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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The PRESIDENT pro tempore. This morning, we have the privilege of being led in prayer by our guest Chaplain, Rabbi Shmuel Butman from the Lubavitch Youth Organization of New York City.

The guest Chaplain offered the following prayer:

Ovinu Shebashomayim, our Heavenly Father.

We pray to You today, 3 days before the 104th birthday of the Lubacitcher Rebbe, Rabbi Manachem M Schneerson. The Rebbe reached out to all people and inspired all people throughout the world, regardless of race, religion, color, and creed, to reach a greater level of observance and service. The Rebbe said that this is the last generation of exile and the first generation of redemption and that each one of us can bring the redemption even closer by doing more deeds of goodness and kindness. The Rebbe also encouraged the observance of the Seven Noahide Laws, or the Seven Universal Laws, which are the basis of any decent and civilized society.

In the merit of the Rebbe, we ask You, Almighty God, to bestow Your blessings on the Members of the Senate and their families and through them on all the people in the United States of America for peace, contentment, and fulfillment in all their endeavors, in joy, in happiness, and in gladness of heart.

In honor of the Rebbe, I want to do an act of goodness and kindness. I want to put a dollar in a pishky, in the charity box. May God bless you, all of you. Thank you.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

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

### SECURING AMERICA'S BORDERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to \$20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Santorum/Mikulski amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa

waiver program established under section 217 of the Immigration and Nationality Act.

Nelson (FL) amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.

Nelson (NE) amendment No. 3421 (to amendment No. 3420), of a perfecting nature.

The PRESIDENT pro tempore. Under the previous order, the time between 9:30 and 10:30 will be equally divided between the managers or their designee.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning, the time until 10:30 will be equally divided for debate prior to the vote on invoking cloture on the Specter substitute to the border security bill. I now ask unanimous consent that the final 20 minutes before the vote be divided so that the Democratic leader has 10 minutes, to be followed by the majority leader for the final 10 minutes.

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

Mr. FRIST. Mr. President, I don't believe that cloture will be invoked today on the chairman's substitute. Therefore, we have two additional cloture motions pending to the border security bill. There is a cloture motion to the Hagel-Martinez language that was offered yesterday and a cloture motion to the underlying border security bill. We will announce the exact timing of those votes a little later as we go through the morning and see how we progress. It is unfortunate that we had to set up these procedural challenges, but given the lack of progress and cooperation on getting amendments up and voted on, it was the only way to move ahead.

We have very important Department of Defense nominations that have been pending on the calendar since last

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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year. I have consulted with the Democratic leader, and I have scheduled cloture votes on those nominations this week to allow the Senate to vote on these important Department of Defense nominees.

Needless to say, we have a lot to do before the Easter-Passover adjournment.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to suggest the absence of a quorum so the leader and I may speak for a couple minutes before the debate starts.

I ask unanimous consent that the time on our side be divided between Senators DURBIN, LEAHY, and KENNEDY, each 8 minutes; Senators SALAZAR and MENENDEZ, each 3 minutes.

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

Mr. REID. It has already been suggested by the Republican leader that our time would follow the hour time that is allotted under the rule, a half hour on each side, and then I would speak, and then the distinguished Republican leader would end the debate. Is that appropriate?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Nevada, the distinguished Democratic leader, has suggested more time than is available to the Senator.

Mr. REID. Mr. President, I ask unanimous consent that the 10 minutes for me and the 10 minutes for the majority leader be under leader time.

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

Mr. REID. And I ask unanimous consent that the time not start running until we finish our personal colloquy.

I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

There is now 60 minutes equally divided. Who yields time?

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, today the Senate has a historic opportunity with this cloture vote to move forward with tough, smart, and comprehensive immigration reform that secures our Nation's borders or to maintain the status quo of failed laws and a broken immigration system that is weak on enforcement and leaves our borders and our citizens unsecured.

A vote for invoking cloture is a vote for an increase of 1,250 Customs and Border Protection officers, 2,500 port-of-entry inspectors, 1,000 personnel dedicated to the investigation of alien smuggling, 25,000 investigators, 12,000 new Border Patrol agents, 10,000 work-

site enforcement agents, 5,000 fraud detection agents, and the acquisition of 20 new detention facilities to accommodate at least 10,000 detainees to ensure that we have tightened our border security and workplace enforcement.

A vote for invoking cloture is a vote to create an equal playing field and ensure that American workers' wages, benefits and health and safety standards are not undercut.

A vote for invoking cloture is also a vote to realize the economic realities in our society in which undocumented workers are bending their backs every day, picking the fruits and vegetables that end up on our kitchen tables, digging the ditches that lay the infrastructure for the future, cleaning the hotel and motel rooms for our travelers, plucking the chicken or deboning the meat that we had for dinner last night, and helping the aged, the sick and disabled meet their daily needs.

This vote ensures that they are brought out of the darkness and into the light of America's promise. A vote for invoking cloture is a vote to create the possibility for those who contribute to our country a pathway to earn legalization—but only after they pay thousands of dollars in fines and fees, pass a criminal background check, go to the back of the line behind all applicants waiting for green cards, pay any and all back taxes, remain continuously employed going forward, pass a medical exam, and learn English and U.S. History and Government.

A vote for cloture gives us greater security. But unlike the House bill, it doesn't criminalize innocent U.S. citizens—those, for example, like Catholic Charities—who give advice to immigrants, like those who give help to a rape victim or a battered woman. That is why I urge our colleagues to vote to invoke cloture on the Judiciary Committee bill.

The PRESIDENT pro tempore. The Senator's time has expired. Who yields time? If no Senator seeks time, the time is charged against each side equally.

Mr. FRIST. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Mr. President, I rise today to urge my colleagues to invoke cloture on the Specter substitute amendment. I do so because of several key reasons. First, the legislation that came out of the Judiciary Committee had broad bipartisan support. I think when you have that kind of bipartisan support, it speaks to what we can do as a Senate when we reach across the

aisle to try to find common ground. I think the Judiciary Committee found that common ground.

Second, the bill addresses the key issues we should be addressing in the Senate today. It addresses border security, which is critically important to us, that we deal with trying to strengthen our homeland defenses and our national security. It addresses the issue of enforcement of immigration laws in our country. It also addresses the economic and human realities of undocumented workers that we have in America today.

It is a good bill from that perspective. It is a law and order bill. For those on the other side who say this is amnesty, I reject that labeling. It has penalties and registration that go along with the requirement for those people who are undocumented and working in the United States.

Finally, no matter how this cloture vote goes—and I intend to vote for cloture because it is a good bill, and I urge my colleagues to vote for cloture—we need to continue to work on this issue because it is so important to the future of America. We have a reality in our country today; where we have broken borders and lawlessness, we need to restore some order and regularity to our immigration system. This issue is too important for us to simply walk away.

I hope we will continue to work through this issue and come up with the kind of wisdom that Solomon would bring to a very important national issue, so we can get some kind of resolution that addresses the concerns of all of those who are so affected by our immigration laws.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I began this debate by praising the bipartisanship of the Judiciary Committee for reporting a comprehensive and realistic immigration bill to the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days and the protestations from the other side of the aisle it may seem surprising, but the truth is that by invoking cloture on this bill, we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for all the bluster and false claims of Democratic obstruction we have heard. If Republicans want to move forward on this debate, and get one step closer to a vote on tough but fair immigration reform, they should support cloture. For the past few days, I have offered, and our leadership has offered, to take up a number of bipartisan amendments for debate and votes that would have easily won the support of the Senate. It

was Senator KYL who objected to that progress.

Late last night, the Republican leader came to the floor to file a motion that would require the Senate to send the immigration bill back to the committee. He immediately acted to “fill the tree,” a parliamentary procedure that means that none of us could offer amendments, and he filed an immediate cloture motion.

So before any of us even saw the amendment, the Republican leader made sure to prevent any Senator in this body from offering an amendment of his or her own. It is somewhat ironic, after all of the posturing by Republicans over the past 2 days about the right of Senators to offer amendments and be heard, that the Republican Party has returned full force to its standard practice of shutting out those who might disagree. That is too bad, especially on a matter this important. We began with a high level of demonstrated bipartisanship. Senator SPECTER and I worked together to get a bill out that had a two-thirds majority of the Judiciary Committee, Republicans and Democrats, voting for it.

The majority leader had set March 27 as the deadline for Judiciary Committee action, and we met his deadline. I always understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline. That is what I heard the Judiciary Committee chairman reiterate as we concluded our markup and heard him say, again, as the Senate debate began. The Democratic leader noted that we had agreed to proceed based on the assurances he had received that “the foundation of the Senate’s upcoming debate on immigration policy will be the bipartisan Committee bill.”

The majority leader had often spoken of allowing two full weeks for Senate debate of this important matter. Regrettably, what the majority leader said and what happened are not the same. The Senate did not complete work on the lobbying reform bill on schedule and that cut into time for this debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with 1 week, not 2. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. When the false and partisan charges of obstruction came from the other side, the Democratic leader filed a petition for cloture that I hope will bring successful action on a comprehensive, realistic and fair immigration bill.

So I regret that now, when we have a bill with strong bipartisan support, some would try to make this into a partisan fight. I fear that they have succeeded in making a partisan fight over a bill that began as a bipartisan bill. I urge all Senators, Republicans,

Democrats and the Senate’s Independent, to vote for cloture on the bipartisan committee bill and bring this debate to a successful conclusion so that we can have a bill passed by the Senate by the end of this week.

This is an historic vote. It asks us whether the Senate is committed to forging real immigration reform. I urge all Senators to vote for reform by supporting this cloture motion on what is a bipartisan bill that balances tough enforcement with human dignity.

Now, the Republican manager of the bill was right to take on the smear campaign against the committee bill from opponents who falsely labeled it amnesty. The committee bill is not an amnesty bill. President Reagan signed an amnesty bill in 1986. This is not. This is a tough bill with a realistic way to strengthen our security and border enforcement, while bringing people out of the shadows to earn citizenship—not immediate citizenship; it still takes 11 years. They have to pay fines, work, pay taxes, they have to learn English, and then they have to swear allegiance to the United States. That is a long way from amnesty.

As the New York Times noted in an editorial, responding to those who falsely smeared this as an amnesty bill, painting the word “deer” on a cow and taking it into the woods does not make the cow into a deer. This is something every deer hunter in Vermont knows.

It is most ironic to hear those in the Republican Congress talk about amnesty and lack of responsibility. Their record over the last 6 years is a failure to require responsibility and accountability, or to serve as a check and balance. They are experts in amnesty, so they should know this bill is not amnesty.

I was glad to hear the Republican leader begin to change his tune over this week and acknowledge that providing hard-working neighbors with a path to citizenship is not amnesty. I have not had an opportunity to see, let alone review, the Republican instructions in the motion filed late last night. I am advised that they now have a proposal to establish a path for citizenship for some of the undocumented. I guess other Republicans will falsely label that effort as “amnesty for some.”

Tragically, however, the opponents of tough and smart comprehensive immigration reform will not stop with smearing the bill. Some who have opposed it have used ethnic slurs with respect to outstanding Members of the Senate. I spoke about this yesterday, when I praised Senator SALAZAR. His family’s is a distinguished record that should not need my defense. I deplore the all-too-typical tactics of McCarthyism and division to which our opponents have resorted, again. This is an issue that goes to the heart and soul and conscience of the Senate. When people who disagree with Members of this body resort to ethnic or religious slurs, we all ought to stand up and con-

demn it. I did so on the floor of the Senate yesterday.

I recall the wisdom of Senator Ralph Flanders, the first one to have the courage to stand up to Joseph McCarthy. We are now facing in this country a religious and ethnic McCarthyism. I wish one Republican would stand up—just one—and say they agree that we should not have such religious and ethnic slurs on Members of the Senate just because of disagreement with a position they have taken on the bill. Regrettably, no one did. It is beneath the dignity and honor of this great body and beneath the dignity and honor of any Member of the body. I, again, thank Senator SALAZAR, Senator MENENDEZ, Senator OBAMA, and Senator MARTINEZ for their support of the committee bill and their participation in this debate.

The Specter-Leahy-Hagel substitute amendment that mirrors the Judiciary Committee bill confronts the challenging problem of how to fix our broken immigration system head on. It is strong on enforcement—stronger than the majority leader’s bill. In some ways it is stronger than the bill passed by the House. It includes provisions added by Senator FEINSTEIN to make tunneling under our borders a federal crime and increases the number of enforcement agents. It is tough on employer enforcement and tough on traffickers. But it is also comprehensive and balanced. I have called it enforcement “plus” because it confronts the problem of the millions of undocumented who live in the shadows. It values work and respects human dignity. It includes guest worker provisions supported by business and labor and a fair path to earned citizenship over 11 years through fines, the payment of taxes, hard work and learning English that has the support of religious and leading Hispanic organizations. It includes the AgJOBS bill and the DREAM Act, the Frist amendment, the Bingaman enforcement amendment, and the Alexander citizenship amendment.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bill supported by congressional Republicans have understandably sparked nationwide protests because they are viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has been called a defining moment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience to the

Nation, in the best true interests of our Nation.

I hope that the Senate's work on immigration reform will be in keeping with the best the Senate can offer the Nation. I hope that our work will be something that would make not only my immigrant grandparents proud—and I stand only one generation from my immigrant grandparents—but a product that will make our children and grandchildren proud as they look back on this debate. Now is the time and this is the moment for the Senate to come together to do its part and reject the calls to partisanship.

Now is the time to move forward with the bipartisan committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture, we will take a giant step toward better protecting our security and borders and allowing the American dream to become a reality for our hard-working neighbors. History will judge. The time is now.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I asked Senator LEAHY to take my place in the chair because I want to show that a Republican agrees with him, in part. I do support the statements made by the Senator from Vermont concerning the derogatory statements that may have been made concerning any racial connections with this bill.

However, I cannot support cloture on the bill because it still contains the provisions with regard to felons. The amendment we tried to vote on the other day, I am informed, is probably not possible to consider if we vote cloture on this bill at this time. So I regret that I cannot support cloture. I stated that I would vote for cloture on the bill as it came from the Judiciary Committee. Under the circumstances, once it was discovered, with the provisions with regard to prior convictions for felonies, I supported that amendment the other day by voting not to table it. I believe that amendment should be considered before we vote cloture on this bill.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I believe time has been allocated.

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes.

Mr. KENNEDY. Will the Chair remind me when there is 2 minutes remaining?

Madam President, the Senate Judiciary Committee passed a strong bipartisan, comprehensive reform bill last week, and Members on this side of the aisle believe it deserves an up-or-down vote on its own terms. Unfortunately, we have gotten bogged down instead on procedural issues. But the vote we cast this morning for or against cloture is not just a procedural vote; the vote we cast today is a vote on how to reconcile America's history and its heritage as a nation of immigrants with today's crisis of undocumented immigration.

It has been said many times—and it bears repeating—all in this room are descended from immigrants. Immigrants signed the Declaration of Independence and they wrote the Constitution of these United States. Immigrants settled our frontiers, they built our great cities, and they fueled our industrial revolution.

Our history is a nation of immigrants, but that history has a dark side as well. Millions of Africans were brought here in chains, immigrants in a technical sense, but forced for generations to labor as slaves, our great national shame. Millions of other immigrants fared only slightly better: the Chinese coolies, who worked 18 to 20 hours a day to build our railroads under deplorable conditions; the Mexican braceros, who were actively recruited by the United States Government to labor in our fields but were systematically denied fair payment for their work; and today the undocumented immigrants who are exploited at the workplace and live with their families in constant fear of detection and deportation.

For decades, this country has turned a blind eye to the plight of the stranger in our midst and looked away in indifference from this grotesque system. But a nation of immigrants rejects its history and its heritage when millions of immigrants are confined forever to second-class status.

All Americans are debased by such a two-tier system. The vote we cast today is on whether the time has come to right these historic wrongs, and we will have that opportunity to do so with the underlying bill.

Over these past days, it has become apparent to Senator MCCAIN, myself, and the others who are in active support of this legislation that adjustments are going to have to be made in that legislation to gain strong bipartisan support that will reflect greater than 60 votes in the Senate. I am convinced a majority in the Senate supports our particular proposal.

As I have spoken on other occasions, this is a composite of different actions that is in the interest of our national security, our economic progress, and our sense of humanity. But we understand adjustments have to be made, and over the last few days, Democrats and Republicans in the leadership have been coming together to try and find common ground.

There are those who believe we ought to treat undocumented aliens as a particular group and treat them all the same. There are others who say those who have just arrived here should be treated differently and under different circumstances. We have been attempting to adjust those different views, and I believe we have made important progress in a way that will maintain the integrity of the legislation but also will mean perhaps a somewhat longer period of time for adjusting of status or earning citizenship for those who have more recently arrived.

There has been a strong, good-faith effort on both sides to try and find this common ground. I am very grateful for the leadership our leaders have provided on our side—Senator REID, Senator LEAHY, and others who have worked in this endeavor. I thank my friend and colleague Senator MCCAIN and a number of his associates—MEL MARTINEZ and a number of others—who have worked to try and move this process forward.

I hope the vote on cloture will be successful, but I recognize fully that if we are not successful, it is going to open up a new opportunity for us to finally realize the legislation which will essentially preserve the fundamental integrity of the approach Senator MCCAIN and I have taken. It will provide some differences, and out of accommodation and in the desire and interest to achieve the underlying thrust of this legislation, I urge our colleagues to support those compromises. It is in our best interest. Then I am confident that we can, before the end of this week, report out legislation that will be comprehensive and will meet the challenges of our time.

Finally, we have come together—Republicans and Democrats—in other major civil rights times. We came together in the 1960s with the 1964 Civil Rights Act, 1965 and 1968 Civil Rights Act. We all came together on the Medicare and Medicaid proposals. We came together, as well, on higher education legislation that made such a difference. And we came together on the Americans with Disabilities Act. We haven't had that kind of coming together in this body on a matter of national importance and international importance. We may very well be at that moment in the Senate. I am prayerful that will be the outcome and that we will have that kind of achievement. We still have some hurdles to work through, but I hope that will be the final and ultimate outcome.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. SPECTER. Madam President, I might say to my colleagues who would like some time, we have 25 minutes. They are invited to come to the floor and speak. I think we will have time to extend to a number of Members.

I am pleased to note we have made some significant progress, although we do not have the bill in a position yet where we know precisely where we are heading, but it now appears we will be successful with the addition of the ideas which have been injected into the process by Senator HAGEL and Senator MARTINEZ.

