

banks that made mortgages, the community banker, for instance, regulated by the Federal Government. But the mortgage brokers who are not affiliated with banks, unregulated, are clearly at the nub of this. They were unregulated, and that was the old philosophy on that side of the aisle—no regulation, let the buyer beware. Well, the buyer got hurt. But as we learned in economics, the person in the house next door, who is fully paid on his or her mortgage, got hurt because his or her housing values went down.

Now we even have a credit freeze because people so miscalculated—the great financial moguls so miscalculated the value of these mortgages, it has now cast into doubt the way we evaluate credit everywhere. The Port Authority of New York just paid 17 percent for a short-term bond. Everyone knows the Port Authority is going to pay it back—they have a great revenue stream—but still, people are worried.

So the only way we are going to get to turn this economy around is do some things with housing. We on the Democratic side proposed a modest package of five measures, many of which had bipartisan support—raising the mortgage revenue caps was proposed by President Bush—and every one of them was designed to be focused, not that expensive—some money but not a huge program, designed to bring support from the other side.

Then Senator REID went to the floor and said: There are good ideas from the other side of the aisle. Senator ISAKSON has a very interesting idea about a credit for first-time home buyers for a while to encourage people to buy homes and get this housing market going. Senator REID offered Senator MCCONNELL the opportunity—you offer your amendments, modify the housing package, and let's move forward.

Again, what did we get? I don't know what number it was: another block, another filibuster, another requirement that we are not going to let this go forward. We are either going to delay and delay and delay with countless amendments, irrelevant amendments, or we will not let you move forward on any of your amendments—either one fitting into this category of “filibuster.”

Why don't they join us? Here the economy is sinking, and yet we had one vote, I believe it was, on the other side of the aisle saying: Let's move forward and get a housing package.

We are willing to entertain your amendments—not amendments that have nothing to do with housing: the estate tax—you know, the old saws. Let's do that another time. We have done it before. I am sure we will do it again, probably on the budget that is coming up next week. But let's move forward on housing.

Senator REID was extremely generous in his offer. What was the answer? No. This chart, in other words, says: No.

Our country demands change. Housing is in crisis. The housing crisis has spread like ripples outward on a pond,

hurting—hurting—our economy, hurting it as a whole. Here we have a smart, well-designed, thoughtful, and not overly broad package of housing reforms, and instead of debating, the other side obstructs. Is it because there are few on that side of the aisle who say: No Government involvement, and they are able to exert their will on the whole Republican minority and say: Just stop it? Is it because most of the other side is scared of the Republican base that says: No Government involvement, let the economy sink?

We heard that from Herbert Hoover. We heard that from William McKinley. We have learned about the economy since those days. We have learned that smart government involvement, particularly when there is an economic downturn—people are hurting, jobs are not being created—is the right thing to do.

Again, we can debate what the right way to do it is. I am sure most on the other side would more prefer tax cuts. Some of us prefer some money for CDBG or mortgage counselors—some Government spending. But let's debate it, and let's come up with a result. And instead: No. Filibuster. Again, maybe it is No. 73, maybe it is No. 69, maybe it is No. 67. I don't know what number it is. They are busy calculating that upstairs. But it is a big two-letter number.

The only thing I can say, putting on my political hat—I will tell you, the public is demanding change. The times, they are a-changing. If you do not seek to make that change, you will be called accountable in November. I do not want that to happen. I want to see a good, robust election. I want to see Democrats pick up seats. But given the choice, I would much rather have us join together in constructive legislation and each get credit for it.

But that is not going to happen unless we have a change in attitude, unless we go back to the old ways when filibusters were used on issues of major import but not used routinely to block every single piece of legislation.

Let us hope the membership on the other side of the aisle will see the light. Let us hope they will see that mere obstructionism is not what the country wants. Let us hope they understand there is a demand for change out there in the country. And let us hope they will join with us in seeking that right degree of change with open debate, with discussion of relevant amendments, and moving forward to heal some of the economic wounds the country is now facing.

Madam President, I yield the floor.

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. 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. SESSIONS. Madam President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

#### IMMIGRATION

Mr. SESSIONS. Madam President, yesterday 12 Senators announced their intention to file 15 bills that would deal with the broken immigration system we have—15 responsible pieces of legislation that would be effective, in discrete, separate ways, to close some of the loopholes that are making our immigration system not work.

