

Senator ENSIGN in this competitiveness piece of legislation.

It would not have gotten started without him and the work he did with Senator LIEBERMAN in the Council on Competitiveness, and it would not have been finished without he and his staff taking a lead role in helping to bring the Senators together.

It is important the way he characterized this as a progrowth initiative. This is progrowth legislation. It is part of a progrowth agenda. Sometimes we forget that.

It is a great pleasure to work with him on this legislation. I wanted to acknowledge his leadership.

I want to say to the Senator from Massachusetts that I appreciate his leadership on this legislation. He was already a veteran when I was a Senate aide here many years ago. He has been deeply involved in these issues for a long time. He and his staff made it possible for us to bring this to a conclusion.

There are many ideas about how to do this. To have three committees basically unanimously agree that this is how we should begin—there are many other issues to be dealt with. Many of them may be dealt with in amendments after the recess. But without Senator KENNEDY's leadership and without Senator ENSIGN, nothing would have happened.

After Senator KENNEDY's remarks, I would like to say a word about Secretary Spellings' speech today. I appreciate him allowing me to speak now.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just want to say a few words on the competitiveness legislation to which Senator ALEXANDER and Senator ENSIGN referred. My full statement will accompany the bill's introduction later today, but I do want to mention that I am a very strong supporter of the bill. As Senator ENSIGN and Senator ALEXANDER mentioned, it is the result of a strong bipartisan process.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. We were called into action in 1957 when the Soviet Union sent Sputnik into space. We rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was by an American. We increased the commitment we made to math and science and doubled the federal investment in education.

Money in itself may not be the answer to everything, but it is a very clear indication of a nation's priorities.

Now we are faced with the challenges of globalization, and now we must decide—are we going to get consumed by it, or are we going to embrace the challenge and make sure that every individual, whether in Tennessee or in Massachusetts, is going to be prepared to respond to it; that our States are

going to be prepared to respond to it; and that our country is going to be prepared to respond to it? This is critical not only for the sake of our economy, but for the sake of our national security.

We need the same bold commitment today that we made four decades ago, in order to help the current generation meet and master the global challenges of today and tomorrow. The National Competitiveness Investment Act is a strong first step in that effort.

I will not take the time here to review how America is slipping behind in technology and engineering compared to what is happening in India and in China and other countries. But one brutal fact is that the jobs of the future are going to go to the societies and the economies that are on the forefront of innovation. That is where the economic strength is going to be, and it will directly impact our national security. This legislative effort is a very important downpayment on ensuring that the United States is that society at the forefront of innovation. And the legislation is the result of a good deal of work.

The good work of the Senator from Tennessee, Mr. ALEXANDER, of Senator BINGAMAN from New Mexico, and the large bipartisan group the Senator from Nevada mentioned. It stems from the work of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine as well as some very important leaders in the private sector who have played an extremely important role in our efforts to keep America on the cutting edge.

We are also dealing with other important issues that are before the Senate today. But I agree with my colleagues that these issues related to America's competitiveness are issues that Congress needs to act on as soon as possible. It is extremely important.

At a time in Washington when the debate seems to be dominated by partisan politics, it should be reassuring to the American people that we are united in recognizing the importance of investing in America's competitiveness in the years to come. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments needed to fully support and build on these important proposals.

IMMIGRATION

Mr. KENNEDY. Mr. President, before the Senate tomorrow, we will be dealing with one of the provisions relating to immigration, the amendment dealing with the fence on the southern border of our country. I would like to address the Senate about this issue and about the general issues of immigration.

We face a clear choice on the bill between two fundamentally different approaches to immigration. We are talking about the underlying legislation on

which the majority leader now has put forth a cloture motion, which we will be voting on tomorrow. We will be unable to have any kind of amendments to it. That opportunity has been foreclosed. I think that is regrettable. I think this would have given us an important opportunity for alternatives that have been debated and accepted in the Senate earlier this year. That is the way we have to deal with it in terms of Senate rules and procedures. That is where we are at the present time. We will vote on this tomorrow.

There is no debate about our immigration system being broken and in need of repair. All of us at this point understand that reform is essential. The choice we confront is whether we will answer that call with a decisive vote in favor of comprehensive reform or whether by failing to do so we will defer to the House of Representatives, which has an enforcement-only approach.