We will be coming up on a cloture vote on the committee bill shortly. I would very much like to see the committee bill move forward, but I do not think it is fair to have cloture on the committee bill without giving Senators an opportunity to offer amendments.

We have been on this measure since last Wednesday, and we have had very few amendments offered. The Senators—principally Republican Senators—who have come to the floor to offer amendments have been prevented from doing so by parliamentary rules. I acknowledge that those who have stopped us from offering amendments are operating within the rules, but I do not think within the spirit of the Senate, which is to have a committee bill, have it open for amendments, have the amendments debated, and have the amendments voted on—that is the way the Senate works, but that has not been the result here.

Had that been the case, had Senators been permitted to offer their amendments in due course and have an opportunity to follow the customary procedure, then I would have been an advocate of cloture to move the process along. But that has not been the case.

Unusual as it may seem for the chairman of the committee bill to oppose cloture on that bill, that is the position I am taking because there has not been an opportunity to vote on amendments.

We have, in any event, progressed beyond this point so that we now have another bill which has been committed to the committee, and we are having a cloture vote in due course scheduled for tomorrow. Perhaps that cloture vote could occur today; I don't know. But if we can see where we are heading, it would obviously be desirable to move the process along as promptly as possible.

The ideas advanced by Senator HAGEL and Senator MARTINEZ make changes in the committee bill by having a distinction between those who have been here for more than 5 years,

where they will work for 6 years and be entitled to a green card, contrasted with those who have been here for less than 5 years but more than 2 years from the date of January 7, 2004, which is the date established by the date President Bush made a major speech on advancing ideas on immigration reform. Those who have been in the country prior to January 7, 2004, but for less than 5 years, will be on a slightly different track, where they can be here for 6 years and have 1-year extensions, and their ability for green cards will depend upon the cap not having been reached so that they are at the end of the line, in any event, from those who have had their applications pending. Some of the nurse applications for visas from the Philippines go back to 1983, and one of the additions made in the committee mark was to see to it that those 11 million undocumented aliens would not come ahead of people who have been following the law and who have been in line.

There is another modification on the temporary workers—if the green cards are reduced from 400,000 to 325,000, with an effort being made not to take away jobs from Americans, to limit that number to try to reflect the need for immigrant workers but to reduce it to that extent. We are still working on some refinements so that if the unemployment rate is high in certain cities, the number of green cards may be reduced there; again, so that employers cannot bring in immigrant workers where American workers are involved.

We have, obviously, a very complicated system, but the work has been prodigious. There have been quite a number of Democrats who have met with quite a number of Republicans. My own view has been to try to be flexible. If I had my choice, I would have the original chairman's mark, the mark that I put down as chairman. But that was modified significantly in the committee, taking up other provisions of the McCain-Kennedy bill, and other amendments which were offered. As chairman, I tried to structure an accommodation among all of the bills: the Hagel bill, the McCain-Kennedy bill, the Kyl-Cornyn bill. We came very close in the markup a week ago Monday to an accommodation somewhat similar to what we have reached now, but we couldn't make it in committee, so we have come forward with the committee bill. If I had my choice, to repeat, I would want the chairman's mark. My second choice is the committee bill. I am not wildly enthusiastic about the changes made in Hagel-Martinez. But where we are with the changes made by Senator HAGEL and Senator MARTINEZ is better than where we are now; it is better than no bill.

What we are dealing with here, as we inevitably and invariably do on legislation, is finding the best compromise we can pass. The issue is whether that bill is better than no bill. I think, for me, that bill is decisively better than no bill.

Mr. CRAIG. Madam President, would the chairman yield for a question?

Mr. SPECTER. I will.

Mr. CRAIG. Let me first thank the chairman for his due diligence. There is no question that he has focused on this for a good many months and has tried to work us through a process of time and issue. The Senator is so right in talking about all of the complications involved: the types of labor, qualifications, and all that is necessary to deal with this in a responsible way, and to contain our borders and to control them. And without that, no orderly process will ever happen effectively.

As the chairman knows, I have spent a good deal of time on this issue, somewhat focused on a segment of our economy in agriculture. To your knowledge, as it relates to the compromise you are talking about that may be struck and has taken form here in the last 24 hours, is the agricultural provisions that we—myself, working with a member of your committee, Senator FEINSTEIN—worked to put in the bill that came out of committee, is that still the provision that is in place as we know it and as we would vote on it?

Mr. SPECTER. Madam President, I respond to the distinguished Senator from Idaho in the affirmative. It is intact. The reduction in green cards and visas from 400,000 to 325,000 may impact on that to some extent. But the amendment which was offered by Senator FEINSTEIN, who is on the committee and on which you were a collaborator—and I again congratulate you on that, as I did in committee when we accepted the amendment—is intact. It is a very important amendment, worked out very carefully. You have been working on this for years—you can say how many years—but it has been a very long haul.

Mr. CRAIG. I thank the chairman for that response. Every employment sector is unique, and what we have found, and I think what the committee has found, is that agriculture, because of the type of labor involved, is kind of the entry door many of our migrant laborers come through, legal and illegal, and from that, if you will, learn and move to other segments of the economy.

So we tried to reflect that in the structure of the Feinstein amendment to the bill, recognizing that other portions of the bill would be different, and that the compromise that is being talked about, in my opinion, makes some sense as it relates to seniority and time and place to work in a fair and responsible way. At the same time, it makes sure that we don't effectively damage these segments of the economy Americans will not work in, choose not to work in, and that we find foreign nationals can and will and are very effective in their work there.

I thank the Senator very much.

Mr. SPECTER. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 14 minutes on the Republican side.

Mr. SPECTER. Again, I invite my colleagues if they wish to comment to come to the floor. There is time.

I yield the floor.

Mr. DURBIN. Madam President, this is a historic moment in the Senate. These who are witnessing this debate may think it is just another debate on another bill, but it is not. This is a debate that has been in the brewing—at least in the making, I should say—for decades. Senator KENNEDY of Massachusetts has been speaking out about meaningful immigration reform for decades. It has eluded us. There are times when we have done temporary things of some value, but we have never come to grips with the fact that the immigration laws in America have broken down. We are in virtual chaos. Borders are out of control, employers are hiring people without adequate enforcement, and there are 11 million or 12 million amongst us who are in undocumented or illegal status, uncertain of their future.

This is controversial. We have to come to grips with it. But it is rare in the history of the Senate that we consider a bill that touches so many hearts and changes so many lives in America as this immigration reform. We are literally going to define America's future with this bill. We are going to make it clear whether we are going to hold to the values that have made us a great and diverse nation.

There are people amongst us, some you may see and not know—people you sit next to in church; families who bring their children to school with your children; the worker at the daycare center where you leave your precious kids every morning; the practical nurse who is working at a nursing home caring for your aging parent; the people who cooked your breakfast this morning at the restaurant, who cleared the table; those who will straighten your room after you leave the hotel—many of them you may not know, but look closely. Many of them will be directly affected by what we do in this Senate Chamber. What we do will change their lives. What we do will give them a chance to come out of the shadows, to emerge from the fear of detection, to finally have a chance to be part of America. We don't make it easy for them. It is a long, hard process to move from where they are today to legal status tomorrow, but at least we are addressing it and doing it in an honest fashion.

This morning's vote on cloture is on a bill which I think is the best approach. That is why I will vote for cloture. Some will disagree. But we know, even as I stand here, there is another agreement underway. It is promising. It embodies the basic principles of the bill that emerged from the Senate Judiciary Committee. That bill included the Kennedy-McCain substitute, an approach which offers a pathway to legalization for the millions who are here in America.

I salute Senator SPECTER who spoke before me. He was one of the four Re-

publicans who stood with eight Democrats to bring that bill out. It was not a popular position on his side of the table. The majority of Republicans on the Senate Judiciary Committee oppose this bill. When it came to the floor, the leaders on the Republican side of the Senate condemned the bill. Yet today we find ourselves in a much different place.

I give special credit to my leader, Senator HARRY REID of Nevada. In the beginning of this week he said, We are going to stand fast for the values and principles of this bipartisan bill. He has taken a lot of heat on the floor of the Senate and outside, resisting amendments that would cripple and destroy this process and derail our efforts to finally have comprehensive immigration reform. Were it not for Senator HARRY REID on the Democratic side of this aisle standing fast, I don't know that we could have reached the point we have reached today. But we have reached it, and it tells me that we finally have come together in a bipartisan fashion to deal with an issue that affects so many millions across this country.

It is not over. Even if the cloture vote, as we call it in the Senate, passes tomorrow on the compromise, this can still be derailed. There are still Senators, primarily on the other side of the aisle, determined to derail this agreement. They will offer crippling, devastating amendments. We need to stand fast on a bipartisan basis to resist those amendments. Those who pledge their fealty to this bill can prove it with their votes. Don't say you are for it today and vote for a devastating amendment tomorrow.

Secondly, what we decide here will go to a conference with the House. The House approach is so different and it is so wrong. The House Republican immigration bill by Chairman SENSENBRENNER does not reflect American values. To say that 12 million amongst us will be branded as felons under the Federal law, to say that Good Samaritans, nurses and teachers and volunteers and people of faith, will be charged as criminals under the Federal law is unthinkable and unacceptable and is not consistent with American values. We will walk into a conference with that point of view among the House Republicans. If we do not hold fast to our belief that we need a bill that is fair, a bill that is honest and tough, a bill that is consistent with American values, we will come back with a terrible outcome.

We need a commitment from the Republican majority in the Senate that we will not even consider a conference report that moves in the direction of the Sensenbrenner bill in the House. That is unacceptable. It is unacceptable for us to criminalize millions of people.

With that commitment, and if we stand true to the values of McCain-Kennedy and the bill produced by the Senate Judiciary Committee, we will

finally bring our neighbors and those who live amongst us out of the shadows.

I yield the floor.

Mr. CRAIG. Madam President, I yield 5 minutes to the Senator from Texas, Senator CORNYN.

Mr. CORNYN. Madam President, I rise to speak in opposition to closing off debate on the underlying bill. We have heard at great length how the opportunity to file and argue and have votes on amendments has been effectively denied by the Democratic leader. It would be a travesty and, indeed, it would be a farce for the Senate to close off debate before we have even had that debate on the substance of this bill.

Why it is that the Democratic leader and others who might vote to close off debate would want to deny the Senate an opportunity to exclude felons from the scope of the amnesty provided by this bill is beyond me. Why it is that there could be those who would want to deny American workers the protection of a fluctuating cap on temporary work permits such that American citizens would not be put out of work because those who have come to the country in violation of our immigration laws and would be given a guaranteed path to American citizenship is beyond me. Why it is we would want to deny countries such as Mexico and the Central American countries the opportunity to develop their own economies and to provide opportunities for their own citizens so that fewer and fewer of them would have to engage in part of the mass exodus from those countries to the United States, leaving those countries hollowed out and unable to economically sustain themselves and create opportunities for their own citizens, is beyond me.

I understand there are those, on both sides of the aisle, who happen to like the Judiciary Committee bill that is the subject of this cloture motion. While there are portions of the bill I like very much, particularly those which have to do with border security, we know that the bill as yet still does not have a worksite verification provision, to my knowledge. My understanding is, because of jurisdictional conflicts, the Judiciary Committee could not complete work on that portion of the bill, and that is within the exclusive jurisdiction of the Finance Committee. We are still waiting for that title III to this bill to come to the floor and be offered as an amendment and be made part of this legislation. Without a worksite verification requirement, this bill will not work, notwithstanding how much we do at our borders, which is very important.

This bill will not work unless we make sure that only people who come forward and submit themselves to background checks and we know are not criminals or terrorists and we know in fact they are qualified and eligible workers—unless we have a system



in place to make sure of that, this will not work and we will not have done everything we can and should do to make sure this bill will work.

Indeed, in 1986, as part of the amnesty that was signed in that year, the quid pro quo for the amnesty of some 3 million people was an effective work-site verification program and employer sanctions for those employers who cheat and hire people on the black market of human labor.

We know, because the Federal Government failed to provide that effective Federal Government work-site verification program, that now we are dealing with approximately 12 million people who have come here in violation of our immigration laws, and we are confronted with the monumental challenge of how to address those 12 million in a way that both respects our legacy as a nation that believes in the rule of law while we continue to celebrate our heritage as a nation that believes we are indeed a nation of immigrants and better for it.

This is not the Senate working according to its finest traditions. The only way the Senate works is if each Senator has an opportunity to debate and to argue and to offer amendments. We understand not all of the amendments will be accepted. I am happy—maybe not happy, but I am willing to accept the fact that there may be amendments I will offer that will not be successful. But that is the way the committee process worked under Chairman SPECTER in the Judiciary Committee. Each of us had a chance to have our say, to offer amendments, and to have a vote. That is the way democracy works. But the idea that we will somehow try to jam this bill through here without Senators having a chance to debate and vote on amendments is a farce. I hope my colleagues will not support it and that they will vote against cloture so we may offer those amendments and have the kind of debate and process that represents the finest traditions of the Senate.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

The Senator from Idaho.

Mr. CRAIG. Madam President, I would like to take a minute only. I would like the record to reflect I am speaking as in morning business for that minute.

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

(The remarks of Mr. CRAIG are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, in the absence of any other Republican Senator who seeks time to speak on the pending issue, I yield to myself 5 minutes as in morning business to talk about two Judiciary Committee bills.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2557

and S. 2560 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Madam President, I began this debate by praising the bipartisanship of the Judiciary Committee for reporting a comprehensive and realistic immigration bill to the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days, and the protestations from the other side of the aisle, it may seem surprising, but the truth is that by invoking cloture on this bill we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for all the bluster and false claims of Democratic obstruction we have heard. If Republicans want to move forward on this debate and get one step closer to a vote on tough but fair immigration reform, they should support cloture. For the past few days, I have offered and our leadership has offered to take up a number of bipartisan amendments for debate and votes that would have easily won the support of the Senate. It was Senator KYL who objected to that progress.

Late last night, the Republican leader came to the floor to file a motion that would require the Senate to send the immigration bill back to the committee. He immediately acted to "fill the tree" with a series of amendments and filed an immediate cloture motion. So before any of us even saw the amendment, the Republican leader made sure to stop every other Senator from offering any amendment. How ironic, after all the posturing by Republicans over the last 2 days about the rights of Senators to offer amendments and be heard, the majority party has returned full force to its standard practices. That is too bad, especially on a matter this important and on which we began with such a high level of demonstrated bipartisanship.

The majority leader had set March 27 as the deadline for Judiciary Committee action, and we met his deadline. I always understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline. That is what I heard the Judiciary Chairman reiterate as we concluded our markup and heard him say, again, as the Senate debate began. The Democratic leader noted that we had agreed to proceed based on the assurances he had received that "the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan committee bill."

The majority leader had often spoken of allowing 2 full weeks for Senate debate of this important matter. Regrettably, what the majority leader said

and what happened are not the same. The Senate did not complete work on the lobbying reform bill on schedule and cut into time for this debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with 1 week, not 2. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. When the false and partisan charges of obstruction came from the other side, the Democratic leader filed a petition for cloture that I hope will bring successful action on a comprehensive, realistic, and fair immigration bill.

I regret that over the last 3 days some tried to make this into a partisan fight. I fear they have succeeded. I urge all Senators, Republicans and Democrats, and the Senate's Independent, to vote for cloture on the bipartisan committee bill, to bring this debate to a head and a successful conclusion, in the time and on the terms set by the majority leader. If we are to pass a bipartisan bill by the end of this week, we will need to join together to support cloture on the bipartisan committee bill, proceed to work our way through the remaining amendments and pass the bill.

This is a historic vote on whether the Senate is committed to making real immigration reform. I urge all Senators to vote for reform by supporting this cloture motion on the bipartisan bill that balances tough enforcement with human dignity.

The Republican manager of the bill was right to take on the smear campaign against the committee bill from opponents who falsely labeled it amnesty. The committee bill on which cloture is being sought is not an amnesty bill but a tough bill with a realistic way to strengthen our security and border enforcement while bringing people out of the shadows to have them earn citizenship over the course of 11 years through fines and work and paying taxes and learning English and swearing allegiance to the United States. As The New York Times noted in a recent editorial, painting the word "deer" on a cow and taking it into the woods does not make the cow into a deer.

It is most ironic to hear those in the majority of the Republican Congress talk about amnesty and lack of accountability. Their record over the last 6 years is a failure to require responsibility and accountability or to serve as a check or balance. They are experts in amnesty and should know that this bill is not amnesty.

I was glad to hear the Republican leader begin to change his tune this weekend and to acknowledge that providing hardworking neighbors with a path to citizenship is not amnesty. I have not had an opportunity to see, let alone review, the Republican instructions in the motion filed late last

night. I am advised that they would establish a path to citizenship for a segment of the undocumented. I guess other Republicans will falsely label that effort as "amnesty for some."

Tragically, however, the opponents of tough and smart comprehensive immigration reform do not stop with smearing the bill. They have also used ethnic slurs with respect to outstanding Members of this Senate. I spoke yesterday to praise Senator SALAZAR. His family has a distinguished record that should not need my defense. I deplore the all-too-typical tactics of McCarthyism and division to which our opponents have resorted, again. I wish someone on the other side of the aisle had shown the wisdom of Ralph Flanders and joined with me in criticism of such tactics. Regrettably, no one did. I, again, thank Senator SALAZAR, Senator MENENDEZ, Senator OBAMA, and Senator MARTINEZ for their support of the committee bill and their participation in this debate.

The Specter-Leahy-Hagel substitute amendment that mirrors the Judiciary Committee bill confronts the challenging problem of how to fix our broken immigration system head on. It is strong on enforcement—stronger than the majority leader's bill. In some ways it is stronger than the bill passed by the House. It includes provisions added by Senator FEINSTEIN to make tunneling under our borders a Federal crime and increases the number of enforcement agents. It is tough on employer enforcement and tough on traffickers. But it is also comprehensive and balanced. I have called it enforcement "plus" because it confronts the problem of the millions of undocumented who live in the shadows. It values work and respects human dignity. It includes guest worker provisions supported by business and labor and a fair path to earned citizenship over 11 years through fines, the payment of taxes, hard work, and learning English that has the support of religious and leading Hispanic organizations. It includes the Ag JOBS bill and the DREAM Act, the Frist amendment, the Bingaman enforcement amendment, and the Alexander citizenship amendment.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling, and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bills supported by congressional Republicans have understandably sparked nationwide protests being viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has accurately been called a defining mo-

ment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience of the Nation, in the best true interests of our Nation. I hope that the Senate's work on immigration reform will be in keeping with the best the Senate can offer the Nation. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud as they look back on this debate.