This is important. It is important for the Senate to undertake this. I believe we should follow through, in the wake of last year's defeat of the massive amnesty proposal, with what so many Members have promised: real reform and real enforcement and border security first. That was what we decided last summer, I think, by most observers. We decided that amnesty before enforcement was backwards, and we needed enforcement first. That is what we talked about, and that is what the vote indicated when there was a massive defeat of that comprehensive bill.

Now, the majority leader this morning, to my dismay, called that discussion yesterday fanfare. He said he hoped the American people can see what is going on here. Let's be frank about what is going on here. The majority leader, by those words, indicates to me he has no intention of moving forward with enforcement legislation. The leader of the Democrats in the Senate has indicated he does not want to go forward with it and that he is still in last year's and the year before's philosophy that the way to handle immigration is to refuse to pass anything that impacts positively enforcement until he is able to force through a massive amnesty.

I will not go into the details of that discussion last year, but it was honest and detailed and long. When the debate was over, the American people and this Senate voted it down. We rejected it because it will not work that way. We must have the enforcement first. There are so many loopholes out there.

It is disappointing. That is, frankly, where we are. Fourteen of his colleagues on the Democratic side voted to reject that plan. There were only 46 votes for it. You needed 60 to pass it. The suggestion that we are going to go back to a comprehensive plan such as that is not sound.

These bills that have been offered by a fine group of Senators are excellent, responsible pieces of legislation. They help control some of the problems we have. I am disappointed it looks as though we are going to have to work hard to force an opportunity to even get votes on some of these critically needed pieces of legislation.

Of the 15 bills that are in the package that was announced yesterday, over half of them have had prior votes in the Senate.

Senator DEMINT's fence completion bill, S. 2712, has been the subject of four votes. The fence completion bill—and we voted on it, voted on it, and it wins every time—but you look out here, and all we have is a broken virtual fence that will not work, and very few miles of fence, very little of the double border. It is not occurring.

Senator DOMENICI's bill, to keep the National Guard there longer, has been voted on twice.

My bill requiring mandatory minimums for those who enter the country illegally has been voted on twice. It is a pretty tough bill. Somebody said we introduced a tough package. It would require 10 days detention at a minimum if you come here illegally. How extreme is that? If you come back a second time, a longer period. My legislation would also establish new work-site enforcement measures. That has been voted on at least twice in the Senate.

Various forms of the Chambliss-Isakson bill, creating effective partnerships between law enforcement and the Federal Government in State and local agencies, has received numerous votes.

The PRESIDING OFFICER. The Senator has used 5 minutes. There are a number of other bills from Senator VITTER, Senator INHOFE, Senator LAMAR ALEXANDER, Senator ARLEN SPECTER—and I have his remarks, which I will submit for the RECORD, and all of these things we voted on, many of which passed and some of which were in last year's comprehensive bill.

I see my colleague is here, Senator ELIZABETH DOLE, who is so thoughtful on these issues and is a superb Senator and who has given a lot of time and interest in trying to do this thing right. I know she has a piece of legislation she would like to discuss.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, in the time remaining in the 110th Congress, there is still much that can be done to address critical pieces of the massively complex immigration issue. As my good friend, the Senator from Alabama, who made such kind comments, has related, we are offering solutions to demonstrated problems—measures that have bipartisan appeal and broad public support.

I have introduced legislation which would repeal President Bill Clinton's Executive order requiring the Federal Government to provide services in languages other than English. It is impractical and fiscally irresponsible to provide services in the hundreds of languages spoken in the United States at an estimated cost of up to \$2 billion annually. My bill would also help ensure that Federal funds to local and State governments are not jeopardized because they provide English-only services. Moreover, proficiency in English should be encouraged, as it is required for citizenship and essential for maximizing opportunities in this country.

My other bill, the Safe Roads Enhancement Act of 2008, would amend the Immigration and Nationality Act to make a drunk driving conviction a deportable offense for illegal aliens. It also would classify a third drunk driving conviction as an aggravated felony and therefore a deportable offense for nationals of a foreign country.

In my State of North Carolina, there have been a number of fatal automobile accidents caused by an intoxicated person who was in the United States illegally. In several of these incidents, the illegal alien has a record of DWI but has been caught and released. For families, the pain of losing a loved one is compounded by the knowledge that the person responsible for these fatalities was not even in this country legally.