I listened to Dr. Land today, who is the President of the Southern Baptist Organization—not recognized as being either a Democrat or liberal figure—talk about the morality of this issue and also about the immorality of the House approach. He commented on a joint press conference he read with great particularity and with the language which is the approach of the House of Representatives included in terms of its immigration bill. He was pointing out that any person of the cloth who cares for the least among us, whether it is food, clothing, or a stranger, any act of general humanity, would be accused of aiding and abetting an undocumented and, under their language, he concluded could be both arrested, tried, and convicted.

He spoke enormously eloquently about the morality of that particular House legislative approach and its inappropriateness, and compared it to the fugitive slave law wherein innocents were helping free slaves in the mid-1800s.

The recent report of the Independent Task Force on Immigration calls immigration the oldest and newest story of the American experience.

Immigration has always been part of our history. It is in our blood and genes. In the beginning, immigrants helped to build our country, make it strong, loved America, and fought under our flag with great courage. Over 70,000 permanent residents have fought in Afghanistan and in Iraq. A number have won medals for bravery and courage. Generations of immigrants have settled here, found a nation that rewarded their hard work, respected their religious beliefs, and enabled them to raise their families.

Immigrants today are no different. They work hard, they practice their faith, they love their families, and they love America.

Today, more than 60,000 immigrants serve in the U.S. military. Many have made the ultimate sacrifice, giving their lives for America on the battlefields of Iraq and Afghanistan. That

has always been the American story. It is what makes America a land of liberty and progress and opportunity.

Reform is a pressing issue today. It is a security issue, an economic issue, a moral issue. The question is, How do we secure our borders effectively to keep out criminals and terrorists who want to harm America and not obstruct the entry of many others who want to continue to benefit our country?

How do we deal with 12 million law-abiding, taxpaying, undocumented immigrants and their families in this country? They live beside us, worship in our churches, attend our schools, are part of our communities. They deserve a fair chance to come out of the shadows and contribute fully and legally to our country.

U.S. businesses that are unable to find the American workers they need must be able to draw upon workers from other nations. Both native-born and immigrant workers deserve to be free from exploitation, be paid fair wages, receive the protections of our labor and health and safety laws.

In May, the Senate met this challenge and passed a comprehensive immigration bill with effective enforcement measures. Enforcement alone and fencing alone will not work. Those who support enforcement only, anti-immigrant approach may think it is good politics, but security experts agree that cracking down harder on illegal immigrants won't result in our regaining control of our borders. Instead they believe the Senate had the right approach.

As Tom Ridge, the former Secretary of Homeland Security, recently noted:

[T]rying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with the robust temporary guest worker program and a means to entice those now working illegally out of the shadows in some type of legal status.

Instead of following the sound advice of these experts and focusing on solving real problems, the Senate is considering a House bill to order the Department of Homeland Security to build hundreds of miles of fencing along our border with Mexico—a country that is not our enemy, but a close friend, our second largest trading partner.

The House bill is unnecessary. Earlier this year, Secretary Chertoff told Judiciary Committee members that he needed about 370 miles of fencing and 461 miles of vehicle barriers and targeted urban areas along the southwest border. The Senate included a provision in our immigration reform bill to do that and on August 2 we agreed, by a vote of 94 to 2, to appropriate \$1.8 billion for that purpose.

The much longer fence in the pending bill would be a waste of taxpayers' money. The Congressional Budget Office estimated it would cost roughly \$3.2 million a mile, which may be the low end. The first 11 miles of the San Diego fence cost \$3.8 million a mile and

the final 3.5 mile section cost approximately \$10 million a mile.

Under more recent estimates, which take into account the cost of roads, lighting, infrastructure, terrain, and other factors, the costs are even higher. The current estimate also ignores the annual maintenance costs which could be as high as \$1 billion a year. The more than 700 miles in fencing that the House proposes but that Secretary Chertoff does not need will result in at least \$1 billion in unnecessary spending.

Fences don't work. Undocumented inflows have increased by a factor of 10 since fencing was introduced. San Diego's wall has benefited the smuggling industry and increased the loss of immigrant lives by shifting entry to the desert. The track record of the four concentrated border enforcement operations in border States shows that tougher border controls only enrich smugglers, endanger the lives of migrants, and encourage those who overcome the obstacles to settle permanently here in the United States.

Testimony we had before our committee recently from some of those who have studied this issue pointed out that up to 60 percent or more of those who come here want to work for a while, make some money and be able to return to their families and to their community to be able to enjoy it. By putting the fence up, we are making sure they are locked in the United States illegally.