Now is the time and this is the moment for the Senate to come together to do its part and to reject the calls to partisanship. Now is the time to move forward with the committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture we will take a giant step toward better protecting our security and borders and allowing the American dream to become a reality for our hard-working neighbors. History will judge, and the time is now.

Mr. FEINGOLD. Madam President, I will vote in favor of cloture on the Judiciary Committee substitute to S. 2454, the immigration bill that is pending. This substitute is not a perfect bill, but it is a good bill, and I urge my colleagues to support it.

This is a defining moment for America. Our immigration system is broken, and it is up to us to fix it.

Congress can choose from several paths. We can build a wall around our country and make felons of millions of people who are undocumented or who have provided humanitarian assistance to the undocumented. That is the path the House bill would take, and I believe it is a path that is fundamentally inconsistent with our Nation's history and values.

But we have another option, a better option. We can recognize that we need a comprehensive, pragmatic approach that strengthens border security but also brings people out of the shadows and ensures that our Government knows who is entering this country for legitimate reasons, so we can focus our efforts on finding those who want to do us harm. That is the Judiciary Committee substitute, and that is the path I believe we must choose.

First of all, we can and must bolster our efforts at the borders and prevent terrorists from entering our country. We absolutely must work to curb illegal immigration, and I am pleased that the Judiciary Committee substitute contains strong provisions in this area. But it would be fiscally irresponsible to devote more and more Federal dollars to border security without also creating a realistic immigration system to allow people who legitimately want to come to this country to go through legal channels to do so.

Right now, there are roughly 11 million to 12 million individuals here illegally. The United States issues only

5,000 employment-based immigrant visas each year for nonseasonal, low-skilled jobs. This is nowhere near the number of jobs that are available but not filled by American workers. More than anything else, this lack of available visas explains why we face such an influx of undocumented workers. These are the facts, and our immigration policy must deal with them.

Improving our border security alone will not stem the tide of people who are willing to risk everything, even their lives, in order to enter this country. According to a recent Cato Institute report, the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that we have tripled the number of border agents and increased the enforcement budget tenfold. If we focus exclusively on enforcement, our immigration system will remain broken, and I fear we will have wasted Federal dollars.

We need a new solution. We need to improve security at our borders and create a system that allows law-abiding noncitizens to enter the country legally to work when there is truly a need for their labor and that deals with the "shadow population" of illegal immigrants who are already here. And that is why business groups, labor unions and immigrant's rights groups have all come together to demand comprehensive immigration reform.

There has been a lot of talk in this debate about "amnesty." Let's be perfectly clear: Not one Senator who supports this committee substitute has suggested giving undocumented aliens blanket amnesty. The committee substitute would require undocumented aliens to show work history, satisfy background checks, pay fines, fulfill English language and civics requirements, and wait at the back of the line in order to obtain permanent status. In other words, people who come forward and play by the rules would be able to earn—not automatically receive but earn—a path to permanent status.

It is easy to argue that those who came here illegally should be sent back to their home countries and that to do otherwise would be an affront to the rule of law. But even Homeland Security Secretary Michael Chertoff acknowledged to the Judiciary Committee last fall that it is impractical, not to mention astronomically expensive, to suggest that we just deport 11 million or 12 million people. We have to grapple with the complex reality in which we find ourselves, and it is not realistic or productive to suggest that mass deportations are a solution.

Another provision of this substitute creates a guest worker program that allows employers in the future to turn to foreign labor but only when they cannot find American workers to do the job. This will help avoid a future flow of undocumented workers. Our laws must acknowledge the reality that American businesses need access to foreign workers for jobs they cannot



fill with American workers. In my home State, I have heard from many business owners, including a number whose businesses go back for generations, about the need for Congress to fix our broken immigration system because they cannot find American workers. These hard-working American business owners desperately want to follow the rules and cannot fathom why Congress has dragged its feet on this issue for so long. Whether it is tourism or farming or landscaping, our businesses will continue to suffer if we fail to enact meaningful, comprehensive, long-term immigration reform. But once we do, we also need to do a better job of enforcing our immigration laws in the workplace.

While the committee substitute recognizes the need for foreign workers, the new guest worker program also includes strong labor protections to ensure that foreign labor does not adversely affect wages and working conditions for U.S. workers. We must not create a second class of workers subject to lower wages and fewer workplace protections. That would hurt all workers because it drives down wages for everyone. Foreign workers who have paid their dues should be treated fairly and deserve the protections of all working Americans.

For all of these reasons, I support the core immigration reform provisions of the committee substitute. I also want to mention two pieces of legislation included in the committee substitute that I strongly support.

The first is the DREAM Act. Regardless of what you might think about other aspects of immigration reform, we have to recognize that there are people affected by this debate with little say in the decisions that affect their lives—undocumented children. Many of these children have lived in this country for most of their lives and have worked hard in school. Yet due to their undocumented status, their long-term options are greatly limited. These children live with the threat of deportation and without access to crucial financial resources, making it virtually impossible to pursue the college education that would enable them to contribute more fully to our society. We should not punish children for their parent's actions, and we should not deny children who have worked hard the opportunity to live up to their potential. That is why I am a longtime supporter of the DREAM Act and why I am so pleased it was accepted as an amendment during the Judiciary Committee proceedings on this bill. This provision will allow children who are long-term U.S. residents, who have graduated high school, who have good moral character, and who simply want to further their contribution to our society, to pursue a higher education or enlist in the military. Under this provision, States could grant in-state tuition to such students, and it would also establish an earned adjustment mechanism by which these young people could adjust to a legal status.

I am also pleased that the AgJOBS legislation is included in this substitute. It is a tribute to Senator CRAIG, Senator FEINSTEIN, and Senator KENNEDY that we were able to reach a compromise on AgJOBS that the committee voted to include. This crucial legislation will enable undocumented agricultural workers to legalize their status and would reform the H2-A agricultural worker visa program so that in the future, growers and workers will not continue to rely on illegal channels.

I wish to mention that I was pleased the Judiciary Committee accepted an amendment that I offered, to ensure that people whose naturalization petitions are denied by U.S. Citizenship and Immigration Services can seek judicial review. Citizenship decisions have historically been a judicial function, and it would have been a real disservice to our Nation's traditions to prevent individuals who have worked hard to become U.S. citizens to be denied that most central privilege without a judge's review of the decision.

Of course, this bill is not perfect. It contains some very troubling provisions. I do not think that the National Crime Information Center database, which is the central criminal database used by local, State and Federal agencies around the country, should include civil immigration violations, and the International Association of Chiefs of Police has also expressed concerns about this. I also have concerns about other provisions in title II of the bill that require excessive deference to executive agency decisionmaking in immigration cases and that expand the categories of individuals subject to the most draconian immigration consequences.

But overall, this is a good bill. I believe that if the Senate invokes cloture on, and ultimately passes, the Judiciary Committee substitute or something similar to it, we will be well on our way to fixing our broken immigration system. We will have chosen the right path.

Mr. SPECTER. Madam President, how much more time remains on our side?

The PRESIDING OFFICER. There remains 1 minute 40 seconds.

Mr. SPECTER. I reserve the remainder of the time and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, baseball season is upon us. Tomorrow, my friend, Hall of Fame to be pitcher Greg Maddux will pitch. With 11 more victories, he will be in the top 10 of all baseball players who have ever pitched in the Major Leagues. He needs to win 11 more games this year.

The reason I mention this is what we are doing here in the Senate is not a baseball game but, in spite of that, the American people are looking for a win. There is no question to this point the Senate has not pitched a perfect game, but I will say that the Senate Judiciary Committee has done a great deal. They have, in effect, loaded the bases. The Senate Judiciary Committee has loaded the bases. We have the bases loaded, and now the Senate is up to bat. We need to get a hit. If we get a hit, we drive in a run, it is over, and the American people have won.

We have to remember what we are voting on. We are voting to keep moving forward on a good, strong, bipartisan bill that will secure our borders. No matter how many people come and talk, how many speeches they give, the fact is that is what it is all about. We, the minority, believe we owe it to the American people to keep moving forward on legislation that will keep us safe.

Some Republicans disagree with that. It is very clear from the debate that has taken place. I can only guess they intend to kill this immigration debate and move on to other matters. That is unfortunate. If that happens, the Senate's inability to secure our borders and fix our immigration system will be the Republican's burden to bear.

The one question I ask throughout all this: Where is President Bush? On an issue which is this important, I haven't seen his congressional liaison working the halls the way they do on the budget matters or they will later today or early when we come back after a break on reconciliation. I haven't seen them here. I haven't seen the Vice President over in his little office here, calling people in, saying this is what we need to do for the country. On immigration, the President has been silent.

After this vote, which will take place in just a few minutes, I hope the President will become engaged in what is going on here and join in the move to pass important immigration legislation.

Everyone says that they support immigration reform. In a matter of minutes, we are going to vote, and we have been told that all the majority is going to vote against cloture. That is too bad because the bill before us is, as I indicated, a good bill. This legislation is important. It will be a blow to America if this vote is blocked.

For the last 2 weeks, we have enjoyed some rare bipartisan moments in the Senate. We have seen Democrats and Republicans on the Judiciary Committee work together on one of the greatest national security issues we have ever faced. The bipartisan spirit has resulted in a strong bill that was supported by half the Republicans and all the Democrats on the Judiciary Committee.

This bill isn't perfect, but it takes a comprehensive approach to immigration reform that this Nation needs. It

will secure our borders. It cracks down on employers who break the law. It will allow us to find out who is living here, whether it is 11 million or 12 million. We will find out. We want the people who are living in the shadows to come forward, to be fluent in English. We do not want people who have committed crimes. We want them to pay taxes and have jobs. Even with that, they go to the back of the line.

It is true that there will be additional immigration votes tomorrow—maybe even late tonight if something can be worked out this afternoon. People have been working on the Martinez amendment for the last several days, and they haven't completed it yet, but they are very close. I compliment the Senator from Florida for the work he has done. Maybe it can be improved. I hope it becomes something for which I can vote.

There has been tremendous movement during the night. I think that is very fortunate. We don't need to wait until tomorrow to register support for a strong bipartisan immigration reform bill; we can do it right now by voting for the committee bill.

I have heard the arguments against voting for cloture but, frankly, they do not make a lot of sense.

The first argument you hear is that by invoking cloture, you are shutting down debate.

It was interesting. Late last night, Senator FRIST offered an amendment. Do you know what he did? He filled the tree. He filled it up so no more amendments could be offered.

I said last night to the Presiding Officer: Can I offer an amendment?

He said no.

But I have to say that the majority leader, in rare form, said: I got the point.

That happens all the time here. It happens that people are not allowed to offer amendments. It is very frustrating to me—I wanted to offer a lot of amendments—and I am sure it is frustrating to others, but that is the way it is.

The other argument is that we shouldn't vote for cloture because the cloture motion was filed by the minority and not by the majority. If it is important to end the debate, it doesn't matter who files a cloture motion.

I don't know how easy it is for someone who has voted for this committee bill to vote against cloture. I don't understand how you could do that logically. But, in effect, that is what is going to happen. I think voting against cloture is a disservice to our country.

I have great hope that when we complete this vote here today, we will come back, the bases will still be loaded, and we will have a pitcher there ready to throw something, and what will be thrown is the Martinez amendment. It is something we can all take a swing at and drive in a run. What would that run be? It would be a run that would give the American people a victory—a victory for border security,

a victory for people who want to work. It would be a very important provision of this guest worker program, supported by wide-ranging groups of people.

The third important aspect of this legislation, if we can get the hit this afternoon, would be to make sure that the 12 million people have a path to legalization—not an easy path but mountains to climb, some washes to move up, maybe even a tree or two to cut down, but it gives people hope that they can come out of the shadows and be part of our great American culture. I hope that will happen.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Madam President, in a few moments, we will be voting on this cloture motion.

We find ourselves this morning at an interesting moment in time based on what we had to do yesterday and last night. The procedure has been complex. Indeed, some have tried to play politics or use parliamentary rules to slow things down, speed them up, cherry-pick amendments that we address.

I believe many of our colleagues have been unfairly treated in the sense that, in a very important debate, when they have amendments we know will advance the discussion and improve the underlying bill they have been denied the opportunity to come forward and even introduce their amendments, debate them, and have them voted on.

In a few moments, we will have a vote on a motion presented by the Democratic leader that everyone knows will fail, and I think it is a real shame that some have felt it was more important to play these games to get to this point, but we are here and we are going to have a vote.

On the other hand, I am very optimistic by a lot of the events that have occurred over the last 14, 18 hours in terms of making real progress. After this vote in 30 or 45 minutes, I think the decks will essentially be cleared in the sense that we can optimistically look at where we are going to go over the next 12 or 24 hours.

I believe the Hagel-Martinez proposal introduced yesterday, which all of our colleagues have looked at over the course of this morning, gives us an opportunity to make a major step forward on the underlying bill. It gives a fair approach, a balanced approach. It gives priority to the security concerns about our national security interests that are always at the top of our list. It pays attention to the 9/11 recommendations. It respects the rule of law as well as that rich contribution and heritage provided by our immigrant population.

It was last October that I met with Senators CORNYN and MCCAIN and many others to discuss our intentions to take a 2-week block of time and focus on it here on the floor of the Senate. Publicly, at that point in time—again, it was October—I laid out a strategy, a plan to start with border se-

curity, where we have in this broad body agreement, and then build out by consensus a comprehensive plan that would include the two other very important components—border security; second, interior enforcement, enforcement of the workplace—and, third, a comprehensive immigration temporary worker plan that would address what has become the most challenging aspect of this discussion: the 11 million, 12 million, or 13 million illegal immigrants or undocumented people who are here. That is where we will find ourselves after this cloture vote.

Shortly thereafter, I asked the Judiciary Committee, ably led by ARLEN SPECTER and Senator LEAHY, to produce a bill, to have the necessary hearings and markup, and consider legislation. Indeed, after six markup periods of designing and writing that bill, they did just that. I commend them. I thank the chairman. I know many Members were involved and participated, and I think they did a very good job.

We began the debate last week. We started with border control, just as we laid out. We extended that to interior control enforcement and workplace enforcement and then comprehensive immigration reform including the temporary worker program. The American people expect it. To allow 2,000 or 3,000 illegal people to come across the border in the middle of the night, not knowing who they are or where they are going, is wrong. We can fix that, as well as comprehensive reform.

I am optimistic that after today's vote, after we do that, if we stay focused, if we come together, if everyone takes a very careful look at the Hagel-Martinez proposal, we will finish with a bill which will make America safer, protect the rule of law, and recognize our interest in legal immigration.

As I have said all along, I believe we cannot support amnesty. Amnesty, as I said before, is to give people who have broken the law a specialized, unique track to citizenship. But we do have 12 million people here today. We have to be practical. With the Hagel-Martinez approach, we will recognize and discuss the fact that these 12 million people are not a monolithic group. It is a group that can be addressed in different ways depending on where one falls within that group.

I support a strong temporary worker program that allows people to fill what employment needs we have, to come here and to learn a skill, send money back home, and then return to their hometowns to build and contribute to their local community.

I believe we need this three-pronged approach because only a comprehensive approach is going to fix this badly broken system we have today. For all we do on the border, at the worksites, we need to fix the immigration system and also to give us the real border security that so many know we need.

Over the course of the day, people can study the approach which was put

on the table by Senators HAGEL and MARTINEZ. It deserves discussion and focus. I believe it will be the turning point in the debate because it is time for us to act and not talk. It is time for us to no longer delay, no longer postpone. It is time for us to give our colleagues the opportunity to offer their amendments.

So talk, yes; debate, yes. But then let us vote—let us vote in our States' interests, vote for what is in our country's interest but; above all, let us give people the opportunity to vote.

I will close by saying again that I am very optimistic that by working together and applying a little common sense, we will come up with a plan that gets the job done and which makes America safer and more secure.

I encourage our colleagues to vote no on cloture now, and then the Senate will really get to work.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Specter substitute amendment No. 3192.

Patrick J. Leahy, Edward M. Kennedy, Robert Menendez, Frank R. Lautenberg, Joseph I. Lieberman, Carl Levin, Maria Cantwell, Barack Obama, Tom Harkin, Hillary Rodham Clinton, John F. Kerry, Dianne Feinstein, Richard Durbin, Charles E. Schumer, Harry Reid, Daniel K. Akaka.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3192 to S. 2454, a bill to amend the Immigration and Nationality Act, to provide for comprehensive reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 88 Leg.]

#### YEAS—39

Akaka	Feinstein	Lincoln
Baucus	Harkin	Menendez
Bayh	Inouye	Mikulski
Biden	Jeffords	Murray
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Durbin	Levin	Stabenow
Feingold	Lieberman	Wyden

#### NAYS—60

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Nelson (FL)
Bond	Dorgan	Nelson (NE)
Brownback	Ensign	Roberts
Bunning	Enzi	Santorum
Burns	Frist	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Conrad	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner

#### NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, over the past few weeks, the Senate has engaged in an important debate that is long overdue. Our current immigration system is broken and has been broken for many years. Although this problem is complex, the need for reform is clear, and I am pleased that the Senate is moving forward on the issue.

We need to make comprehensive, responsible, and commonsense reforms that will stem the tide of illegal immigrants, will be fair to those who are here legally, and will deal realistically with the millions of illegal immigrants already here. I believe U.S. immigration policy should establish clear procedures for determining who can enter this country legally. And it must provide the tools for apprehending those who enter the United States illegally and to punish those who hire them at the same time. We must honor our traditions as both a nation of laws and a nation of immigrants, enriched by the diversity of newcomers.

The Senate Judiciary Committee worked hard to create a bipartisan package that would accomplish many of those goals. The bill before us today would strengthen security at our borders through advanced technology, increased border patrol, and heavier fines. It would create a sustainable temporary worker program to help fill the lowest wage jobs, which pay little and are short of American takers. And it would provide a path to citizenship that does not bump anybody who is here legally but would allow law-abiding, hard-working undocumented immigrants to go to the end of the line.

I am pleased by the inclusion of the AgJOBS bill in the Specter substitute amendment. The agriculture industry is the second largest industry in Michigan, behind manufacturing, and it depends upon the work of immigrants.