A tragic example occurred in Charlotte last spring when a man attempted to cross the street and was struck and killed by a drunk driver who then fled the scene. Fortunately, police were able to apprehend the driver, an illegal alien with a previous DWI conviction, before he could harm anyone else. Cases such as this are not isolated, and they are not specific to North Carolina. Across our Nation, similar senseless tragedies occur on roads and highways.

My bill would help ensure that undocumented aliens who have self-identified themselves by drunk driving are removed. Likewise, individuals who abuse their legal status in the United States by repeatedly breaking drunk driving laws would lose their privilege of living in our country. Sadly, as we have seen repeatedly, we sorely need to strengthen immigration laws with regard to drunk driving convictions.

Furthermore, our Government urgently needs to be laser-focused on removing undocumented aliens who are self-identifying themselves by committing other crimes, such as drug trafficking and gang-related activities. Most of us can agree that criminal aliens who are obviously here for the wrong reasons should be removed. If we are not safe in our own communities and in our own homes, then what else is going to matter?

I am very proud that as a result of my many months working with Federal officials and sheriffs across our 100 North Carolina counties, ours is the first State in the Nation to have a statewide partnership plan for sheriffs to coordinate with ICE, part of the U.S. Department of Homeland Security. This plan will ensure that all North Carolina sheriffs can readily access, if they choose, the tools such as 287(g) to identify and help process undocumented aliens who have self-identified themselves by committing crimes.

This plan is being implemented by the steering committee of North Carolina sheriffs and adopts a regional approach to ensure statewide access to 287(g) databases and other resources to determine the immigration status of apprehended individuals. The State is being audited as we speak. I welcome

the work of my colleagues from Georgia for their bill that recognizes that local law enforcement officers are on the front lines fighting crime in their communities, and it directs additional resources for these types of Federal partnerships that can help bring criminal alien problems under control.

The No. 1 lesson learned from the Senate's failed immigration bill is that Americans simply don't have confidence their Government is serious about securing our borders and enforcing our laws. Real action, real results on this front are long overdue. People don't want promises anymore, they want proof. We now have a chance to put the horse before the cart and enact the border security and enforcement policies that will bring about the political will and support to further address our broken immigration system. I urge my colleagues' support of this commonsense approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I thank the Senator from North Carolina and the Senator from Alabama for their leadership on this immigration issue. Thanks for a few moments to speak on a bill that I will be offering related to the immigration debate that is called the Complete Fence Act.

Last year, I think we took on a noble task of trying to solve the immigration problem with one grand bill, but what we have learned in the Senate is that it is very difficult to focus on one issue and get a bill through without a lot of add-ons for special interests. We are certainly seeing it with the consumer product safety bill that we are debating now.

The House passed a bill that was bipartisan and unanimous and was supported by consumer groups as well as industry groups. It was a bill that was ready for us to take and pass and send to the President. But we in the Senate needed to add in a number of special interest provisions that have nothing to do with consumer product safety. We even discovered last night, as the bill was put into a managers' amendment, they had added some new things that apply to one State and things that have nothing to do—no germaneness—with consumer product safety that we have to deal with.

Certainly, that is what we ran into on the immigration issue. So much was added to the bill, it was like trying to swallow an apple when that apple needs to be eaten with a number of different bites.

That is what we are trying to do with this series of immigration bills which recognize that in order to have a real solution to the immigration problem in the country, we need to build a platform for reform one plank at a time. Even those who were pushing the comprehensive bill now realize we need to begin with border control and enforcement, the type of enforcement internally that the Senator from North

Carolina was talking about: a worker verification program so employers know who is legal and who is not. If we build this system that way, in a way the American people can trust, we can get to the point where America will trust us to develop new immigration policies, how to deal with those who are already here, and how to accept immigrants in the future who are needed for our economy.

But the very first step, as all of us have recognized, is to have border control. This body has passed several times legislation that would build a 700-mile fence along the border that would support our Border Patrol in stopping illegal immigrants. It is not just an issue of illegal immigrants themselves; it also involves drug trafficking, it involves human trafficking, and it also involves security from terrorists who might be smuggling weapons into this country. It is essential that we control our borders.

In 2006, Congress passed the Secure Fence Act which required 700 miles of fencing, and this is metal fencing—this is not virtual fencing; this is metal pedestrian fencing along the southwest border—and a deadline for 370 miles of this to be completed by the end of this year. At this point, only 167 miles of real metal fencing has been completed, but we have been assured by the Department of Homeland Security that they will meet their goal of 370 miles of fencing before the end of this year.

