progress. I think we did make progress. It was not enough to get the majority even of this Senate to agree that this not only took care of the problems of today but would provide a standard for tomorrow and 10 years from now so that everyone would know what the laws are and that the laws would be enforced. So we have made progress.

I look at so many of our colleagues who worked so hard on this, along with members of the President's Cabinet and the President himself, and I know how deeply disappointed they are that this was not successful. Nevertheless, I believe we were in a much better place this year than we were last year, and I believe, if we start fresh, we can come up with a better approach to this problem.

What would a better approach be?

First, I think it is clear the American people do not believe there is a commitment to border security. I believe there is much more progress in this area than is known. We know the catch-and-release program is virtually shut down. It used to be that an alien coming into our country illegally who was not from Mexico but was from farther down in Central or South America would not be able to be apprehended and deported because there were no detention facilities that could hold them, so they were caught and released. Today, that program has been virtually shut off.

So we have made progress. Is it enough? Absolutely not. But we must have a renewed commitment to border security, and I think it is clear the American people believe we must show there is a commitment as a prerequisite to addressing the other problems.

Today, I suggest we might look at a fresh approach which has the commitment that was made by the President 2 weeks ago to border security, the money commitment for the barriers, and the commitment to following through on those border security measures. That would be one step we could take that I believe would have universal agreement. There is no one who has called me about this bill who has not said the absolute first requirement is border security.

The second thing I think we should do as we are continuing this commitment to border security is a guest worker program—a guest worker program going forward that is a workable way for people to come into this country and have the ability to work out in the open, legally, to be able to go back and forth from their home country without being afraid they could not get back in, and a tamperproof identification for employers to easily be able to see that a person is legally in this country.

I met with my good friend Massey Villarreal yesterday, and he said:

Where is the help for the small businesses that may not even be computerized?

I said: I know the Department of Homeland Security, when the regulations are made, will have a provision for a business that has one employee or two to be able to have a clear, easy way to verify with this tamperproof ID. There would be a picture on it and a biometric indication.

So I think we need to work on the guest worker program immediately, along with the border security program, so that the economy of this country and the people who are seeking to work in our country to provide for their families wherever they may live would be able to be matched. I think we should do those two things first. That would be my suggestion of a new approach.

The problem we ran into with this bill and the bill we tried to pass last year was that tough issue of, what you do with the people who are already here illegally, because the enforcement was not done. A blind eye was turned. Through many years, since 1986, there has not been that workable guest worker program which would accommodate the economic needs of our country and the economic needs of workers who cannot find jobs in their own home countries. Dealing with that was the hangup on this bill, make no mistake about it. It was the perception that people would be able to come here, stay in our country illegally, and never have to go home in order to become legally processed in our country. The American people rose up and said no. My amendment which tried to fix that came very close—53 to 45.

I think that is a concept we should revisit but not until we have addressed border security and made a commitment and significant improvements and a guest worker program established for people coming in legally. In my opinion, that would probably also cause some of the people who are here illegally to see a clear path, a workable path, a dependable path to come into our country and begin to work legally if we act now to set up that guest worker program. Then start the long and arduous process of trying to handle responsibly the people who are here illegally, some of whom have homes, have American-born children, which we must realistically address but maybe not all at once. That would be my suggestion for those who are willing to say: Let's take a week, and let's determine what the next course should be.

Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mrs. HUTCHISON. Let me end by saying I do believe we need to take some time. We need to look at the consequences of doing nothing, which I do not think people focus on enough, and try to have a fresh approach, perhaps a more graduated approach, that would

secure our borders and would have a guest worker program going forward and then follow up by dealing with the illegals who are in our country now. Perhaps there would even be a safe harbor—no commitments about what would happen but not to cause people to lose jobs that are not being filled.

Perhaps, there could be something along that line as we decide how to deal with those people who are here. I do believe there will be more acceptance of a responsible, legalization process of people who are here illegally if the American people see border security and a guest worker program that puts the people in the front of the line who have come legally into our country to work.

Mr. President, it is so important that we not give up. It is so important that we not turn another blind eye to the problem facing this country of more and more illegal aliens coming in. We must secure our borders from terrorists, drug dealers, and human traffickers. But it is not the same as people who are coming to our country for economic help for themselves and their families. We must provide a way to attract those people to jobs that are not being filled by Americans. So, yes, it is disappointing today.

I applaud the people who have worked so hard. I want to say that they did make progress, and it is something from which we can all learn and do better as we move forward. But, mostly, we cannot shirk the responsibility of our United States Senate and our United States Congress, working with the President, to do the right thing for our country.