The AgJOBS provision would provide protections for both the immigrant and American workers. It is estimated that without a guest worker program that allow for agricultural workers, the State of Michigan would lose hundreds of millions of dollars. In short, the AgJOBS provision is vital to the economic health of Michigan.

The security provisions in this bill are also important for Michigan and for the Nation. As the 9/11 Commission pointed out in its final report, the northern border has traditionally received dramatically less attention and resources from the Federal Government. I am pleased that the language passed by the Senate Judiciary Committee and included in the Specter substitute amendment authorizes an additional 12,000 Border Patrol agents over the next 5 years, and requires that at least 20 percent of these agents be stationed along our northern border.

I was also pleased that Senator COLLINS is joining me in an amendment to help ensure our Border Patrol agents and other Federal officials involved in border security—including police officers, National Guard personnel, and emergency response providers—have the capability to communicate with each other and with their Canadian and Mexican counterparts.

The Levin-Collins amendment would direct the Secretary of Homeland Security to establish demonstration projects on the northern and southern borders to address the interoperable communications needs of those who have border security responsibilities. These projects would identify common frequencies for communications equipment between United States and Canada and the United States and Mexico and provides training and equipment to relevant personnel.

Overall, this legislation would be a step forward on a challenging and pressing issue. It contains important bipartisan provisions that will enhance our security and our prosperity while being fair.

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

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business.

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

(The remarks of Mr. KERRY pertaining to the introduction of S.J. Res. 33 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Idaho is recognized.

(Mr. DEMINT assumed the Chair.)

Mr. CRAIG. Mr. President, let me talk about the business at hand, and that is the most important debate that I think this Senate has held in a good many months, on S. 2454, the comprehensive national immigration bill. In this immigration reform discussion, I have stood here to emphasize our imperative duty to guard our borders and strengthen our national security. I have spoken about the provisions within S. 2454 that deal particularly with the agricultural economy that I have focused on now for a good many years. I presented my colleagues with alternatives and approaches toward resolving the issue of illegal foreign nationals working in the agricultural economy.

Today I want to talk about another component of the immigration debate. I am concerned about some of the comments being flung around as we address this critical issue. Certainly, this is a topic that awakens America's emotions, but I cannot help but reflect on what those comments reveal about us as a Nation. It is as though America doesn't want to face the mirror and look at herself. She doesn't want to see what she is and what that means. But for her own good, she has to. She must look in her mirror. She is a blend. She is a wonderful mosaic. She is English. She is German. She is Italian. She is Polish. She is Irish. She is Asian. She is African. And, yes, she is Hispanic. She is multiracial, multiethnic, and diverse in every aspect of her national life. That is why she is admirable. That is why she has prospered, and that is why she is strong.

What is true in science is true in sociology. Mixing results in achievement and strength—we ought to think about that. We ought to evaluate some of the conceptions we have regarding immigrants and measure them against the realities to see if they hold true.

Immigration is a phenomenal national challenge. It always has been. But immigration is a challenge, it is not a threat. Quite honestly, immigrants represent solutions to many of our Nation's problems, both currently and in the future.

(Mr. VITTER assumed the chair.)

Mr. CRAIG. Mr. President, the U.S. Bureau of Labor Statistics projects a shortfall of 10 million workers in this country by 2010. The reason is quite simple: Our workforce is growing older, and as it grows older, it shrinks.

That is true in Japan, a great Nation 30 years ago, 20 years ago, suggested to be the economic force of the world, and 12 years ago, it quit growing and began to die. Why? Because her workforce grew older.

On the other hand, immigrant labor is behind the significant economic growth this country has experienced in different areas in recent years. These are the economic necessities of today in a growing economy. Can we recognize this? Do we see that foreign nationals are cleaning up New Orleans

and binding her wounds? Do we know that the Pentagon was rebuilt by Hispanic muscle?

Immigrants are sweating it out across our country. They consistently have done it literally for centuries. In my home State, Hispanics were digging the mines in the 1860s. Mexican cowboys and ranchers were solid members of the pioneer communities even before my State became a State. Hispanics were mule packers in the 1880s, the mule trains that moved across the great West. They and the Chinese were building and maintaining the railroad systems of the American West throughout the 19th and 20th centuries. Today, they are harvesting apples in Washington, peaches in Georgia, and oranges in Florida. They are gathering grapes in California, slashing sugarcane in Louisiana, harvesting potatoes in Idaho, and picking corn in Iowa. Their footprints are in agricultural fields across America.

Immigrants are hard workers. They work hard because they are grateful people and feel a sense of debt for the opportunity this country has given them. Contrary to what some believe, immigrants who have entered legally and illegally are not here to siphon services but to produce and to contribute. They are working hard and, in most instances, giving back.

The Idaho commerce and labor department reports that between 1990 and 2005, Hispanic buying power in Idaho rose more than twice as fast as total buying power across our State. Nationwide, the purchasing power of Hispanics will reach \$1 trillion—that is trillion with a “t”—in 4 years. Beyond their role in sustaining the country's labor force, immigrants make a net fiscal contribution to the U.S. economy.

The President's 2005 Economic Report, which uses figures that are most authoritative in analyzing to date the economic impact of immigrants, says:

The average immigrant pays nearly \$1,800 more in taxes than he or she costs—

The economy. Undocumented immigrants are believed to contribute billions of dollars to our Social Security system, billions of dollars they will not benefit from.

According to the President's report, the administration's earnings suspense file—that is a file within Social Security made up of taxes paid by workers with invalid or mismatched Social Security numbers—totaled \$463 billion in 2002.

While other nations of the developed world are aging, America still sees a youthful face reflected in that mirror in which she looks. Immigration renews the United States, and it keeps us young, while countries such as Japan, as I mentioned earlier, and Russia and Spain are facing problems because their populations are decreasing. America has the necessary arms to support its pension and its social programs. Therefore, a comprehensive immigration reform is in America's best self-interest.

Yes, we must contain our borders. Yes, we must, in any immigration program, make sure that it is controlled and managed so that those who come to America can, in fact, become Americans.

Understanding these realities erases some of the misconceptions bouncing around this Chamber and bouncing around America, misconceptions that sometimes smack of prejudice. Previous immigration waves have experienced it to some extent, but I believe that we, as a nation, are greater than that. When every one of us, except Native Americans, belong to a family that came from somewhere else, we should be careful not to erect mental borders, the type that keep people who are different from us at arm's length.

We are a nation that encourages new thinking and benefits from the growth that results from that new thinking. The American poet, Oliver Wendell Holmes, said it best when he said:

A mind stretched by a new idea never returns to its original shape.

It expands. It grows. It broadens. Immigration is a source of new ideas of entrepreneurship and vitality. The meeting of cultures simply does not happen in a one-way street but in a bridge, where both sides give and receive.

When America looks at herself in her mirror, what will she see? She will see the very multicultural character she has always been. She will see that characteristic is her greatest asset.

So the debate on the floor of the Senate today is worthy of this Senate. It is worthy of all of us to make sure that a program that is broken, a national immigration program that has not had a caretaker for over two decades, now be given that responsibility, to be redesigned, to be shaped, to be brought under control, that our borders be secure and that America's multinational or multiethnicity continue to grow and prosper and bring the kind of strength and viability to our culture that it has always given us.

America will be greater because of what we do here, if we do it right; it will not be lessened by our actions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. 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. OBAMA. Mr. President, I rise today to speak about the compromise that we have reached around a comprehensive immigration bill.

A group of Members led by Senators HAGEL, MARTINEZ, SALAZAR, MCCAIN, KENNEDY, DURBIN, LIEBERMAN, GRAHAM, and others, have agreed to move this debate to a sensible center. In doing so, they have bridged a wide divide and demonstrated what the U.S.

Senate is capable of when it comes together to work on an important problem affecting the lives of all Americans. So I commend this group that I have had the honor of being a part of for moving closer to an agreement that serves the twin purposes of securing our borders and bringing undocumented workers out of the shadows.

To assess our progress on this issue, we need only look back on where we were when this debate started last week. Many Members on the other side of the aisle opposed any plan that would provide a path to citizenship for undocumented workers who are living in the United States. I think the fact that, a little over a week later, we are now at a point where it is recognized that a path to citizenship should be part of a comprehensive package; that it will, in fact, improve our ability to monitor these workers and to make sure they are not depressing the wages of American workers; and that the undocumented population should have the opportunity to live out the immigrant dream over the long term is a positive step forward. I am especially pleased that the compromise includes changes to the guestworker program, first proposed by Senator FEINSTEIN and me, to protect American wages and ensure that Americans get a first shot and a fair shot at jobs before they go to guestworkers.

Everyone in the Senate who has introduced a comprehensive immigration bill, including the Administration, has called for a new guestworker program. I have to say that there are some concerns I have with a guestworker program. Clearly, there is a consensus among employers and the Chamber of Commerce that they need greater access to legal foreign workers in order to avoid the disconnect between supply and demand. In recognition of that consensus, the Judiciary Committee bill created a new temporary worker program. But many experts have expressed concerns about the size of that guestworker program and the effect it could have on American workers' wages and job opportunities. I think many of those concerns are legitimate.

The Judiciary Committee bill would have allowed 400,000 new temporary "essential" workers per year, adjusted up or down by market triggers. It would have created a 3-year visa, renewable for 3 years, with portability to allow guestworkers to move from employer to employer. It would have required that employers first seek out U.S. workers, and that guestworkers be granted labor protections and market wage requirements.

Under the Judiciary Committee proposal, the guestworker could apply for permanent status within the new employment-based cap if his employer sponsored him, or the guestworker could self-petition to stay if he worked for 4 years.

In order for any guestworker system to work, it has to be properly structured to turn people who would other-

wise be illegal immigrants into legal guestworkers. And it has to provide protections for American workers who perceive their jobs to be at stake.

Unfortunately, I believe the Judiciary Committee did not quite strike the right balance. But we can do better. We can ensure that guestworkers are not just unfair competition for American workers; rather, that they are a legitimate source of critical workers.

To that end, Senator FEINSTEIN and I offered an amendment to retain the underlying structure of the program presented in the Judiciary bill, but to address some legitimate concerns that have been brought to our attention.

Let me discuss some of the key provisions in this amendment.

First, Senator FEINSTEIN and I originally sought to lower the cap on guestworkers from 400,000 to 300,000. The compromise bill lowers the cap to 325,000 workers. That's a significant decrease that should give some comfort to American workers.

Second, our amendment ensures that localities with an unemployment rate for low-skilled workers of 9 percent or higher do not see an inflow of guestworkers under any circumstances.

Third, our amendment ensures that guestworkers receive a prevailing wage, whether or not they are covered by a collective bargaining agreement.

Finally, we guarantee that any job offered to a guestworker is first advertised to Americans at a fair wage.

These are fair, commonsense changes. Our amendment recognizes that American workers will be better off if we replace the uncontrolled stream of undocumented workers with a regulated stream of guestworkers who enter the country legally and have full access to labor rights. Replacing an illegal workforce with legal guestworkers who can defend themselves will raise wages and working conditions for everyone.

I think the amendment Senator FEINSTEIN and I have offered will ensure that an employer seeks a temporary worker only as a last resort, and only after making a good-faith and fair offer to American workers, which is why this amendment has been endorsed by the Laborers' International Union, the United Brotherhood of Carpenters, SEIU, and the United Food and Commercial Workers Union.

I am pleased at the work that has been done. My understanding is that the compromise Hagel-Martinez legislation that is being prepared will provide for these terms. However, I remain concerned. We have to make absolutely certain—given the delicate balance between security, border protection, and treating all workers fairly—that we do not end up having a series of amendments that effectively gut this legislation. We also have to make sure that, if this bill is negotiated with the House in a conference committee, we do not end up with a program that creates a second-tier class of workers who cannot be citizens, and can be exploited by their employers.

I am pleased at the progress that we have made since last week. I hope we continue it. I am looking forward, on a bipartisan basis, to addressing these concerns in the debate that follows over the next several days.

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

The PRESIDING OFFICER. (Mr. COLEMAN). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

#### DOHA ROUND

Mr. GRASSLEY. Mr. President, as chairman of the Senate Committee on Finance, I chair a committee that has jurisdiction over international trade. We find ourselves being both a participant and an observer of Doha Round negotiations under the World Trade Organization. Those negotiations are in a very determinative state; success will be made, I believe, during the month of April or the Doha Round, for all practical purposes, would end—not in the minds of the WTO or in the minds of the 148 nations other than the United States but as a practical matter. If things are not done by the end of 2006 and the President's authority for trade promotion running out in July of 2007, there will not be time for us to get something done before trade promotion authority runs out.

I would like to have trade promotion authority for the President continued beyond July 2007. I would try to promote that, but we saw very close votes on CAFTA and other trade agreements; there is a protectionist trend in the Congress—maybe not in the Nation as a whole but at least in Congress—that might keep us from getting trade promotion authority reauthorized.

I comment in these few minutes on where we are on the Doha Round and what I expect to happen and leave the message, if it does not happen very soon, this round could be dead.

As we enter the final months of the WTO Doha negotiations, I am very concerned the bright promise of a world far less burdened with often crippling, market-distorting trade barriers may be slipping from our grasp. In particular, I am very troubled by the fact that nearly 5 years after WTO members adopted the Doha ministerial declaration that launched this round of global trade talks, some of our WTO negotiating partners still seem willing to forgo this very historic opportunity that Doha represents to open highly protected agricultural markets.

We now have less than 4 weeks to go to meet the WTO's new April 30 deadline to reach agreement on what is referred to as modalities or, another way

to put it, a roadmap for how we will achieve our specific market-opening objectives in the agricultural negotiations. This deadline, similar to most of the others, also appears to be elusive.

The Doha Round is a historic opportunity because global trade rounds are relatively rare events. We have had only nine of them since the creation of the global trading regime back in 1947, what we then called the General Agreement on Tariffs and Trade, or GATT.

Agriculture, which was ignored for almost the first 40 years of GATT, was only first addressed at all during the last round, which was the eighth round, which was called the Uruguay Round because it started in Montevideo and finished and passed by Congress in 1993.

So here we are, 13 years later, trying to make some progress—but not making very much progress—toward what we would hope would be a 10th successful round since the regime started in 1947. Because many trade-distorting barriers were untouched or minimally reduced at the end of the Uruguay Round in 1993, much was left to be done, particularly in agriculture, but we are negotiating manufacturing, we are negotiating services, so a lot needs to be done.

In light of the lack of progress in the World Trade Organization, I briefly address a few points. First, as chairman of this Senate Committee on Finance, I reaffirm, as strongly as I can, the basic elements of the Trade Act of 2002, especially the legislation crafted by this committee that renewed the President's trade promotion authority in 2002, after it had lapsed for about 7 years.

The underlying premise of our trade promotion authority legislation, which gives Congress enhanced oversight authority over trade negotiations conducted under that act, is that the United States will pursue a very ambitious, very comprehensive trade negotiation, particularly in agriculture. This was the cornerstone of the Doha Round—ambitious, comprehensive negotiations and nothing less.

The reason I fought so hard for trade promotion authority is simple. The benefits from ending decades of trade-distorting practices in the global agricultural trade are overwhelming. The U.S. Department of Agriculture has estimated getting rid of market-disrupting agricultural protection could increase the value of U.S. agricultural exports by at least 19 percent. In addition, the Department of Agriculture study also concludes that agricultural liberalization would increase global economic welfare by \$56 billion each year.

I know well how vital trade is to farming families anyplace in America, but I am particularly knowledgeable about my State of Iowa because I happen to be a family farmer, farming jointly with my son Robin. Our farmers and agricultural producers sold over \$3.6 billion in agricultural exports in overseas markets last year. Although

importers and consumers from all over the world seek out Iowa's agricultural products, this is also true of American agriculture generally.

Moreover, more than \$3 trillion of economic activity in our \$12 trillion economy is derived from trade. Think of that: More than 25 percent of our economy is based upon international trade. That is why an ambitious, comprehensive result in the Doha negotiations is the only kind of result that makes sense, both for my State of Iowa and the United States.

President Bush and Ambassador Portman have done a very good job—in fact, a remarkable job, in my view,—of pursuing an ambitious, comprehensive agricultural deal, especially in the difficult period prior to and during the Hong Kong Ministerial Conference last December.

Nevertheless, some World Trade Organization members, principally the European Union, now apparently want to stop short of that ambitious, comprehensive, result-seeking agreement that was previously reached in opening Doha Round, and they particularly want to shortchange the negotiations in the area of agricultural market access. That is why, when pressed by the United States and other World Trade Organization members, the European Union appears to be changing the subject away from ambitious market access to secondary issues such as food aid, on which we are now having protracted discussions.

I am not even sure our own negotiators should be participating in something as fringe as food aid as compared to the massive discussions and decisions that need to be made in trade-distorting export subsidies by the European Union or by, in the case of the United States, production-related subsidies that we do for American agriculture, not subsidies for agriculture generally but those which are trade distorted. We find our American negotiators getting all nervous about food aid as somehow being a major item. No. What it is is an effort on the part of the European Union to detract attention from the really big export subsidies and production-oriented subsidies.

Perhaps that is because of the intense political pressure European trade and agricultural officials think they face at home. It seems to me that the European Trade Minister wants to open up and do really good trade negotiations. It seems like there is a hangup by the European Agricultural Minister. And it seems to be really a hangup by French farmers. According to one account by former European Commission officials, European farm groups described one compromise agricultural agreement as a death warrant for European farmers. However, that was in 1992, connected with the Uruguay Round negotiations, and the agricultural agreement that drew so much protest in Europe was back then, not today, when that description was

made. Ultimately, of course, Europe accepted the Uruguay agreement in 1993. Now the European Union is right back where they were 13 years ago, citing that same agreement as a model for the type of agreement they would like to see today, at least in terms of linear tariff reductions.

So we have seen this type of reaction from Europe before.

Today, once again, the European Union thinks that ambitious market access too politically painful to achieve or to even thoroughly negotiate, but they got over that hurdle in Uruguay. Why can't they get over that hurdle in Doha? So we are back at the European tactic. It appears that what they are really trying to do is a minimal deal somehow being seen as a good deal. Apparently, they think it is a good result if they can get something that is marginally better than the status quo, end negotiations, declare victory, and go home.

Other WTO Members such as Brazil appear reluctant to agree to an ambitious outcome in agricultural market access because they may believe that they can achieve their objectives through other means, such as litigation. You know about the cotton case. Brazil recently was successful in that case. So it may give them false hopes that they can achieve, through legal briefs in Geneva, what they do not appear to win at the negotiating table of the Doha Round.

I would like to say a word about both of those situations.