The bill I am introducing would set a deadline for 2010 for all 700 miles of pedestrian metal fencing to be completed. This is essential to move ahead with the immigration reform process so the American people will know we are serious about protecting the border and having a workable immigration system.

So I urge all of my colleagues to urge the Department of Homeland Security and comfort the American people with the fact that we are serious about completing this fence and to support the Complete Fence Act of 2008.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today in support of a piece of legislation that my colleague from Georgia, Senator ISAKSON, and I have filed. I compliment my friends and colleagues from South Carolina, North Carolina, and Alabama for their leadership. I look forward to supporting their commonsense measures toward doing what we said we were going to do, which is secure the border.

The one thing we learned last year, as the Senator from North Carolina alluded to earlier, during the immigration reform debate is the American people don't have confidence in Congress that we are going to do what we say we are going to do when it comes to border security. There is good reason for that. Credibility on this issue is simply lacking, both with the administration, as well as with Congress. Now

we have an opportunity to come back and take a commonsense approach from a legislative perspective on truly securing the border. The legislation Senator ISAKSON and I are introducing does this.

A lot of people have said: Senator, why don't you just enforce the laws that are on the books today? Why don't you get local law enforcement officials involved in helping secure the border and in dealing with people who are here illegally?

Well, the fact is, local law enforcement officials have very little power when it comes to dealing with folks who are in violation of a Federal immigration law, particularly when it comes to being here illegally. So what our particular piece of legislation does is, it puts the tools in the hands of those folks who are going to have the primary contact and are more likely to have the initial contact with folks who are here illegally, and that is local law enforcement officials versus someone from ICE or any other part of the Federal Government from a law enforcement standpoint.

All of us remember that three of the 9/11 hijackers were stopped on routine traffic stops by local law enforcement officials. Unfortunately, those local law enforcement officials did not have the means whereby they could check to determine whether those individuals were in this country legally or illegally. If they would have had the input—not access but the input—by the Federal Government into the NCIC, which is the national identification tracking mechanism for vehicles and drivers of vehicles that is used nationwide, then those local law enforcement officials would have known and understood those individuals were here illegally. And if they would have had the tools otherwise given in this piece of legislation, they could have dealt with and detained those individuals.

So what we seek to do with this commonsense piece of legislation is to, first of all, clarify the authority that local governments have in the normal course of carrying out their duties to help enforce our immigration laws. Secondly, it will expand the National Crime Information Centers Immigration Violators File to include those individuals who are known to be here illegally, or known to be here legally, so they can be cross-referenced in an instant and not have to worry about getting incorrect information or making assumptions.

This piece of legislation expands the 287(g) program, which is a very popular program with our law enforcement officials. Three of my counties in Georgia are already utilizing this program. What it does is, the Federal Government steps in with a county anywhere in the country to provide the law enforcement officials in that county with training and instructions as to how to deal with folks who are found to be violating our immigration laws.

Lastly, it will compensate State and local entities for immigration-enforcement-related expenses.

Madam President, common sense is what we are asking for here when it comes to enforcing the border and providing our law enforcement officials with the tools necessary to assist in making sure our borders are secure.

With that, I look forward to working with my other colleagues on their particular pieces of legislation as we move forward to make sure we restore confidence with the American people when it comes to border security, and we will be able to truly say we have secured the border, and here is how we have done it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I ask unanimous consent to be recognized to speak for up to 5 minutes.

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

Mr. VITTER. Madam President, I rise today to join several of my colleagues to continue to focus on the enormous problem facing our country of illegal immigration. I am proud to not only rise with these colleagues, some of whom have been on the floor this morning, but also to actively work with them on important enforcement and other measures that we can and must push forward this year to make significant improvements, to take significant strides in moving forward to solve the problem.

Yesterday, I announced, along with others, two things—first of all, the formation of a brand-new caucus in the Senate, which I organized. I am proud to say that now I believe the number is 12 Members have joined the caucus. It is the Border Security and Enforcement First Caucus. The purpose behind the group is exactly as the name implies: to push border security and enforcement first as the key, necessary first step in solving this enormous problem.