Recent testimony from the bipartisan Congressional Budget Office concluded that the sharp increase in border security funding over the past decade and the near doubling of the number of Border Patrol agents over that time have not kept sizable numbers of illegal migrants from entering the country illegally. The reason? Jobs were the magnet. As long as you have the magnet of jobs, people are going to find ways around the fence, under the fence, and over the fence. Until you have a comprehensive approach that will deal with that issue, as our comprehensive approach does, the idea of putting more fencing is basically going to be ineffective.

For example, the Border Patrol budget increased from \$263 million in 1990 to \$1.6 billion today, a sixfold increase, yet during this period more than 500,000 undocumented immigrants entered the United States each year. In all, nearly 9 million have arrived since 1990. During the same time, the probability that an unauthorized border crosser would be apprehended fell from 20 percent to 5 percent. The United States now spends \$1,700 per border apprehension, up from \$300 in 1992.

Nor will fencing keep out criminals or terrorists. The September 11 terrorists did not come across the Mexican border illegally. They entered the United States with visas. Fences won't stop immigrant workers from coming here to work. Governor Janet Napolitano of Arizona, who knows a lot about borders, recently said:

You show me a 50-foot wall and I'll show you a 51-foot ladder at the border.

Fences can be outflanked—and not only over land or through underground tunnels. Increased fences prompted smugglers to move migrants in boats and transport them by plane to Canada, with its 4,100 mile largely open border. A recent study of the Pew Hispanic Center found that roughly 40 to 50 percent of the people currently in the United States illegally entered the country legally. We are going to vote on this measure tomorrow in order to stop allegedly illegal immigration coming across the southern border when half of those who are undocumented today come here legally. Therefore, you have to deal with that particular issue. That fence issue does not do anything about that problem. Our comprehensive approach does.

More fences would do nothing about immigrants who come here legally and then overstay their visas. Unnecessary enforcement measures also harm United States relations with Mexico and other countries. A “fortress America” mentality alienates other nations and makes it harder to work with them on other counterterrorism priorities. Already, the “muro de muerte,” the wall of death, is a rallying call for opponents of free trade and other aspects of United States economic agenda in Latin America.

Cardinal Mahoney, of Los Angeles, has pointed out, “as the world's lone superpower and greatest democracy, we possess the resources and ingenuity to solve our immigration problems humanely and without resorting to the construction of barriers and walls.”

The United States is facing a delicate period in its current relations with Mexico. Andres Manuel Lopez Obrador will soon become the President of Mexico after a very close election that challenged Mexico's democracy. Mr. Obrador stated that fencing will increase tension and insecurity at the border.

President Bush got it right in May when he declared an immigration reform bill needs to be comprehensive because all elements of the problem must be addressed together or none of them will be solved at all. He got it wrong last week when he indicated that the House fence bill is an acceptable interim measure.

We will have the opportunity to vote. I hope the Senate recognizes what it recognized during the course of the 2-week debate, and that is, the comprehensive approach is the approach that will ensure the strongest security at our borders. The law enforcement within our country, in terms of the enforcement of programs and human policy, recognizes that those who worked hard, played by the rules, contributed to their community, have sent their sons and daughters off to war, want to be a part of the American dream, who are willing to pay a penalty and also go to the end of the line, would be able to adjust their status.

A comprehensive approach is the way we ought to be going. That is effectively the way everyone who has talked about the overall challenges of the undocumented and illegal immigration believe is the way to go. Sure, we need to do what needs to be done at the border, but it ought to be done in a comprehensive way with these other elements.

This legislation does not do so, will not be effective, and should not be accepted.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SECURE FENCE ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6061, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Pending:

Frist amendment No. 5036, to establish military commissions.

Frist amendment No. 5037 (to Amendment No. 5036), to establish the effective date.

Motion to commit the bill to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Frist amendment No. 5038 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish military commissions.

Frist amendment No. 5039 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish the effective date.

Frist amendment No. 5040 (to Amendment No. 5039), to amend the effective date.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent I have 2 minutes as in morning business.

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

COMMENDING SENATOR ALEXANDER

Mr. DOMENICI. Mr. President, I note that the distinguished Senator from Tennessee, Senator LAMAR ALEXANDER, is in the Chamber. I am sure he has already spoken this afternoon, but I was not present because I was attending another meeting.

Senator, if you do not feel good this afternoon, I don't know what we are going to do in the Senate in terms of qualifying you to be happy. I don't know what else we will do to make you happier than what we are going to do tonight or during the next week or so on this competitiveness measure.