First, a minimal deal in the Doha agricultural negotiations is not something that can be considered a victory in any sense of the term, even in a political sense. What do I mean by a minimal deal? A deal that goes just beyond the 36-percent average tariff reduction of the Uruguay Round, a deal that leaves tariff peaks in place, or a deal that undermines market access by long lists of special exemptions.

I will not try, as chairman of the Finance Committee, to spin some minimalist deal into some sort of political victory. In fact, I will not even allow it to be brought up for consideration in the Finance Committee or, if I was overruled by my own committee, I would fight it on the floor, if it ever got that far.

So let me make that as clear as I can. A bad deal for agriculture in Doha negotiations is worse than no deal. That was my position at the start of these negotiations, and that is my position now. All those people spending all their time negotiating on food aid when they ought to be negotiating on export subsidies, when they ought to be negotiating on subsidies encouraging overproduction, that is not going to take my eye off the ball.

A minimalist outcome in the Doha negotiations, after years of effort and high-level political engagement, would send a terrible message that real reform in agriculture is too hard to achieve and may set us back for decades.



It would make meaningless a key element of the agricultural component of the Doha Ministerial Declaration where WTO member countries committed themselves to "comprehensive negotiations aimed at substantial improvement in market access." That is what U.S. agriculture demands for giving up our subsidies connected to production. Farmers want their income from the marketplace, not from the Federal Treasury. But we cannot do that without market access, where there are 62 percent average tariffs around the world on agriculture compared to our 12 percent. If that happened, it would reward countries such as the European Union that have big farm spending, highly inefficient production—

The PRESIDING OFFICER. The Senator has used his time in morning business.

Mr. GRASSLEY. I ask unanimous consent for 4 more minutes.

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

Mr. GRASSLEY. If we went this route, it would reward countries such as the European Union that have big farm spending, highly inefficient production, and use nontariff barriers to thwart trade. And even though this round is known as the Doha Development Round because it is supposed to help poor countries, a bad deal that keeps high trade barriers in place would tell developing countries that they can forget about seeing fair opportunity to export their products.

As for World Trade Organization members that see litigation in dispute settlement—as Brazil did in the cotton case—as a practical alternative to negotiations, I would remind those who are tempted to adopt this position that litigation, even under the new, improved WTO rules, is unpredictable, costly, time-consuming, and not the way to resolve unfair trade.

Moreover, litigation is not always the most effective way to open markets and eliminate trade barriers, especially over the long haul. Historically, we have also depended on negotiations and the everyday management of trade and commercial relations as much better ways to achieve and maintain open markets.

Make no mistake, we can and will defend our interests through dispute settlement when it is necessary to do so, and we have done so as the United States in the World Trade Organization quite successfully. But substituting litigation for negotiations or for management of our commercial relations is neither practical nor desirable, nor is it the way to bolster confidence in the World Trade Organization as an effective negotiating forum.

I began by saying that this round of trade negotiations is a historic opportunity. It can be historic in the sense that we achieve a result that truly benefits the global community by increasing global prosperity, and it can be historic in the sense that we miss a great

opportunity to promote prosperity and open markets throughout the world.

Unfortunately, we have made enormous mistakes before when we missed important opportunities to fight for comprehensive global trade liberalization. In the early years of the General Agreement on Tariffs and Trade, going as far back as 1947, it was the developed nations, particularly the United States, that created exceptions for agriculture, that exempted it from liberalization under the GATT regime. It has taken us decades to shift gears to try to bring agriculture under the discipline of global trade rules. That is why it is so important for us to continue to make real progress in this round of global trade talks.

Achieving real, meaningful results in these talks is something I am as strongly committed to now as ever before. It is also why I will continue to oppose any outcome in the WTO that, in my judgment, fails to accomplish these goals, even if it is a minimalist approach. Don't expect me to bring such an agreement before the Senate as chairman of the Finance Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise to talk about immigration reform. Over the past week, I have heard many of my colleagues describe the important contributions immigrants have made to American society and culture. Like my colleagues, I agree that the United States has a long and proud tradition of immigration. Immigrants have contributed in many ways to our Nation since its birth. Many Americans are descendants of immigrants who came to America seeking a better life. Unfortunately, today we have a huge illegal immigration problem that threatens our Nation's security and our economic security.

I was recently contacted about this issue by a constituent of mine. She is a young Irish-American woman whose parents emigrated from the Republic of Ireland to the Commonwealth of Kentucky over 20 years ago. When talking about her experience of immigration to the United States, this young woman stressed to me what a privilege immigration to our country truly is. She is right. Immigration is a privilege and not an entitlement. This distinct privilege of immigration is one which is unique to our great Nation and one which is currently being threatened by the flow of illegal immigrants into our society.

Like so many of my colleagues, I would like to see this country's traditions of immigration preserved. But it must be done in a way that does not reward those who broke our laws and came to this country illegally. Looking at immigration reform, I believe we must start with securing our borders, to stop those who illegally try to enter the United States.

Border security is the foundation on which we must build immigration re-

form. It is essential to our national security that we make it our No. 1 priority. We need to keep a close eye on who the people are who are entering this country and the purpose they have for coming here. The only way to do that is to make sure our Border Patrol agents and other law enforcement officials responsible for stopping illegal immigrants have the resources they need to protect our borders.

Right now, our Border Patrol agents do not have enough funds to secure our borders effectively. Often, people have the ability to just walk across the unguarded border without question.

We need to provide the Border Patrol agents with the best resources, the most up-to-date technology, and, most importantly, the manpower they need to successfully do their job.

Just this past week, the FBI busted a smuggling ring organized by the terrorist group Hezbollah. They had some of their members cross the Mexican border to carry out possible terrorist attacks inside the United States. Securing our borders is no longer an option, it is a necessity. It is essential to securing our national safety, the safety of our citizens, and the safety of future American citizens.

We must also find a commonsense solution to dealing with those individuals who are already here illegally. While there currently are several options on the table, I believe amnesty in any form is not an option. I was disappointed to see this in the Specter amendment. We must find a solution that meets the needs of employers, while also protecting American jobs.

I think this could be done through some kind of program that would require illegal immigrants to return home to their country of origin after a set period of time. Once home, these workers could then apply to get on the path to come back as a temporary resident and maybe even apply for citizenship. But in no way should amnesty for illegal immigrants be an option. If these folks want to come back as citizens, they need to go back to their country and get in line behind the almost 3 million people who have already begun following the law and waiting patiently to enter the United States legally. No one should be allowed to cut in line.

As many of you know, Kentucky has a very proud and rich history in agriculture. From our tobacco farms, to our dairy farms, Kentucky's economy relies on its agricultural industries. As someone who is from an agricultural State, I understand the need for temporary workers. Any guest worker program needs to be simple to use for both the employer and the employee. Employers must be provided with the proper tools to verify the immigration status of their employees. Those tools need to be easy for our Nation's employers to access and to use. This is essential to any type of immigration reform and to our national security. We need to know who is being employed,

where they came from, and how long they are allowed to stay.

Congress must act on immigration reform. I hope partisan politics does not prevent action on an issue that is so important to our Nation. I would like to once again reflect back on the words of my Irish-American constituent and urge my colleagues, this week, to help keep immigration a privilege of our great Nation.

I urge my colleagues to help put integrity back into the immigration process. While our country does have a rich tradition of immigration, we do not have a rich tradition of rewarding those who break our laws. I call on my colleagues on both sides of the aisle, both Democrats and Republicans, to remember the principles upon which our great Nation was founded. While we always have been and still are a land of opportunity, we also are a land of laws.

Mr. President, I thank the Chair, and I hope this big problem that we have facing our Nation is given a chance to be solved on the floor of the Senate this week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SUPPORT FOR THE PRESIDENT'S PLAN FOR IRAQ

Mr. ALLARD. Mr. President, I come to the floor to respond to some of the comments that were just made by my colleague from Massachusetts. I want to start off by saying that I have been very supportive of the President on the war in Iraq because he has had a plan and he has stayed the course. That is what gives me confidence in the President. I think it is what gives confidence to many American people. They understand that he has made a strong commitment in Iraq to stick with the Iraqi people, and he has confidence in those people. Even though the political winds are twirling around, he has been able to ignore those and move forward. He is showing success. Sometimes it is not as great as we would like to see or as dramatic, but I think what we see today in the criticism of the President is individuals who are being spun in the political winds, unlike the President.

When my colleague from Massachusetts calls the strategy of today counterproductive and says we ought to pull out our forces immediately from Iraq, that is a catastrophic suggestion. It is not anything that we should consider very seriously. It wasn't that long ago when my colleague from Massachusetts was saying that it would be a disaster and a disgraceful betrayal of principle to speed up the process and simply lay the groundwork for expedient withdrawal of American troops, which would risk the hijacking of Iraq

by former terrorist groups and former Baathists. This quote was in the runup to the 2004 election.

So we see some being spun in the political winds, while the President remains strong, forceful. The President truly is a leader in a very difficult situation in Iraq. That is why I feel so very committed to supporting the President. You cannot deny the fact that this President truly wants to see democracy survive in Iraq, and he truly believes in the Iraqi people.

Contrary to criticism coming from the other side of the aisle, he does have a plan, and he is sticking to that plan.

As we move through various phases of the President's plan, we have seen that criticism has changed from the other side. I think they criticize just for the sake of criticism, trying to get the President off course. But to his credit, he has stayed the course. I think that is commendable. That is what helps make him a strong and effective President.

I want to make this point: Al-Qaida is still a threat in Iraq, but we are making significant advances there. I have to base that on discussions I have had with troops that have come freshly out of Iraq. They all believe they are indeed improving our situation in Iraq. They think they are making a difference in Iraqi lives, and they truly believe the Iraqi people they associate with appreciate what is happening and appreciate their efforts.

There is a statewide elected official in Colorado, Mike Coffman, who has returned from Iraq. His mission was to help set up local governments throughout Iraq. We found in our military forces that we didn't have that expertise. And Mike, who is in the Reserves, could make a difference in Iraq. The military said: We need you, Mike Coffman, to help set up these local governments. He spent almost a year in Iraq helping set up local governments and the story he has to tell is one of progress in Iraq, that the people in Iraq are truly moving forward and trying to set up their local governments. He thinks that our soldiers are making a difference.

Not for one moment has he expressed any regrets in having taken a year out of his political life in Colorado to go to Iraq and make a difference in Iraqi lives and help support the President and the plan he has for stabilizing Iraq and a gradual withdrawal.

This is the point: my colleague from Massachusetts seemed to have learned the lessons of 9/11 when he warned against a precipitous withdrawal from Iraq in the past, but as the political winds have changed, he seems to have forgotten those lessons anew. Republicans will never forget the lessons of 9/11 and will continue to support the President's efforts to bring peace and stability to Iraq.

I am supporting the President because he is staying the course. He has a plan in Iraq. He is putting the plan to work. I think that in the long run he is

going to make a difference. We are going to have a better world because of his efforts. We are going to have a more stable Middle East, and this President will truly go down in history as a great leader.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I would like to speak for a few minutes with respect to the amendment that has already been filed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I have come to the floor to talk about an amendment that I filed, that I hope soon we might be able to consider, on this important bill with respect to immigration and with respect to Federal land border security, which are integrated.

First, let me say that I am hopeful we can move forward with this bill. It is a very important bill. Obviously, all of us agree with the fact that there are problems that need to be resolved, and they need to be resolved soon so they don't continue to become more difficult.

We also recognize that there are aspects of this bill that are controversial and difficult. I am not certain where we are in the process, but I am hopeful the discussions we have had will continue to be useful and that we can come to, whether this week or later, completion of this issue.

As far as I can tell, everyone has agreed we need to do something about the border, that the border needs to be secure, whatever it takes to do that. Some of us don't think it takes 700 miles of fence, but it will probably take some fence and take some other new technologies, as well as dollars and people, to have a secure border.

I don't think there is any question but that that needs to be done and needs to be done soon so that the problem that exists because of having a porous border doesn't continue to exist in the future. There is general agreement that over time, as immigrants come here for jobs, employers will need to report as to the citizenship status of the people they employ. There needs to be a system to do that so it can be part of the way of enforcing lawful immigration into this country.

Further, I think most people don't disagree with the idea of immigration. The question, at least in my view, is illegal immigration. I am opposed to illegal immigration, and I think we have to do something to see that it doesn't continue to happen. The challenge is: How do we handle those folks who are here, whether it is 12 million or whatever the number is? I think that is where we are in the controversy, and I understand that.

Personally, I don't think anyone should be given amnesty, nor should

they be given any particular advantages for citizenship if they came here illegally, and we need to find a way to deal with it. On the other hand, I am very much in favor of having legal workers come here and fill the jobs that are necessary. But they ought to have legal work permits, and they should have to go back if it is a work permit, and if they are citizens, they need to go through a citizen entry system.

The other part of the debate and what I came to talk about is the aspect of our borders and security. That is one of the reasons—not only for immigration, but for security—we need to secure our borders. Many of our national treasures and resources are on the front line of border security. Thirty-nine percent of the southern border of the United States is under the jurisdiction of the Department of the Interior. Arizona's Organ Pipe Cactus National Monument and other federally owned resources have become a hotspot for illegal border crossings. I visited Oregon Pipe last year. I am the chairman of the Parks Subcommittee. Frankly, they are using almost all of their resources not to take care of the park, not to do the things park people normally do, but to protect against illegal immigration movement across the border that is the park boundary border on the national park border.

Over the last 2 years, park rangers have arrested 385 felony smugglers, seized 40,000 pounds of marijuana, and interdicted 3,800 illegal immigrants. These are national park rangers. So it has become a very important part of border security.

Border security activities play, as you might imagine, a very significant role in park operation funding and in park operation staff. Customs and border protection agents are not always available to patrol the Federal lands along the border. As you can see here, there are a number of things that are there. The Bureau of Indian Affairs, for instance, right here, is a very large aspect of the Arizona border. Here is the Organ Pipe park we mentioned. The Bureau of Reclamation has a number of these yellow spots along here. We don't have Texas and New Mexico on the map, but there are also a great many more Federal lands that are there.

We have to make sure these agencies are given the assistance they need to provide the border security that is necessary, to provide for park researchers and others who are there doing their work or to pursue smugglers crossing the border. We never think about that particularly. All of a sudden there are cars parked there and people who have driven across, left the cars and walked on through, and so on. It is quite a problem. I understand that the Park Service law enforcement will inevitably play a role in border security, but we need to keep their jobs focused on protecting the park and not having to spend all their time on international borders—which is the responsibility of

the Border Patrol—and other activities, or at least provide additional funding.

This amendment will ultimately do two things: Protect our borders and protect our national treasures.

We direct the Director of Homeland Security to increase Customs and border protection personnel to secure Federal lands and Federal parks along the border, which is I think a reasonable thing to do.

It requires Federal land resources training for Customs and Border Patrol agents who will be dedicated to Federal land border security to minimize the impact on the natural resources. After all, that is why we have Federal lands.

That is why we have parks, to make sure the resources are protected. Quite frankly, if you have illegals crossing, they have no interest in protecting those resources.

It provides unmanned aerial vehicles, aerial assets, and remote video surveillance camera systems and sensors. Those are the things we need as opposed to big walls.

It requires the Secretary of the Interior to conduct an inventory of the costs incurred by the National Park Service relating to the border security activities and submit those recommendations to Congress.

I realize this is only one rather small element of this whole issue we are talking about but, nevertheless, it is a unique issue, it is an important issue, and as we move through dealing with border security and dealing with Federal land borders and protecting these things, I hope we keep in mind this unusual but important exposure we have to our Federal lands.

I yield the floor.

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

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD and Mr. ALEXANDER pertaining to the introduction of S. 2571 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending legislation is the Frist second-degree amendment to the motion to commit.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

IRAQ

Mr. KERRY. Mr. President, a little while ago—I was not here, I was at a hearing of the Finance Committee—I am informed that the Senator from Colorado, Mr. ALLARD, came to the floor to attack my position on Iraq, which is fine by me, but also I think somewhat questionable with respect to the rules and the ethics of the Senate to attack me personally about my mo-

tives with respect to a position I have taken. The Senator from Colorado suggested that "we see an individual who is being spun in the political winds."

Let me make it clear to the Senator from Colorado, and anybody else who wants to debate Iraq, that when it comes to issues of war and peace and of young Americans dying, nobody spins me, period.

I am not going to listen to the Senator from Colorado or anyone else question my motives when young Americans are dying on a daily basis or losing their limbs because Iraqi politicians won't form a government from an election that they held in December. That is inexcusable.

Let me ask the Senator from Colorado: Is it OK by him that young Americans are dying right now while politicians in Baghdad are frittering away their time and squandering the opportunity our soldiers fought to give them? Does he think that is a plan that is working? Does he think that is serving the needs of the American military?

Indeed, a year and a half ago or 2 years ago, I suggested, as did many other people, that it would be inappropriate to set a timetable for American troops to withdraw because we had not had elections and because most people assumed what we were fighting then was al-Qaida and terrorists who were foreign terrorists. But the fact is since then we have trained forces, we have trained police. We listened to this administration consistently come and tell us how great the training is, how many people are up and trained, how much they have been able to make progress, how 70 percent of the country is indeed peaceful.

If that is true, then there shouldn't be a great threat to reducing American forces on a schedule that is also tied to our ability to resolve other issues with respect to Iraq.

I ask the Senator from Colorado: Let us have a real debate about this issue.

Does he ignore what our own generals tell us? He says the President has a plan. Our generals tell us—General Casey—that the large presence of American forces in fact is adding to the occupation in the sense of an occupation and it derails the Iraqis standing up on their own.

I am listening to General Casey—not to the Senator from Colorado. If General Casey tells me the Iraqis would stand up faster if there were less Americans there, I believe him. Our troops have done the job.

Don't come to the floor of the Senate and try to suggest to me that somehow when we come up with a plan to protect our troops and to make America stronger we are somehow making their life more miserable. Ask the troops. Seventy percent of the troops who were polled in Iraq said they thought next year we ought to be able to withdraw. Those are our troops talking to us.

The notion that we are going to try to make this into one of those political

squabbles—let us have a real debate about the policy in Iraq. Anybody who wants to come to the floor and pretend it is working today is living in fantasyland.

Anybody who wants to suggest our soldiers ought to be dying so a bunch of folks over there can squabble over issues we haven't even brought to the diplomatic table adequately has a false sense of what protecting the troops means and of what their interests are. The fact is they only respond to deadlines.