We have tried the other approach over and over for decades, and that is the so-called comprehensive approach. All that has yielded is gaps of time—3 to 5 years—and then there is a comprehensive approach that was tried and completely rejected by the American people. That approach has only led to failure because it doesn't jibe with what the American people know is the right approach, which is taking this in steps and starting with crucial enforcement, proving to them that Washington is going to do what it has never done before—have the political will and get real about enforcement.

Most recently, of course, the American people rejected that approach last July when they chimed in and had the Senate view its will to kill that last so-called comprehensive bill—a large amnesty bill with which they disagreed vehemently. So this is a new approach that can lead to progress, achievement, and success—enforcement first.

Also, yesterday a broad group of Senators introduced a package of bills that moves us in that direction. I have two bills in that package, which I will briefly mention.

The first bill would say that so-called sanctuary cities—local jurisdictions that set as official policy that they are not going to cooperate in any way with immigration enforcement and with our Federal immigration enforcement officials—will not get COPS funding. Instead, that COPS funding will go to the rest of the local jurisdictions in the country who do work with us in immigration enforcement.

The second amendment simply says that matricula consular cards issued by the Mexican Government to their citizens in this country—oftentimes, their citizens who are here illegally cannot be accepted by U.S. banks, to allow them to do things like open bank accounts and have credit cards. That is clearly a vehicle that is used now by millions of illegal aliens, allowing them to operate freely and effectively in this country. It should end for many reasons, security reasons and for enforcement reasons. My bill would do that.

Again, I am proud to join with a number of Senators in this important push toward enforcement first and the formation of our new caucus, the Border Security and Enforcement First Caucus, and in introducing this important package of bills, which we can move and pass this year.

I urge all of my colleagues to reject and defy the conventional wisdom that we cannot do significant things in a big election year. We can and we must because we face significant challenges, and certainly illegal immigration is near the top of that list.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

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

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

Mr. SESSIONS. Mr. President, I thank my colleague for talking about some of the legislation that was announced yesterday in a press conference—15 pieces of legislation, offered by 12 Senators, that they believe would help create a lawful system of immigration and that they would like to discuss and debate and vote on this year.

My friend, the Democratic leader, said he didn't like it, apparently because a number of those Senators gathered and announced at a press conference their ideas. He called that "great fanfare, a press event," with a little bit of a sniff, I think. And then he said these words: "I hope the American public sees it for what it is."

That kind of hurt my feelings. Can we not have a press conference to announce legislation that is going to improve America and talk about it? Is he suggesting that there is a nefarious plan afoot here? What is it that he is not happy about?

I just suggest that it was a revealing comment by the majority leader, with his inside-the-beltway hat on. What was revealed by that comment? He is suggesting that we should not bring it up because a lot of people in the media and the "masters of the universe," I call them, who want to control all this immigration and make it do what they want it to do—and they realize the American people do not agree with them, but they want to do it anyway. So I think it was a revealing comment when the majority leader said that something is afoot here. What he is concerned about is that these bills might actually be brought up, as Senator VITTER has announced, as a good piece of legislation—may actually be brought up and, heavens, they might be asked to vote on it with an election coming up; that it is unfair to ask the U.S. Senate to vote on legislation that the American people would like to see pass, that could help create lawfulness in the immigration system, with an election coming up. He hopes the American people "see it for what it is."

Well, if the fact that an election is coming up helps our colleagues to be more alert to the real need for reform, the real need to end unlawfulness in immigration, then so be it; maybe that is a good thing. I don't see anything wrong with asking a Senator, who is paid by the taxpayers of America a decent wage, a good wage, to vote on important pieces of legislation that the public cares about.

I suppose the majority leader, who would oppose, apparently, the legislation—or at least some of it—that we are talking about here would prefer that we wait until early next year, after the election, and he would have a better chance then of cobbling together the votes to kill the reforms that are needed. Maybe that is what he has in his mind. But we are entitled as Senators to have votes on bills. Hopefully, we will move forward with some good legislation that will work.

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Accountability in Immigrant Repatriation Act of 2008, S. 2720.

This bill addresses the reality that aliens who have been ordered to be removed from this country are often released back onto U.S. streets due to the refusal of their home countries to repatriate them. Moreover, many of these aliens are criminals who have served time in our Federal, State, and local jails. As of February 11, 2008, eight countries—such as Vietnam, Jamaica, China, India, and Ethiopia—are refusing to repatriate a total of over 139,000 aliens. Over 18,000 of them are convicted criminals who have been released back into U.S. society. Sec-

retary Chertoff testified this week that his counterparts in Europe are facing similar problems repatriating dangerous aliens.