Senator ALEXANDER came to the Senate, and before his first term has expired he has taken the lead, without anyone wanting to run around and try to figure out who should get the lead, on this mammoth piece of legislation. It falls automatically that LAMAR ALEXANDER deserves the credit for getting

it started. It was his idea. He recruited the junior Senator from New Mexico.

They asked me, as members of my committee, if they could take the proposition of what we could do to better America's position in a competitive world, if they could take that to the Academy of Sciences to get a report so we could adopt a report during this calendar year.

Believe it or not, they did that. As a result, 71 Senators cosponsored the legislation. As a result, we will have introduced a bill today that almost takes care of every recommendation that committee made to the Congress. We are having it introduced officially by the leadership this evening. It will be held and passed by this Senate before we adjourn this year.

Imagine that, for a Senator who has just come to the Senate. If he cannot say and put up whatever he puts up, matters of high esteem, completed by him, something that he can be proud of, that is this legislation.

There will be a day when it passes that he can be happier, but he will be overjoyed today when he sits down and thinks for a moment of what is accomplished for America to get moving to develop our brain power where we could, where we can, as we can, and as we should, without any doubt.

I compliment the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business.

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

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. He is overly generous. I learned as a staff aide in the Senate that if an idea has many fathers and many mothers, it has a much better chance of moving along than if it just has one.

Senator DOMENICI is being overly modest about his own role. This would not have gotten to first base—by “this,” I mean the competitiveness legislation—had not Senator DOMENICI created the environment in which it could succeed, and if he and Senator BINGAMAN had not had such a good partnership and been able to work together, set a good example and have been willing to step back and allow other good ideas that were progressing through the Commerce Committee and the HELP Committee.

It has been a remarkable exercise in restraint for many distinguished Senators, some among the most senior Members of the Senate, and at a time when politics is at a pretty high level.

I thank the Senator for what he said. It means a lot to me.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the National Competitiveness Investment Act.

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

SUMMARY OF THE NATIONAL COMPETITIVENESS INVESTMENT ACT

The National Competitiveness Investment Act is a bipartisan legislative response to recommendations contained in the National Academies' “Rising Above the Gathering Storm” report and the Council on Competitiveness' “Innovate America” report. Several sections of the bill are derived from proposals contained in the “American Innovation and Competitiveness Act of 2006” (S. 2802), approved by the Senate Commerce Committee 21–0, and the “Protecting America's Competitive Edge Through Energy Act of 2006” (S. 2197) approved unanimously by the Senate Energy Committee. Accordingly, the National Competitiveness Investment Act focuses on three primary areas of importance to maintaining and improving United States' innovation in the 21st Century: (1) increasing research investment, (2) strengthening educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, and (3) developing an innovation infrastructure. More specifically, the National Competitiveness Investment Act would:

Increase research investment by:

Doubling funding for the National Science Foundation (NSF) from approximately \$5.6 billion in fiscal year 2006 to \$11.2 billion in fiscal year 2011.

Setting the Department of Energy's Office of Science on track to double in funding over 10 years, increasing from \$3.6 billion in fiscal year 2006 to over \$5.2 billion in fiscal year 2011.

Establishing the Innovation Acceleration Research Program to direct Federal agencies funding research in science and technology to set as a goal dedicating approximately 8 percent of their Research and Development (R&D) budgets toward high-risk frontier research.

Authorizing the National Institute of Standards and Technology (NIST) from approximately \$640 million in fiscal year 2007 to approximately \$937 million in fiscal year 2011 and requiring NIST to set aside no less than 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

Directing NASA to increase funding for basic research and fully participate in inter-agency activities to foster competitiveness and innovation, using the full extent of existing budget authority.

Coordinating ocean and atmospheric research and education at the National Oceanic and Atmospheric Administration and other agencies to promote U.S. leadership in these important fields.

Strengthen educational opportunities in science, technology, engineering, mathematics, and critical foreign languages by:

Authorizing competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed for success in postsecondary education, the 21st century workforce, and the Armed Forces, and grants to support the establishment or improvement of statewide P-16 education longitudinal data systems.

Strengthening the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the National Laboratories and by increasing support for the Teacher Institutes for the 21st Century program at NSF.

Expanding the Robert Noyce Teacher Scholarship Program at NSF to recruit and train individuals to become math and science teachers in high-need local educational agencies.