Talk to people who have been in the region. It took a deadline to get them to have a transfer of the provisional government. It took a deadline to be able to get the elections in place. It took a deadline to be able to get the Constitution in place. It took a deadline to be able to have the election that we held in December.

The fact is it ought to take a deadline now to tell them to put a government together, stop messing around, and don't put our kids' lives at stake and waste the billions of dollars of American taxpayers. Get your government together. You owe that much to the American people. You owe that much to yourself. You owe that much to the Iraqis. You owe that much to the world, which is waiting for leadership, for some kind of adult behavior.

I don't think the American people believe what the Senator from Colorado said—that they believe there is a good plan in place. Everything we have been told about Iraq has turned out to be false, from almost day one. This is the third war we are fighting in Iraq in as many years. The first war, I remind Americans, was the war to get Saddam Hussein and weapons of mass destruction. Then when there were not any weapons of mass destruction, it became regime change.

If the President of the United States had come to the Congress and said I want authorization to go to Iraq for regime change, he wouldn't have received it.

Then after it was regime change, it transformed into, oh, we have to fight them over here rather than fight them over there—fight them over there rather than here in the United States of America. That sounded good for a while because all of us want to fight al-Qaida and want to fight terrorists. But, lo and behold, we found there were, according to most of the estimates, 700 to 1,000 or so hardcore jihadists from other countries over there.

The insurgency grew day by day to be an insurgency that is now a low-grade civil war. Prime Minister Allawi called it a civil war. Does the Senator from Colorado believe he knows better than Prime Minister Allawi what to call it? The fact is it is now a civil war, and our troops can't resolve a civil war, no matter how valiant—and they have been—no matter how courageous—and they have been—and no matter how skilled—and they have been. This is the best military I have ever seen.

These are the best young men and women I have ever met, and it has been a privilege to go to Iraq and meet them. And they are making progress in certain areas. But their progress is set back by the unwillingness of Iraqis to pick up the baton of democracy.

You have to compromise. The whole reason they think they can sit there and not compromise is because the President's policy is stay the course, stay the course, stay the course. And we have an occasional visit by the Secretary of State or somebody to suggest they ought to do more.

Ambassador Khalilzad is a terrific person. He is skilled, and he is doing a great job. But he can't do this alone.

I believe we ought to have a real debate about their policy—a policy where they told us it would cost \$20 billion to \$30 billion. Remember that, colleagues? Remember Mr. Wolfowitz in front of the committees telling us, Oh, the Iraqi oil is going to pay for the war? Remember them telling us that the soldiers were going to be received like conquering heroes with flowers all across Iraq?

Then when looting broke out, remember Mr. Rumsfeld standing up and saying that Washington is safer than Baghdad, and looting happens? Remember how they didn't even guard the ammo dumps and our kids started to get blown up with the ammo they could have guarded? No plan was put in place.

If anybody wants to read about Iraq, read the book "Cobra 2." You can read the astounding story of negligence and malfeasance with respect to this war, about companies overbilling us, Halliburton by billions of dollars.

Do you want to run down the list of things that are egregious with respect to this war? I will tell you one thing that I know well, and I will remind the Senator from Colorado that half the names on the wall of that Vietnam Memorial—half the names on that wall—became names of the dead after our leaders knew our policy wouldn't work.

Our policy isn't working today, and I am not going to be a Senator who adds to the next wall, wherever it may be, that honors those who served in Iraq so that once again people can point to a bunch of names that are added after we knew something was wrong. We have a bigger responsibility than that.

The absence of legitimate diplomacy in this is absolutely astounding to me. When you look at what former Secretary of State Henry Kissinger did night after night, day after day, flying back and forth on an airplane, struggling to be able to get people to come to agreement around the table; when you look at what former Secretary Jim Baker did, traveling all over the world, working with countries, pulling people together around the idea—I don't even see deputy assistant secretaries or other people out there at that level working with other countries to try to find a resolution to this.

There are Sunni neighbors all around who could play a more significant role.

The Arab League could play a more significant role. The United Nations could play a more significant role. What are we doing? Drifting day after day after day.

Do we want to go back and talk about the armor our troops didn't have? Do we want to go back and talk about the humvees that weren't uparmored? How many kids have lost their arms or legs because of the lack of adequacy of the equipment they were given? How many parents had to go out and buy armor for their kids because it wasn't provided for?

I have never in my life seen a war managed like this one where there has been zero accountability at the highest levels of civilian leadership and people have been able to make mistake after mistake after mistake. And people want to come to the floor and defend it as somehow justifiable that we have a plan and we are on course? We are not on course. We are on the wrong course. The plan needs to be changed.

Somebody ought to tell the Iraqi leadership that American citizens are not going to put their money and the treasury of their young into a kind of noneffort to compromise and show statesmanship and leadership that puts a government together. When they put that government together, then we can talk about how we are going to move forward. But right now, this is adrift. It is a policy without leadership, and the American people understand that. What we need now is civilian leadership that is equal to the sacrifice of our soldiers.

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

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

POLICE CHIEF TERRY GAINER

Mr. DURBIN. Mr. President, today is the day before the departure of Capitol Hill Chief of Police Terry Gainer, a man who has served us so well.

I have known Terry Gainer for almost 20 years. He served as superintendent of the Illinois State Police and left that position to become one of the leading officers in the District of Columbia Police Force. He was then asked to become chief of the Capitol Police Force. I knew that the people making that decision had made a very fine choice. Chief Gainer proved me right.

Terry Gainer grew up in Illinois, served his country in Vietnam, returned from that war a decorated veteran. His service did not end when he left the military. Prior to his position with the Illinois State Police, he spent 16 years with the Chicago Police Department. With his extensive experience at the highest levels of police work, his reputation for professionalism and his tireless commitment

to the security of our Nation's most honored building and those who visit and work within it, Terry Gainer brought the Capitol Police Force to a new level of professionalism.

In the words of one of their officers, Chief Gainer transformed the Capitol Police Force from an inside operation, where the officers were often viewed many times as security guards, to a well-known, highly visible, professional law enforcement team. That change took place at a critical moment in our Nation's history. The threat of terrorism became very real and the vulnerability of the building in which I speak became very obvious. Today, the well-trained group of men and women protecting our security today in this hallowed building are among the finest in the Nation, and we are extremely fortunate to have them.

As a Member of the Senate whose life was made safer because of Chief Terry Gainer's leadership, I am indebted to him for his singular service to Congress and to our country. The Gainer legacy on Capitol Hill is written in a police force proud of its mission and committed to serve and protect. Chief Gainer deserves the gratitude of the Capitol family for his fine service. He will be missed.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2573 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### SCOOTER LIBBY

Mr. DURBIN. Mr. President, the last item I would like to speak to is one that is now in the news for the last several hours. It has been noted that in the court papers filed by Lewis Scooter Libby before the Federal court that he has made some amazing disclosures. You will remember that Mr. Libby was Vice President CHENEY's chief of staff who was indicted recently over the Valeri Plame incident. The Valeri Plame incident involved a situation where someone told Robert Novak, a columnist, about the identity of a woman who was working undercover to protect the United States. That disclosure was made through White House sources which Mr. Novak attributed them to and has been investigated since by Patrick Fitzgerald, who is a special prosecutor on this case and the U.S. attorney for the northern district of Illinois.

As a result of his investigation to date, Mr. Libby, Vice President CHENEY's chief of staff, has been indicted. Now today there are disclosures that in his court papers he has made some statements which are troubling. Before his indictment, according to CNN.com, Lewis Libby testified to the grand jury investigating the CIA leak that Vice President CHENEY told him to pass on the information and that it was President Bush who authorized the disclosure.

According to the documents, the authorization led to a July 8, 2003, conversation between Mr. Libby and New

York Times reporter Judith Miller. There was no indication in this court filing that either President Bush or Vice President CHENEY authorized Mr. Libby to disclose Valeri Plame's CIA identity, but the disclosure in documents filed Wednesday means that the President of the United States and the Vice President put Lewis Libby in play as a secret provider of information to reporters about prewar intelligence on Iraq.

The authorization came as the Bush administration faced mounting criticism about its failure to find weapons of mass destruction, the main reason the President gave for the invasion of Iraq.

Mr. Libby's participation in a critical conversation with New York Times reporter Judith Miller on July 8, 2003, occurred only after the Vice President advised the defendant, Mr. Libby, that the President of the United States specifically had authorized Mr. Libby to disclose certain information in the National Intelligence Estimate. That is what is in the court records. That is what was disclosed today.

At the time the National Intelligence Estimate was prepared, I was a member of the Senate Intelligence Committee. I recall it very well because as we were preparing for the invasion of Iraq, one of the senior staff people on the committee came to me and said: Senator, something is unusual here. We never make an important decision, let alone an invasion of a country, without what is known as a National Intelligence Estimate. We bring together all the intelligence agencies of our Federal Government, ask them to compare notes, and reach a conclusion as to what we are likely to find if we move forward. It has not been done.

This was in September. The vote on authorizing the invasion of Iraq was weeks away, and we still hadn't brought together the best minds of our intelligence community to determine what we were likely to find once there. So I wrote a letter to George Tenet, head of the Central Intelligence Agency, requesting this National Intelligence Estimate, as well as Senator Robert Graham, who joined me, as chairman of the committee, in making the same request. Within a few weeks, the National Intelligence Estimate was prepared and given to us.

There has been a lot of review of that estimate ever since. Some people say it was a shoddy job. It was slapped together. It had footnotes that didn't make sense. It was the basis of our intelligence for going to war. But the one thing I can tell you is, the minute it was handed to me in the Intelligence Committee, I was told: This is top secret. This is classified. You disclose this at your own peril. You will be subject to criminal prosecution if you do. It is one of the burdens of serving on that committee. You are reminded of that constantly, that no matter what information you absorb, you cannot speak to that information when you leave that closed room.

Now we learn that according to Mr. Libby, now under indictment, he was authorized by not only Vice President CHENEY but President Bush to disclose information in the National Intelligence Estimate to the press. The allegations that are contained here suggest that information was being disclosed in order to overcome criticism that the American people had been misled about weapons of mass destruction.

I have to tell you, as a member of that committee, we looked at the preparation of this intelligence leading up to the war, and we were disappointed. Our intelligence agencies did not do the professional job we expected of them. I can't explain to you exactly why. Some of it has to do with lack of technology, lack of sharing information. Some of it, they were just plain wrong.

Their guess and best estimate as to what we would find in Iraq was plain wrong. Despite all of the hyperbole about weapons of mass destruction, still today, not a single weapon has been found. Despite all of the suggestions that somehow Saddam Hussein was part of the tragedy and disaster of 9/11, absolutely no connection has been established. Despite all of the threats of mushroom clouds from Condoleezza Rice and others, it turns out there was no evidence of nuclear weapons in Iraq.

That information was wrong. The American people were told that we have to go to war, we have to risk the lives of American servicemen because of a threat that didn't exist. Where are we today? We are still there, and 130,000 American soldiers, as I stand here safely, are risking their lives for America in Iraq. As of this morning, 2,346 American soldiers have died in service to their country. We stand in awe of their patriotism and courage, but we have to ask some hard questions.

The hard questions go to this point: How and when will this war end? When will the Iraqis reach the point where they accept responsibility for their own country? We can no longer afford to be misled about the threat to the United States and what lies ahead in Iraq. The people I spoke to on my recent trip to southern Illinois got it right. One of them said: Why aren't we going to the Iraqi Government and saying that over 3 years ago we sent in our soldiers to depose your dictator, a man whom no one respected; we deposed him so that you could take control of your own country. We put American lives on the line so you could hold free elections. We gave you a chance to start your own government. When are the Iraqis going to stand up for themselves, their own country, and their own defense? How many years have we been promised that we are so close to the day when the Iraqi Army will be able to take the place of the U.S. Army? I will believe it when the first American soldier comes home and is replaced by an Iraqi soldier ready to stand and die for Iraq, as our soldiers do every single day.

Sadly, we don't know when that day might come. The President comes before the American people several weeks ago and what does he say? "Be patient." Be patient as more American soldiers are endangered and lose their lives. Be patient as we face a situation with no end in sight. It is hard to counsel patience. When asked directly when will the American soldiers be coming home, what did the President say? That will be up to the next President—the next President.

The Iraq war has lasted almost as long as World War II. If we have to wait 2½ more years for American soldiers to come home, it will be one of the longest conflicts in our history. Is this what we bargained for when we invaded Iraq? We know now that the so-called coalition of the willing involved a lot of countries, but primarily it involved American lives. It is American soldiers who are standing and fighting in vastly greater numbers than any other country that is involved.

Let me tell you that the families who wait at home anxiously want to know the same answer to the question I pose: When, Mr. President, is this war going to end? When are we going to turn over the responsibility to the Iraqis?

When will we replace American soldiers with Iraqis who will stand and fight for Iraq? This last week I was in Illinois and visiting with friends of mine who work in railroad unions. I talked about this issue, and a fellow followed me out of the room and said: My son is headed over there next week. He started crying. This strong fellow who worked for the railroad all his life was a father whose heart was broken knowing his son was going into this danger. How many families have had to watch that happen and waited anxiously and expectantly at home for the letters and e-mails and phone calls? How many, sadly, have received the tragic news that they were one of the 2,346 families who lost someone they loved very much in that country?

Mr. President, as I read the allegations in the newspapers from Mr. Libby, former Chief of Staff to Vice President CHENEY, they were disclosing secret, classified information from a national intelligence estimate to the press in the hopes of bolstering the President's popularity. It is a grave disappointment. We can do nothing less than to investigate this. We need to find out if this did occur. If it did occur, the President and Vice President must be held accountable—accountable for misleading the American people and for disclosure of classified information for political purposes. That is as serious as it gets in this democracy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### OPERATION IRAQI FREEDOM: THREE YEARS LATER

Mr. ALLARD. Mr. President, in light of the fact that we have those who are calling for the immediate withdrawal from Iraq, I think we ought to sit back and look at what has happened in Operation Iraqi Freedom for the last 3 years. We have made remarkable progress in Iraq in the last 3 years.

On March 19, 2003, the United States and coalition forces launched Operation Iraqi Freedom. At that time, life in Iraq, under Saddam Hussein, was marked by brutality and fear and terror. Iraqis had no voice in their country or their lives. Saddam devastated Iraq, wrecked its economy, ruined and plundered its infrastructure, and destroyed its human capital.

Let's look at what is happening today. Iraq has a democratically elected government. The reign of a dictator has been replaced by a democratically elected government, operating under one of the most progressive constitutions in the Arab world. Millions of Iraqis have joined the political process over the past year alone. Today, Saddam Hussein is facing justice in an Iraqi court.

The Iraqi people are holding Saddam accountable for his crimes and atrocities. I believe the next year will bring a consolidation of these gains, helping a new government stabilize and build a solid foundation for democracy and increased economic growth.

Iraq's elected leaders are diligently working to form a government that will represent all the Iraqi people. As the Iraqi Government comes together and Iraqi security forces improve their readiness, efforts to stabilize the nation will increasingly be Iraqi-led.

I point out that securing a lasting victory in Iraq will make America safer, more secure, and stronger—make it safer by depriving terrorists of a safe haven from which they can plan and launch attacks against the United States and American interests overseas; more secure by facilitating reform in a region that has been a source of violence and depriving terrorist control over a hub of the world's economy; stronger by demonstrating to our friends and enemies the reliability of U.S. power, the strength of our commitment to our friends, and the tenacity of resolve against our enemies.

Despite progress, the situation on the ground is tense. As al-Qaida's actions show, terrorists want to impose a dictatorial government on the Iraqi people. The coalition is united in support of the Iraqi people in helping them win their struggle for freedom. The terrorists know they lack the military strength to challenge Iraqi and coalition forces directly, so their only hope

is to try to provoke a civil war and create despair.

The President's national security for victory in Iraq has three tracks. I would like to go over those briefly. They are a political track, a security track, and an economic track, and I would add that all three tracks are progressing.

On the political track, many are participating in Iraq's political process. Iraqis completed two successful nationwide elections and a national constitutional referendum in 2005. Each successive election experienced less violence, bigger voter turnout, and broader political participation. On December 15, more than 75 percent of the Iraqi voting-age population participated in the election for a new government—an increase of more than 3 million voters over the January election.

I will talk a little bit about the security track.

Iraqi security forces are increasingly in the lead. Three years ago, under Saddam Hussein's rule, the Iraqi Army was an instrument of repression. Today, an all-volunteer Iraqi security force is taking increasing responsibility for protecting the Iraqi people.

Iraqi security forces are growing in number and assuming a larger role. More than 240,000 Iraqi security forces have been trained and equipped. Over 112,000 Iraqi soldiers, sailors, and airmen have now been trained and equipped. More than 87,000 police have been trained and equipped. These police work alongside over 40,000 other Ministry of Interior forces.

Additional Iraqi battalions are conducting operations. Last fall, there were over 120 Iraqi Army and police combat battalions in the fight against the enemy, and 40 of those were taking the lead in the fight. Today, the number of battalions in the fight has increased to more than 130, with more than 60 taking the lead.

Let's briefly look at the economic track.

Iraq's economy is recovering, and the Iraqi people have better access to essential services. In 2005, the Iraqi economy grew an estimated 2.6 percent in real terms, and the International Monetary Fund has estimated it will grow by more than 10 percent in 2006.

Mr. President, 3.1 million Iraqis enjoy improved access to clean water, and 5.1 million have improved access to sewage treatment. More than 30 percent of Iraq's schools have been rehabilitated, and more than 36,000 teachers have been trained.

This is what our American soldiers in Iraq have helped accomplish for the Iraqi people and for America. We should be proud and thankful for their willingness to step forward for freedom. Freedom does work. It works for America, and I believe it will work for Iraq. The solution is not a hasty retreat; the solution is to carry on with the President's plan for victory.

Mr. President, I yield the floor and suggest the absence of a quorum.



The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, as we all know, there has been an announcement of a resolution or a settlement among a group of Senators relating to the border security and immigration reform bill that is pending before the Senate, although I would note that the entire Senate has yet to sign off on that agreement. I, for one, want to talk for a few minutes about my concerns regarding the proposal.

Last night we were told at approximately 10 o'clock that this agreement was struck with a group of Senators. It consists of 525 pages and I dare say not many people have read it yet. But my review of the agreement causes me some serious concerns about whether it represents something that reflects good policy or something that would warrant my support.