We must increase the pressure on foreign countries to take back the aliens that have been ordered deported. The Supreme Court in two cases—*Zadvydas v. Davis* and *Clark v. Martinez*—adopted a presumption that it is only reasonable to continue to detain aliens ordered to be deported for up to 6 months. So at the end of that time, if the home country steadfastly refuses to repatriate, we are forced to release them.

This is of obvious concern to the citizens of this country, who are put at risk by criminal aliens who are released. In Pennsylvania, there are 700 to 1,000 undocumented criminal aliens that could end up out on our streets if their home countries refuse to take them back when we try to deport them. The recidivism rate among this population is extremely high. Studies show that the average criminal illegal alien was rearrested an estimated six to eight times—most often for drug crimes, robbery and assault, and, to a lesser degree, for murder and sexual offenses. Moreover, not only does refusal to repatriate often put convicted criminals with no right to be here out on the street, but drawn-out repatriation negotiations divert scarce Federal resources away from identifying and deporting other criminal aliens.

Therefore, this bill imposes sanctions on countries that refuse to repatriate aliens who have been ordered deported. First, the bill requires the Department of Homeland Security to report to Congress every 90 days on the countries which refuse or inhibit repatriation. The receipt of this report automatically triggers denial of foreign aid as well as suspension of visa issuances to the listed non-cooperative countries. This will send a clear signal to those countries unwilling to take responsibility for their citizens that they will no longer benefit from U.S. largess—in the form of money and visas.

It also grants standing to enforce the bill to victims of crimes committed by nonrepatriated criminal aliens. Current law, which gives the administration discretion to deny visas to uncooperative countries, has been sorely underutilized. This bill eliminates such discretion.

Section 243(d) of the Immigration and Nationality Act directs the State Department not to issue visas to nationals of countries identified by the Attorney General—now the Secretary of Homeland Security—as countries that deny or delay repatriation. Congressional intent was clear, and the remedy was potent when applied against Guyana several years ago. However, the Congressional Research Service has not identified any other instance in which Homeland Security elected to issue the triggering notification to the State Department.

On February 15, I wrote letters to the Secretaries of State and Homeland Security as well as to the Attorney General to find out why this authority is seemingly unutilized. On March 4, I reiterated my concerns to Secretary Chertoff in person, when he testified before the Appropriations Subcommittee. He committed to working with us to find ways to extend the 6-month detention in appropriate cases rather than simply releasing all deportable aliens. This is a welcome step—one that will complement the bill I am introducing.

Foreign relations are complex and there is a need to balance competing interests; however, ensuring the public safety is a Government's primary duty and must be its first priority. Also, we must ensure that prolonged repatriation negotiations do not drain scarce resources. It makes little sense to continue admitting persons if we cannot be sure that their countries will take them back in the event they are ordered removed from this country. Similarly, it makes little sense to continue rewarding such countries with U.S. taxpayer dollars in the form of foreign aid.

This bill addresses the problem by imposing sanctions on non-repatriating countries that refuse to cooperate and take responsibility. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the letters I referred to be printed in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 15, 2008.

Hon. CONDOLEEZZA RICE,  
Secretary of State, Department of State,  
Washington, DC.

DEAR SECRETARY RICE: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's *Zadvydas* decision.

Many of these recalcitrant nations receive substantial U.S. aid, and their citizens are regularly issued U.S. visas. The Congress has already attempted to address this problem, in section 243(d) of the Immigration and Naturalization Act, and I am curious as to why it is not utilized to greater effect. According to the statute, upon notification from the Attorney General that a country denies or unreasonably delays repatriation (such notification is now provided by the Secretary of Homeland Security), the Secretary of State "shall" suspend visa issuances until notified by the Attorney General that the country has accepted the alien.

This tactic is potent in theory, and was successful in practice when applied against Guyana several years ago. While I appreciate that foreign relations is a delicate affair involving balancing numerous interests, surely public safety in the United States is a priority of the highest order. Not only does refusal to repatriate often put convicted crimi-

nals with no right to be here back on the street, but drawn out repatriation negotiations divert scarce federal resources away from identifying and deporting other criminal aliens—as many as 300,000 of whom were incarcerated in 2007 and will be released rather than deported at the conclusion of their sentences.