I yield the floor.

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

#### IMMIGRATION

Mr. KENNEDY. Mr. President, it is now clear that we are not going to complete our work on immigration reform. That is enormously disappointing for Congress and for the country. But we will be back and we will prevail. The American people sent us here to act on our most urgent problems, and they will not accept inaction.

I have seen this happen time and time again. America always finds a way to solve its problems, expand its frontiers, and move closer to its ideals. It is not always easy, but it is the American way.

I learned this first as a child at my grandfather's knee. He taught me that in America progress is always possible. His generation moved past the cruel signs in the windows in Boston saying "Irish Need Not Apply" and elected that son of an Irish immigrant as mayor of Boston.

I learned that lesson firsthand when I came to the Senate in 1962. Our Nation was finally recognizing that the work of civil rights had not ended with the Emancipation Proclamation, nor with the Supreme Court's decision in Brown

v. Board of Education. It was up to Congress to take action.

The path forward has never been an easy one. There were filibusters of the Civil Rights Act of 1964 and of the Voting Rights Act of 1965. But we didn't give up and we ultimately prevailed.

The same was true in our battles for fair housing and for an end to discrimination against persons with disabilities. On immense issues such as these, a minority in the Senate was often able to create stalemate and delay for a time. But they had never been able to stop the march of progress.

Throughout all of those battles, we faced critics who loudly warned that we were changing America forever. In the end, they were right. Our history of civil rights legislation did change America forever. It made America stronger, fairer, and a better nation.

Immigration is another issue like that. We know the high price of continuing inaction. Raids and other enforcement actions will escalate, terrorizing our communities and businesses.

The 12 million undocumented immigrants will soon be millions more. Sweatshops will grow and undermine American workers and wages. State and local governments will take matters into their own hands and pass a maze of conflicting laws that hurt our country. We will have the kind of open border that is unacceptable in our post-9/11 world.

Immigration reform is an opportunity to be true to our ideals as a nation. Our Declaration of Independence announces that all of us are created equal. Today, we failed to live up to that declaration for millions of men and women who live, work, and worship beside us. But our ideals are too strong to be held back for long.

Martin Luther King had a dream that children would be judged solely by "the content of their character." Today, we failed to make that dream come true for the children of immigrants. But that dream will never die. It has the power to overcome the most bitter opposition.

I believe we will soon succeed where we failed today, and that we will enact the kind of comprehensive reform that our ideals and national security demand. Soon, word will echo across the country about the consequences of today's vote. The American people will know that a minority of the Senate blocked a record investment in border security.

H.L. Mencken said that for every complex problem, there is a simple solution—and it is wrong. A minority in the Senate has employed a simple label against this bill—amnesty—and they were wrong, too.

A minority in the Senate rejected a stronger economy that is fairer to our taxpayers and our workers. A minority of the Senate rejected America's own extraordinary immigrant history and ignored our Nation's most urgent needs.

But we are in this struggle for the long haul. Today's defeat will not stand. As we continue the battle, we will have ample inspiration in the lives of the immigrants all around us.

From Jamestown, to the Pilgrims, to the Irish, to today's workers, people have come to this country in search of opportunity. They have sought nothing more than a chance to work hard and bring a better life to themselves and their families. They come to our country with their hearts and minds full of hope.

We will endure today's loss and begin anew to build the kinds of tough, fair, and practical reform worthy of our shared history as immigrants and as Americans.

Immigration reforms are always controversial. But Congress was created to muster political will to answer such challenges. Today we didn't, but tomorrow we will.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. CORNYN. Madam President, I wanted to come to the floor to offer a few thoughts and observations on the important vote we had earlier today on the immigration bill. I know many people are puzzled when they watch us debate big and important issues such as this. What usually happens is our views are reduced to a bumper sticker. Particularly on complex topics such as immigration, a bumper sticker doesn't tell the whole story. So I wish to offer a few thoughts on the way forward on this important issue.

I have not found an issue in my short time in the Senate, now about 4½ years, which has been more closely followed and on which there has been more passion than the subject we have been debating this week and which we voted on this morning.

Sometimes, as we all know, passion can produce more heat than light, but what we need is some light and some clear thinking and some better solutions to our broken borders and our broken immigration system than we have had so far.

I don't say that with the intent to criticize the hard work that people have put into this effort. I am proud of the fact that since I have been in the Senate, I have tried to constructively contribute to a solution to this problem. As a member of the Senate Judiciary Committee and as a former chairman of the Immigration and Border Security Subcommittee of that Judiciary Committee, now as the ranking member, I have tried my best to contribute