First, I believe there is a grave risk that the proposal would represent a repetition of the mistake of 1986 when the Congress passed major immigration legislation. My colleagues will recall that it was that year Ronald Reagan signed a bill that was acknowledged to be now, in retrospect, two different things. The first is it was an amnesty for 3 million people who entered our country in violation of our immigration laws. The second thing we have come to realize in retrospect is it was a complete and total failure when it came to securing our borders and enforcing our immigration laws.

Some have speculated it was the Federal Government's failure to provide employers a means to verify the eligibility of prospective employees that they could work legally in the country, and certainly the failure on the Federal Government's part is a large part of what is to blame. The corollary of that is the lack of employer sanctions for hiring an illegal workforce. In the past year, we have seen only three sanctions filed against employers for hiring illegal aliens to work in the United States.

Some have said the reason that bill failed is because it didn't have any provision for a legal workforce. I am somewhat sympathetic to that argument because I do support comprehensive immigration legislation, but starting first with border security. We know our inability to control our borders is not only resulting in massive waves of illegal immigration, but we also know it is a national security risk because anyone who has the money to pay a human smuggler or has their wits about them enough to make it over here on their own could literally walk or swim or drive across our border because it is wholly unprotected between

the authorized ports of entry. We know our Border Patrol is sorely undermanned with only about 11,000 Border Patrol agents for a 2,000-mile southern border, and contrast that with 39,000 police officers in the city of New York alone.

So we can see the Border Patrol has been vastly out manned and outnumbered when it comes to the number of people coming across. There were 1.1 million illegal aliens apprehended last year alone.

The problem with the 1986 amnesty is that it led to additional illegal immigration, and we now have approximately 12 million undocumented immigrants—people who have come to this country in violation of our immigration laws. And we have come to learn that our booming economy is a vast magnet for people who want a better life. While we can all understand that on a very basic human level, we also know the U.S. Government and the people of this country cannot accept anyone and everyone who wants to come into this country in violation of our immigration laws. Thus, we have a right, as every sovereign nation has, to regulate the flow of people across our borders in our Nation's best interests.

I worry that the legislation that is now pending before this body, the so-called Hagel-Martinez compromise, would actually result in a further magnet for illegal immigration because it, in part, rewards people for coming into the country in violation of our immigration laws.

It causes me great concerns in other respects as well. For example, the proposal would not be closed to felons and serial criminal offenders. Nor would it be closed to people who had their day in court but failed to comply with the deportation order, showing tremendous disrespect not only for our laws but for the safety and welfare of the American people.

We also know the current bill that is pending before us prevents information sharing by the Department of Homeland Security to root out fraud, which is another problem with the 1986 amnesty because people were able to generate fraudulent documents to qualify for that amnesty. We know that false documents are a tremendous vulnerability of the American people to terrorists and criminals and others who want to come across our borders, and this bill does not do enough to allow us to protect ourselves by investigating and prosecuting that kind of fraud, by sharing information, and that is why we need some amendments to be argued and voted on by the Senate to fix the serious gaps in this bill.

But perhaps one of the gravest concerns I have is this proposed compromise does not protect American workers. Indeed, under this bill, up to 12 million people will be able to get green cards. In other words, they will gain the status of a legal permanent resident and a path to American citizenship. This is without regard to

whether our economy is in a boom status as it is now, with about 4.8 percent unemployment, or whether our economy is in a recession, where Americans are more likely to be out of work and competing with these 12 million new green card holders for employment. So I believe we need a provision in this bill that provides for a true temporary worker program that can reflect the ups and downs of the economy.

Under this bill there will be a massive one-way migration of people from countries in Central America and Mexico and South America into the United States, and no incentives for their return and for maintaining their ties to their family and their culture and their country in a way that ultimately benefits their country as well. No country on Earth can sustain an economic body blow of a permanent migration of its work force out of that country. But this proposal this creates a temporary worker category that is not temporary, but is instead an alternative path to citizenship. So even though there are some who have talked about a guest worker program or a temporary worker program, this is neither. This is an alternative path to citizenship for 12 million people, permanent status in the United States, regardless of whether our economy is good or our economy is bad. And when it is bad, these individuals will prove stiff competition indeed for America and people born in these United States, or legal immigrants.

There is also no provision in this bill—and this is another concern I have for the American worker—that there be a willing employer and a willing employee. In other words, under this bill individuals can come into the country and self petition for green cards or legal permanent residency. Thus, here again, another important protection for the American worker is totally ignored under this bill.

Another grave concern I have, and this goes back to 1986, is there is absolutely no provision made for employer verification of the eligibility of prospective employees. As some have said, this is *deja vu* all over again because the Judiciary Committee, as you know, Mr. President, and as the distinguished ranking member knows, did not have jurisdiction over that provision of the bill, so it had to be drafted by the Finance Committee. Yet there is absolutely no amendment pending. I don't know of any plans—maybe there are plans that I am just unaware of—that would provide employers the means to verify that individuals are indeed eligible to work in the United States and discourage, if not eliminate, the use of fraudulent documents to claim that authority to work in the United States. Without that, without border security, without interior enforcement, and without employer verification and sanctions for those who do not play by the rules, this bill provides another invitation to massive illegal immigration and constitutes a reward to those who have come into our country in violation of our laws.

My ultimate concern is we will have a vote on a motion to close off debate on this compromise tomorrow morning. There are a number of pending amendments that I intend to offer. Of course we know the Senate largely operates by unanimous consent. There is also a desire by Senators right before any recess to get on to their homes and their families and back to their States. But this is an extremely important bill, I would say, even more than most of the issues we consider here because it is a matter of national security. It is a matter of maintaining the confidence of the American people because, frankly, the American people believe we let them down in 1986. They believe the Senate is not serious about border security, is not serious about workplace enforcement, and the only way we are going to be able to demonstrate that we are serious is to have a full and fair debate, to allow amendments and votes on those amendments on the floor. So far, all we have been met with is obstructionism because we have been denied the opportunity to have an up-or-down vote on essential amendments that are necessary to improve this bill.

I know we will have a vote tomorrow morning. Unless there is some good-faith attempt to reach some accommodation to allow Senators to offer those amendments that would improve the bill in the respects I have pointed out, then I expect that we will have a long weekend, and perhaps beyond, so there will be an opportunity for us to have the kind of debate that is reflective of the world's greatest deliberative body and which discharges the responsibility we have to protect the American people, to secure our borders, to make sure we are absolutely serious about enforcing our laws, while at the same time we enact comprehensive border security and immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. (Mr. CORNYN). Without objection, it is so ordered.

#### DARFUR

Mr. LEAHY. Mr. President, I will not speak for long. I do this because I wish to speak about the severe humanitarian crisis in Darfur, Sudan.

It has been almost 2 years since the Congress, in a bipartisan effort of both the House and Senate, declared the atrocities in Darfur, Sudan, to be genocide. That is a word not passed around easily in these halls.

Then, about a year and a half ago, the administration publicly reached the same conclusion. I know there was debate within the administration whether they would use that word. I commend President Bush for reaching the same conclusion.

What worries me, here is a case where the Senate, the House of Representatives, and the President of the

United States, all came together to call the atrocities in Darfur, in our day and our age, genocide. But since those declarations, the United States and other nations have failed to devise an effective strategy to bring peace to the desperate people of that remote, war-ravaged region. The human cost of this failure has been unimaginable. It is staggering.

Earlier this month, President Bush celebrated International Women's Day. There is no cause for celebration for the women of Darfur, thousands of whom have been the victims of rape and other acts of sexual violence inflicted by Government security forces and the militias they support. They use rape as a method of terror.

There have been systematic massacres, rape, torture and the burning of hundreds of villages, homes—often with the families inside. Darfur has been pillaged and the lives of its people destroyed.

The Government of Sudan has repeatedly attempted to disguise its role in the violence so it has been impossible to ascertain an accurate death toll, but somewhere between 200,000 and 300,000 people have died of murder or starvation.

Many thousands more have ended up in squalid refugee camps after their homes have been reduced to ashes by the Government-sponsored jinjaweit militias.

At the same time this is happening, we see Sudan's President, Omar Hassan al-Bashir, squander \$4.5 million, in this desperately poor country, to purchase a 118-foot, 172-ton Presidential yacht so he can entertain foreign dignitaries and create a perverse façade of Sudanese progress and sophistication.

This is progress and sophistication, or a reflection of the ego of a leader? Is it progress and sophistication, that children have been murdered and members of the family murdered in front of other members of the family?

Then, to make this even worse, the President of Sudan, in order to transport it by land from Port Sudan to Khartoum, required severing 132 electric lines, plunging neighborhood after neighborhood into temporary darkness.

It is difficult to conceive of the level of greed, arrogance, and twisted logic that would cause the leader of a desperately impoverished country to waste millions of dollars on a ridiculously ostentatious yacht to cruise the Nile River while thousands of the Sudanese children he is supposed to be protecting have fallen victim to the jinjaweit's brutality.

Tens of thousands more are at serious risk of death by starvation, malnutrition, disease, and mayhem. Under Secretary General for Humanitarian Affairs, Jan Egeland, recently stated that Darfur has returned to "the abyss" of early 2004 when the region was "the killing fields of this world."

The scale of atrocities occurring in Darfur is appalling. For too long the international community has been

doing too little, hoping against reality that somehow the situation would improve.

Instead, in recent weeks we have seen the violence spread across the border into Chad. The Government of Sudan is actively exporting the Darfur crisis to its neighbor by providing arms to the jinjaweit and allowing them to attack Chadian refugees and villagers, seizing their livestock and killing anyone who resists.

As a result, 200,000 of the residents of Chad have been forced from their homes. They have become displaced people in their own country.

Earlier this month, the Senate, and rightly so, unanimously passed S. Res. 383. It calls on our President to take immediate steps to help improve security in Darfur. The resolution proposed a no-fly zone over Darfur and the deployment of NATO troops to support the African Union forces currently on the ground.

The African Union has done its best, but with only 7,000 troops, inadequate resources, and a weak mandate to patrol this vast area, it has been unable to prevent the militias from continuing to attack civilians with impunity.

I strongly support a role for NATO to bolster the African Union's mission, until the U.N. peacekeeping mission can be fully deployed, which could take a year or more.

Only a few nations have the trained troops to contribute and their numbers are stretched thin among many of the U.N. missions around the world. But NATO troops on the ground could reinforce the African Union force with their superior command and control and intelligence-gathering capabilities.

Until recently, the Bush administration refused to support additional troops. However, in the last several weeks, President Bush has shown a renewed interest in Darfur. On March 9, in a hearing before the Senate Appropriations Committee, Secretary of State Condoleezza Rice testified the administration is committed to the deployment of a larger peacekeeping force, and I agree with her on that.

Despite the encouraging rhetoric, the administration continues to underfund the African Union mission. The \$161 million requested in the Fiscal Year 2006 supplemental request for peacekeeping in Darfur will only cover the U.S. share to sustain the current number of troops.

It will not do anything to pay for the additional troops that President Bush has finally acknowledged that we need. With people dying needlessly every week, the President must address the Darfur crisis more urgently.

Earlier this week, I was pleased to cosponsor an amendment, which was accepted, to the FY 2006 Emergency Supplemental Appropriations bill to add \$50 million in peacekeeping funds for Darfur.

The funds in the supplemental bill for peacekeeping in Darfur were barely adequate to support the current African Union mission through the rest of

this fiscal year. The additional \$50 million will go to training and equipping the African Union force that has done its best despite scarce training and too little heavy equipment.

There is no question the Government of Sudan bears a great deal of responsibility for the crimes against humanity that have occurred and continue to occur within its borders, and now in eastern Chad.

It has sponsored brutal militias, hampered the African Union peacekeepers, and impeded the work of the international relief organization.

Most recently, it has opposed reconstituting the African Union force as a U.N. force, presumably fearing that the United Nations could pose a challenge to its own ability to act with impunity in a part of the world that is often beyond the spotlight of public scrutiny.

But we in this country, the richest, most powerful Nation on Earth, a country blessed with so many advantages, have done too little to stop the genocide in Sudan. Many more lives could have been saved if we and other nations had shown stronger leadership.

This is not just an economic or military issue; this is a moral issue. With all the blessings this country receives, we have a moral responsibility to stop genocide.

In our history, we have known what has happened when we have moved too slowly when we had a chance to stop genocide. We either moved too slowly or we did not move at all when genocide occurred.

Let us match the rhetoric with resources to support the number of troops needed to do the job. Let us set an example by our own leadership to the rest of the world that we will put an end to the violence. This is something on which I believe all Americans—Republicans and Democrats—would agree. It is something that, if we believe in a higher calling, we will do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY, ranking member on the Judiciary Committee.

I have received just this afternoon in my office some disturbing news in the form of correspondence from the Congressional Budget Office. It suggests a number of areas where the amendment we are talking about here today, No. 3424, the immigration so-called compromise, violates our budget and the rules of the Senate.

Let me read from the correspondence we have received. This is something, as you know, Mr. President, as a member of the Judiciary Committee, that we never discussed at all. It is not a matter we spent any time at all discussing as we moved forward with legislation which ultimately cleared that committee and came to the floor—legislation which I thought was not good legislation and which I opposed, and so did the Senator from Texas, who just relinquished the Chair. We didn't discuss

the financial impact of the legislation before us.

One of the things our rules of the Senate require is that if a bill is on the floor that is in violation of a budget we have adopted, it is subject to a budget point of order. I am not going to make that budget point of order now because I am sure someone here would want to move to waive that budget point of order, but I am giving the heads up to those who are supporting this bill that it is a budget buster.

We have not yet begun to figure out how much this legislation will cost. I will be quoting from the Congressional Budget Office, which is the authoritative department to determine these matters. They have given us a preliminary report.

Let me read from the correspondence they have given and which I have just received.

CBO has estimated the cost of some—but not all—of the provisions of the proposed Hagel-Martinez amendment to the immigration bill. The version we are working with is labeled O/MDM/MDM06671 and was provided to us this morning.

One reason they got this this morning was that this so-called compromise which was hatched yesterday was not even printed until 10 o'clock last night.

We have been talking about these problems for weeks and we produced the bill that came out of committee—I don't know what name to put on it; the Specter-Kennedy-McCain amendment, the bill that came out of committee—and it was crushed on the floor of the Senate, with 60 people refusing to move to a final up-or-down vote on it, 60 to 39.

We have now the compromise desperately put together by people—well meaning, no doubt, but none of whom bring any particular experience, knowledge to the problem facing us. And I assure you, if in the 5 days of markup in Judiciary Committee we didn't discuss the actual cost of this program, I am sure, as they worked feverishly into the night last night, they didn't consider it either. They had no idea. But this was a political discussion about how to put a bill together that politically might pass around here regardless of the details of it.

Frankly, we are going to have to deal with the specifics of illegal immigration. It is too important to treat it at a superficial level.

There are bills which, when we come up to a recess, the leader has to push, and you always try to do those things, and people make compromises, and they pass. But this is not a normal bill at all. The American people care about it, and we owe them some things.

I don't think there are any Senators here who haven't been back to their States and made some commitments and stated some principles that they thought are critical to a good immigration bill, and I want them to be aware of what we are talking about.

The bill number which the Congressional Budget Office referenced is the

pending amendment, No. 3424, to the Frist motion to commit.

Let me continue now with what we received from the Congressional Budget Office:

The figures in this e-mail do NOT include costs associated with the conditional non-immigrant provisions, which we are still working on. They also do NOT include revenue losses and outlays for the Earned Income Tax Credit, which we will be getting from the Joint Tax Committee and which results largely from the conditional non-immigrant provisions. Those revenue losses and Earned Income Tax Credit outlays may be significant.

I will talk about the average salary of most of the workers who are here illegally today and those workers who will be regularized, placed on permanent resident status, given a green card, and placed on a pathway to citizenship. As you look at those salaries, you will see that they fall in the classic earned income tax credit range.

I have had occasion for some time to wrestle with the earned income tax credit. A lot of people oppose it entirely. You file your tax return, and if you don't owe any taxes and you have a lower income, you get a tax rebate from the Government. You don't pay taxes; they give you an average rebate. I submit that salaries for these workers are going to be pretty close to the average recipient of the earned income tax credit benefit. The average recipient gets \$2,400 a year by way of a tax credit. Persons who are working here illegally today are not currently getting the earned income tax credit, but if we regularize them and make them permanent residents, they will. That will cost us a lot of money.

The Congressional Budget Office is saying they haven't considered those numbers yet in the cost of this bill, but they are real and significant, as I say they, indeed, are.

They go on to say this:

With those important caveats, estimated outlays are about \$2 billion for the first 5 years—2007–2011—and \$12 billion for the first 10 years—2007–2016. The final figures will be bigger than those. Most of those costs are for Medicaid and Food Stamp programs.

They say those are not the final figures. The final figures will be bigger. It didn't include the earned income tax credit.

They go on to say this:

Outlays in the succeeding 10 years will be greater. The bill would impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least 1 of the first 5 years after they would take effect.

I ask unanimous consent that this message from the Congressional Budget Office be printed in the RECORD so that my colleagues can begin to look at it and begin to understand that we have a budget problem with this bill, among other things.

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

From: Paul Cullinan.  
Sent: April 6, 2006.  
To: Ed Corrigan.  
Subject: Partial cost estimate for immigration amendment.

CBO has estimated the cost of some—but not all—of the provisions of the proposed Hagel-Martinez amendment to the immigration bill. The version we are working with is labeled O: MDM MDM 06671 and was provided to us this morning.

The figures in this e-mail do NOT include costs associated with the conditional non-immigrant provisions, which we're still working on. They also do NOT include revenue losses and outlays for the Earned Income Tax Credit, which we will be getting from the Joint Tax Committee and which result largely from the conditional non-immigrant provisions. Those revenue losses and EITC outlays may be significant.

With those important caveats, estimated outlays are about \$2 billion for the first five years (2007–2011) and \$12 billion for the first ten years (2007–2016). The final figures will be bigger than those. Most of those costs are for the Medicaid and Food Stamp programs.

Outlays in the succeeding 10 years will be greater. The bill would impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least one of the first five years after they would take effect.

If you have any questions, please call Paul Cullinan, Eric Rollins, or myself.

BOB SUNSHINE,

*Assistant Director for Budget Analysis.*

Mr. SESSIONS. Mr. President, the Senate Judiciary Committee, under the 2006 budget resolution, has only \$6 million remaining. We are talking about a minimum of \$2 billion in costs, according to the Congressional Budget Office, under the first 5 years of this immigration bill which is before us today, but the Judiciary Committee, under our budget resolution, has only \$6 million remaining in its direct spending allocation for the next 5 years.