It seems incongruous for the United States to continue admitting the citizens of an uncooperative country that refuses to take back those who are convicted criminals. Why then are we not more aggressive in our use of section 243(d) to ensure prompt repatriation, particularly of criminal undocumented aliens? I would appreciate your views on the efficacy of this provision and any obstacles to its utilization.

I look forward to your response and your thoughts on this important issue. To aid the analysis, I would appreciate it if you could include a list of the notifications you have forwarded to the State Department pursuant to section 243(d) in the last 5 years, any actions upon them (e.g., suspension of non-immigrant visas), and whether they were ultimately successful in securing repatriation.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 15, 2008.

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

DEAR SECRETARY CHERTOFF: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's *Zadvydas* decision.

Many of these recalcitrant nations receive substantial U.S. aid, and their citizens are regularly issued U.S. visas. The Congress has already attempted to address this problem, in section 243(d) of the Immigration and Naturalization Act, and I am curious as to why it is not utilized to greater effect. According to the statute, upon notification from the Attorney General that a country denies or unreasonably delays repatriation (such notification is now provided by the Secretary of Homeland Security), the Secretary of State "shall" suspend visa issuances until notified by the Attorney General that the country has accepted the alien.

This tactic is potent in theory, and was successful in practice when applied against Guyana several years ago. While I appreciate that foreign relations is a delicate affair involving balancing numerous interests, surely public safety in the United States is a priority of the highest order. Not only does refusal to repatriate often put convicted criminals with no right to be here back on the street, but drawn out repatriation negotiations divert scarce federal resources away from identifying and deporting other criminal aliens—as many as 300,000 of whom were incarcerated in 2007 and will be released rather than deported at the conclusion of their sentences.

It seems incongruous for the United States to continue admitting the citizens of an uncooperative country that refuses to take back those who are convicted criminals. Why then are we not more aggressive in our use of section 243(d) to ensure prompt repatriation, particularly of criminal undocumented aliens? I would appreciate your views on the efficacy of this provision and any obstacles to its utilization.

In a related development, this week, DHS noticed a proposed rule to prohibit H-2A

visas for nationals of countries which refuse to repatriate. This is a welcome step, but why did DHS not instead dispense with time-consuming rulemaking, which ultimately will provide only limited leverage, and simply notify the State Department immediately of the non-cooperating countries?

I look forward to your response and your thoughts on this important issue. To aid the analysis, I would appreciate it if you could include a list of the notifications you have forwarded to the State Department pursuant to section 243(d) in the last 5 years, any actions upon them (e.g., suspension of non-immigrant visas), and whether they were ultimately successful in securing repatriation.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 15, 2008.

Hon. MICHAEL B. MUKASEY,  
Attorney General, Department of Justice,  
Washington, DC.

DEAR ATTORNEY GENERAL: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's *Zadvydas* decision.

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I look forward to your response and your thoughts on this important issue. To aid the analysis, I would appreciate it if you could include a list of the notifications that were received pursuant to section 243(d) in the last 5 years, any actions upon them (e.g., suspension of non-immigrant visas), and whether they were ultimately successful in securing repatriation.

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

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

#### CONSUMER PRODUCT SAFETY

Mr. PRYOR. Mr. President, again today, we hope it is going to be a short day for the Senate. We hope we will be able to pass the Consumer Product Safety Commission Reform Act on which we have all worked so hard. I thank my colleagues for the fact that every single amendment that has been offered has been germane. That is great. The fact that everybody stayed focused on the subject matter has helped.

I know Senator STEVENS, who is on the floor now, will concur that it has been exemplary how Senators have conducted themselves on this bill. We thank everyone, all the Senators and the staff, for keeping the amendments germane. It is very important to getting this bill done this week.

The other good news is, our staffs burned the midnight oil last night, Democrats and Republicans. We have been putting together a managers' package, to give a quick status report on that. We think there are about 12 or so amendments in that managers' package right now that have been agreed to. It looks as if maybe we have around eight amendments that are pending. We are hoping we can work out some issues on some of those amendments. We understand there may be a small number of amendments still coming, but we have run our traps here, so to speak.

Again, the good news is we think we have a manageable number of amendments. We know we are going to have a vote in about 15 minutes. It will be on an amendment that is pending. Again, that is great. We will try to dispense with that amendment, however it comes out. Then we will move on to have further amendments throughout the day.

We are very encouraged. I thank Senator STEVENS for his leadership and his staff. They have been great. We appreciate their efforts to try to shepherd this bill through.

I do not want to make a prediction because I don't know and I don't pretend to know how this is going to turn out, but it appears to me that it is possible we could easily finish this bill today. It is possible—I don't want to jinx myself—but maybe even this afternoon. Instead of going into the late evening hours tonight, it is conceivable we might be able to finish it this afternoon if we work hard and stay on task.

I wanted to give the Senate an update. We look forward to the collegial spirit everyone has shown so far. We hope it continues today. I thank every-

body for their cooperation and assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding we are scheduled for a vote at 11 o'clock; is that correct?

The PRESIDING OFFICER. There will be 15 minutes of debate once the Senate lays down the bill.

Mr. INHOFE. I ask unanimous consent that I be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do believe we have an agreement, Mr. President, to vote at a time certain. Does the Senator wish to postpone that vote?

Mr. INHOFE. I inquire of the Chair, is there a time certain for a vote?

#### CPSC REFORM ACT—RESUMED

Mr. STEVENS. Mr. President, I ask that the bill be laid before the Senate.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

#### Pending:

Pryor amendment No. 4090, of a technical nature.

Feinstein amendment No. 4104, to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain specified phthalates.

Cornyn amendment No. 4108, to provide appropriate procedures for individual actions by whistleblowers, to provide for the appropriate assessment of costs and expenses in whistleblower cases.

Vitter amendment No. 4097, to allow the prevailing party in certain civil actions related to consumer product safety rules to recover attorney fees.

Casey amendment No. 4109, to require the Consumer Product Safety Commission to study the use of formaldehyde in the manufacturing of textiles and apparel articles and to prescribe consumer product safety standards with respect to such articles.

Dorgan amendment No. 4122, to strike the provision allowing the Commission to certify a proprietary laboratory for third party testing.

Dorgan amendment No. 4098, to ban the importation of toys made by companies that have a persistent pattern of violating consumer product safety standards.

Cardin amendment No. 4103, to require the Consumer Product Safety Commission to develop training standards for product safety inspectors.

DeMint amendment No. 4124, to strike section 31, relating to garage door opener standards.

#### AMENDMENT NO. 4097

The PRESIDING OFFICER. There is now 15 minutes equally divided on the Vitter amendment.

Mr. STEVENS. Mr. President, under the circumstances now, I control 7½ minutes?

The PRESIDING OFFICER. The time is divided between Senators VITTER and PRYOR.

Mr. STEVENS. I will be pleased to yield that time to the Senator from Oklahoma. I only control half of the time.

Mr. INHOFE. I will postpone my remarks until after the vote.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise again today in strong support of my amendment No. 4097. My amendment is very simple and very straightforward and, in fact, it conforms to present law, as well as to provisions in the House bill, with regard to the awarding of reasonable costs and attorney's fees.

My amendment simply says that a judge can award reasonable costs and attorney's fees from the loser to the winner no matter which side wins and loses. So if an attorney general brings an action and prevails on that consumer product safety action, then it is in the judge's discretion to award costs and attorney's fees from the losing private party to the attorney general. But fairly, if the opposite happens, if the private party is vindicated, if the private party goes through this litigation, which is always significant, lengthy, and costly, and wins and is vindicated, then it is also within the discretion of the judge—it is not mandatory—it is within the discretion of the judge that the private party be awarded reasonable costs and attorney's fees from the losing side; in that case, the attorney general.

That, again, is essentially present law. It can go in either direction. It is up to the court. The words are a little different, but that is essentially the policy embodied by the House bill. I think that is even and that is fair. That does not create an undue push in either direction.

Unfortunately, the underlying bill, the bill before the Senate is very different. It says that only the attorney general in prevailing can get reasonable costs and attorney's fees. The private party, even if it goes through very lengthy, very protracted, and very expensive litigation and is completely vindicated, can never get reasonable costs and attorney's fees, even if the judge thinks that is appropriate.

I think that is wrong. I think it is imbalanced and unfair. It is very important that we act to promote consumer safety. It is very important that we pass some of the measures in this bill and many of the measures in the House bill which I supported as an alternative. In doing that, we need to not make certain problems worse, and one of the problems that has existed is a clog of activity before the Consumer Product Safety Commission and also in the courts.

I feel this underlying provision in the Senate bill, which is all in one direction, could make that clog worse, could