CBO's preliminary estimate, according to the Congressional Budget Office letter I just read, is that amendment No. 3224 will spend at least \$2 billion during that period and likely much more over that period and the next 5 years. This far exceeds the \$6 million—it might sound large to you, but in the scheme of things we discuss today, it is a paltry sum—allocated to the committee under the budget.

On this basis, we need to review what we should do as a Senate. I think it is appropriate and the right thing that the Senate confront the question and make a decision as to whether we should waive that point of order and go forward with this legislation or not waive it, in which case the bill would be subject to failure.

I note that the Budget Committee has responsibilities in this, and every aspect of that has not been completed to date, and it may be premature to move to make such a motion at this time. I am sharing this with everyone so they can be prepared to think through the consequences of this cost, which has not been discussed whatsoever. In fact, if you listen to some of the proponents of the legislation before us, if we just pass this bill, it is going

to make us all rich, everybody is going to do better, for the first time people are going to pay taxes, the economy is going to improve, and the average guy is going to be fine. The reality is, that did not happen in 1986 and it is not going to happen this time because many of these benefits are such that they are not available to people here illegally. Under this law they will become legal.

We are going to see a rise in costs to our Government beyond that which is permitted by the budget we all voted on, we all agreed to, and we all said we need to stand by. I should not say "all," but enough voted to pass the budget. The budget is a very significant and important document. Many of us take very seriously this cap we agreed to place on spending and agreed not to pass legislation that would break those caps, even if we like the underlying amendment or bill that would spend money. That violates the budget. On many occasions I have felt it my duty to vote "no" because I agreed to a budget number. This Congress and this Senate has agreed to budget caps. The very significant factor is that today we now know the Hagel-Martinez amendment violates that Budget Act. I am sure the committee bill also did, but it would appear this may be further along.

We have seen amnesty before in our country, in 1986, and the record is clear that American taxpayers did pay the cost of the fiscal deficit created by the 3 million beneficiaries under the 1986 amnesty. Of course, the original estimates were that 1 million, 1.5 million people would qualify for amnesty in 1986. Now they are estimating 12 million. But, in fact, 3 million showed up in 1986 and claimed the benefits of amnesty, many using documents that were dubious.

A 1997 study conducted by the Center for Immigration Studies estimated that the 3 million newly legalized aliens in the 1986 amnesty had generated a net fiscal deficit of \$24 billion in the short decade that passed since their arrival. The 3 million cost the Government \$24 billion. That is a very large sum of money.

Incidentally, when Congress passed the 1986 amnesty bill, it estimated only 1 million illegal aliens would qualify for that amnesty law and draw upon the Treasury. That is how the numbers were out of sync.

There is no doubt about it, American taxpayers will pay if this legislation passes. If this, what I consider to be fairly described as amnesty, passes, the American taxpayers will pay the cost of this amnesty and it will be a drain on our programs that are designed to provide health care and assistance to American citizens and those who came here lawfully to achieve legal permanent status.

According to the Pew Hispanic Center report from last year, the average family income in 2003 for unauthorized migrants in the country for less than 10

years was \$25,700, while those who had been in the country a decade or more earned \$29,000.

Given that the average family income for illegal immigrants is just above the 2006 Federal poverty line of \$20,000, it is not surprising that many of these families will likely rely on social service programs to meet their basic needs. That is what we know will occur.

Though the exact cost of this new amnesty is impossible to absolutely determine, certainly CBO is providing a low figure that they can verify as of this date. We can learn a lot by looking at existing studies that give us a glimpse at the cost of illegal immigration to our social program. For example, the Center for Immigration Studies estimated that in 2001, 31 percent of illegal households used at least one of four major welfare programs: Medicaid, SSI, TANF, which is temporary assistance for needy families, which is a basic welfare program, or food stamps. That is a very large number. It is not improbable considering the other numbers about the average income, knowing that there are so many below the poverty line.

The Urban Institute estimates in 2000, 47,000 families in the United States headed by one or two illegal aliens received TANF, the temporary assistance for needy families, on behalf of their children—47,000 is a pretty dramatic number.

Further, if each of these families received greater than \$1,000 a year, the amount spent for a TANF household by illegal aliens could easily reach tens of millions of dollars.

I see others who wish to speak and I will follow up on this later. I am saying we have to deal with the reality. Unfortunately, we have not spent a lot of time thinking through the full consequences of our actions. We have not had economists, we have not had experts, we have not had Government officials, we have not had professors and scientists discuss with us the impact of this legislation and how we can pass legislation that would best help those who come here, and how we can do so in a way that does not adversely impact the Treasury of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

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

The PRESIDING OFFICER. (Mr. CHAFEE). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business so I can engage the distinguished chairman of the Senate Intelligence Committee in a colloquy.

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

## JOINT INQUIRY

Mr. WYDEN. Mr. President, in the aftermath of the terrorist attacks of September 11, 2001, Congress convened a bipartisan, bicameral joint inquiry into the activities of the intelligence community before and after the attacks. I had the opportunity to serve on the joint inquiry and I am proud of the work that was accomplished there.

In December of 2002, a report was issued in which we stated that the inspector general of the CIA should "conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regards to the identification, prevention, or disruption of terrorist attacks."

The report went on to state that the Director of the CIA should take appropriate action in response to the inspector general's review.

The CIA Inspector General completed his report in June 2005. I was surprised that the report took so long to complete, but I am impressed with its quality. After the report of the 9/11 Commission and the joint inquiry itself, it is one of the most thorough examinations of the intelligence community activity before September 11. It provides a unique perspective and makes a number of findings that in my view should be available to the American people as part of the historical record. It also makes a number of recommendations that should be carefully considered.

The public has a right to see these recommendations consistent with the protection of our national security. The American people should be able to read the report and decide for themselves whether the recommendations of the CIA inspector general have been carried out in a satisfactory manner. Both the chairman and the vice chairman of the Senate Intelligence Committee have supported the release of this report.

As Chairman ROBERTS has put it, "The deaths of nearly 3,000 citizens on September 11, 2001, gives the American people a strong interest in knowing what the [inspector general] found and whether those whose performance was lacking will be held accountable."

Despite the chairman's request, the CIA has decided not to act on the inspector general's recommendations at all. Not to act at all. It is important to note that the inspector general did not recommend that certain individuals be held accountable. The inspector general merely recommended that the action or inaction of certain individuals be examined to determine whether they should be held accountable. CIA Director Porter Goss has refused to allow even this initial examination.

Two months ago I wrote to the Director of the CIA, Mr. Goss, asking this report be declassified and released as soon as possible. I notified Director Goss if I did not see any progress with-

in 60 days I would take action to release this report to the public. It has been over 60 days and still the CIA has not responded.

In the interest of making this report public and available to the American people, I ask now unanimous consent the Senate direct the Senate Select Committee on Intelligence to make this report available to the American people as soon as possible.

Mr. ROBERTS. Mr. President, reserving the right to object, I agree with the Senator from Oregon that this is a very important report. We were, as everyone knows, viciously attacked on September 11 and in the aftermath of those attacks we wanted answers. Many of those answers have been found during the last 4 years and some of those answers are contained in the report. But the families of the victims of September 11 have a right to these answers and the American people have a right to these answers.

At the same time, I tell my colleague, we need to be sensitive to the fact that there is properly classified national security information that is included in this report, and this information needs to be protected.

While the Senator is correct that the CIA has not been adequately responsible to him or to me, I suggest that rather than release the report immediately in unredacted form, we instead sit down with the inspector general and work to redact any information that needs to remain classified in the interest of national security.

So I object to the Senator's request and suggest instead that we work with the inspector general to review this report and determine what can be appropriately released to the public.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, I want to express my appreciation to the chairman of the Intelligence Committee for his willingness to work with me and for the suggestions and discussions that we have had. I would like to suggest that we bring this issue to the inspector general immediately and ask the inspector general to release this report within 30 days. If the Senator agrees to bring this issue to the inspector general immediately so that staff can begin working with the inspector general's office over the upcoming 2-week recess, and the chairman and I can review their progress when we return, then I would be willing to withdraw my unanimous consent request that this report be made public immediately at this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the Senator from Oregon for his willingness to cooperate on this issue. It is an important one, and I look forward to working with him on it. This certainly sounds reasonable to me. So I think he is absolutely correct in his suggestion. I will be happy to work with him.

Mr. WYDEN. Mr. President, because we are going to work together cooperatively to turn this around in the next 30 days, I withdraw my unanimous consent request at this time and express my appreciation to chairman of the Senate Intelligence Committee, Senator ROBERTS.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Alaska.

## EXCUSED FROM VOTING

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from voting until the first vote that occurs on April 24.

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

Mr. WYDEN. 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 (Mr. ALLEN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, at 10:30 this morning, the proponents of what I would have to say is amnesty in the bill that came out of the committee, the Kennedy-McCain-Specter bill, or whatever name you want to give it, that bill was crushed in this body with 39 votes for and 60 votes against. It was pulled and removed from the docket and sent back to Committee. Then we had a group get together yesterday in an effort to develop what they call a compromise. They could see that there was a vote coming, and they thought they could put something together, and I don't blame them. It has been referred to as the Hagel compromise. But we have looked at the bill, and I have to tell my colleagues, if you voted against the Kennedy bill this morning, you need not support the Hagel compromise because it is fundamentally the same thing. I am going to talk about it and explain how it is essentially the same bill.

I wish it weren't the same thing. I wish it was something we could support. I would like to support good legislation. We have an opportunity—a real opportunity—to fix the problem with security and immigration in our country. Our Nation is at risk. Our borders are not under control. However, we have the capacity to do it. It is not that hard. I have said it before, and I have explained how we can do it.

T.J. Bonner, the head of the National Border Patrol Council said: It is real simple. You simply fix up the border. You remove the magnet of a job by having real workplace enforcement and, all of a sudden, things can go in the right direction.

This bill does none of that. It rewards bad behavior, it would encourage illegal behavior in the future, and we should not pass it. It is against what so many of us promised that we would

vote for and we don't have a lot of time. That bill was hatched yesterday after a few Senators met somewhere and thought they could waltz in and just fix it. They expected all of us to line up and vote for it. I don't believe people are going to line up and vote for it.

They produced this compromise and introduced it, and we didn't get a copy until 10 o'clock last night. This compromise that we got late last night is 525 pages long. What is in it? Ninety-five percent of what is in it, I have to tell you, is just what you voted against and rejected this morning. We rejected it because it was not a good piece of legislation. It did not do what we promised the American people we were going to do as individual Senators. If you look at the expressions of Senators as a group, time and again they say things that they believe are legitimate principles. These bills do not reflect those principles.

The President has said he is against an automatic path to citizenship, and he is against amnesty, both of which are in this bill. The President needs to read it. When you go out and campaign and tell people what you are going to do, you need to honor that commitment.

Let me tell you some of the things that are in this Hagel compromise. It triples—triples—the number of employment-based green cards available each year. This is not a committee that met yesterday. This is a group of people, ad hoc Senators got together and huddled. The Senator in the chair there, he has been in a huddle, Quarterback GEORGE ALLEN. They got in a huddle, and with very little time and effort to study the issues, they came up with this legislation. Ninety-five percent of it was what was in the bill we rejected just this morning. What does it do? One of the most significant things that we have given very little thought to is it triples the number of employment-based green cards available each year. It triples the number.

Currently, there are 140,000 available. Currently, spouses and children, if they come in, they count against the 140,000 cap. Under the Kennedy bill that we voted down this morning they jumped that number to 400,000, and spouses and children didn't count against the cap. This bill raises it to 450,000 annually, and spouses and children—we estimate about 540,000 more, family members—can come with them, and they do not count against the cap. That is pushing a million a year. That is a huge change.

I, personally, am of the view that if we can make our system lawful and have it work correctly, we can and will want to increase the number. But triple the number, and then increase that number again, by allowing spouses and children to come and not count against the cap? That is a sixfold increase. Without any hearings? Without any economists? Without listening to the labor unions? Without listening to

business people tell us how many people we really need? Without any professors or scientists who understand the impact this kind of huge numbers would have? They propose we accept this compromise, and it goes beyond the Kennedy proposal that was rejected this morning.

It changes the amnesty process for the current number of people. These 450,000 plus family members are, for the most part people who live outside the country. They apply and can come in. So the total number who come in with a green card—which means you are a permanent resident citizen and you are on an automatic path to citizenship—this is supposed to be for those people.

The message is we want a guest worker program. That is what they said. We want a guest worker program. What does that sound like, if you are an American citizen trying to evaluate what your legislators are doing up here? I hope those American people who are watching are following this closely because these are not guest workers.

Somebody said let's not call it guest workers anymore, let's call it temporary workers. But they are not temporary workers either. They get a green card. They come in under this new H-2C program, and they are able then, on the petition of an employer, to get a green card within 1 year. If they don't have an employer petition for them, they can self-petition, which is not the rule now. Now these are supposed to be based on employment that is needed.

President Bush says a company that needs workers certifies they need you. Now you can self-certify and within 5 years you can be placed on an automatic path to citizenship. They never have to return home. That is all I am saying. Anybody who says this is a temporary worker program or guest worker program is not correct the way this language is in the bill.

These numbers do not include all that is in the bill. The AgJOBS bill came up on the floor a little over a year ago and was debated and blocked. Senator SAXBY CHAMBLISS, who chairs the Agriculture Committee, and a number of us raised objections to that bill. We blocked it. It did not go forward. It did not pass.

They blithely added the whole AgJOBS bill to the committee bill and it has now been made part of this compromise. There are 1.5 million who can come in under the AgJOBS bill.

People say we need the talented people. We still have limits on talented people who come into the country with high education levels, but there is virtually no limit on the number of unskilled workers who come into our country. That is not good public policy, I submit. That is probably not what you said when you have been out campaigning and talking to your constituents around the country.

Under the current law, before new legislation passes, the United States

issues 1.1 million green cards a year. That is what we do today, and 140,000 of those green cards are available to aliens who are sponsored by employers. That is the working group. Under the Hagel-Martinez compromise bill, the United States would now issue between 2.2 million and 2.5 million green cards each year, 450,000 of which will be employment-based green cards during the years 2007 and 2016. That is triple the number of employment-based green cards we currently issue on an annual basis, triple the number we currently issue. Although the number would be curtailed after a few years, it is still 150,000 more than currently issued. After 2016, the number of green cards for employer-sponsored aliens would go back to double the current level, at 290,000.

They have also increased the employment-based green card cap—that is the total limit, over and above the 450,000 that would now be available each year under the compromise—by exempting spouses and children from counting against the cap. Spouses and children count against the cap today. So we triple the number, and we don't count spouses and children. Because an average of 1.2 family members accompany employment-based green card holders, we estimate that about 540,000 family members will also get employment-based green cards without counting against this cap. That is contrary to what we do today. It is contrary to our policy. This is a huge change is all I am saying.

Maybe after thorough debate we might want to go that far. I doubt it. I think we want to increase the number of legal workers who come to our country but surge these numbers this much without any discussion whatsoever? This means next year we could have 990,000—that is almost a million—employment-based green cards issued: 550,000 for the workers, 540,000 for the family members. That is equal to the total number of green cards we handed out this year for all categories, including employment-based, family-based, asylum, refugees, cancellation of removal, and so forth.

Using the estimate from our population chart, based on the CRS data and the Pew Hispanic data, the way the new amnesty categories would work is as follows. This is what is in the compromise.

If you are here for 5 or more years—and that includes 8.85 million of the 11.5 to 12 million people who are estimated to be here, or 75 percent of those who are estimated to be here today—what happens to you? You are treated just like you were under the Kennedy bill that was rejected this morning. You get to stay, work, apply for a green card from inside the United States.

Again, what does green card mean? It means you are a permanent resident, eligible for all the social welfare benefits that belong to American citizens, No. 1. No. 2, it puts you on a guaranteed path to citizenship. This is your



reward for violating the law by coming in illegally.

Under this bill, 75 percent of them, 8.85 million would get to stay and apply for green cards from inside the United States, just like the rejected bill earlier today provided for. And in addition, spouses and children would get those green cards as well. And they, spouses and children, would get green cards even if they are not in the United States.

So if the person came here to work temporarily, planned to go back to his family, didn't have a plan to stay here permanently and intended to go back to his country of origin, make a little extra money to help out the family, now we have encouraged them to go ahead and bring their family here. That would be a large number. That will impact more than the 1.1 million who are covered by the bill, according to the estimates.

They do not count against any family or employment caps or green cards. We do currently have a limit. We are supposed to have a limit on the total number who can come in as permanent workers on the path to citizenship so none of these would count against the caps, out of the 11 to 12 million.

So 75 percent of the 11.5 million are like that. What about those in the compromise? They say we are going to be a little different than the Kennedy bill for those 1.4 million people who have been here from 2 to 5 years. What happens to those that have only been here illegally for 2 to 5 years? You get to stay legally, and you are able to continue to work in the United States while you apply for a work visa if, within 3 years, at any time during that 3 years, you go across the border through a consular office and pick up a nonimmigrant visa that you can apply for from the United States. Although the Department of Homeland Security Secretary may waive the departure requirement. So you can go across the border, go to the office, pick up the thing and come right back the same day.

Spouses and children get the same status. If they came here illegally, they get the same green card status, but they don't have to go across the border to pick it up, they can get it right here at home. If they apply for the H-2C, a new work visa created under title IV, the employer can sponsor them for a green card the day they come back into the United States.

The employer can petition that day to get them a green card. Once you get that green card, you are a legal, permanent resident, entitled to the welfare and governmental benefits of our country.

What about those who are here for less than 2 years? That is not directly addressed in this compromise bill that we now have before us that is supposed to solve all of our problems. Unfortunately, it doesn't solve them.

The compromise sponsors will tell you that the people who have been here

less than 2 years—that is about 1.2 to 1.7 million—will have to leave immediately or be deported.

First, let me ask how many people are being apprehended and deported today? Who is going to apprehend and deport these people who are here illegally in the last year?

I raise that as a practical question.

But under the bill language, you can qualify for the new H-2C worker program, even if you are unlawfully present in the United States.

My legal counsel is a smart reader of the law.

This is the way the bill explains it. It doesn't say that plainly. It says:

In determining the alien's admissibility as an H-2C nonimmigrant. . . paragraphs (5), (6)(A), (7), (9)(B) and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date.

What does all that mean?

If you do not have time to put aside the statute, the compromise bill, and go back and read the underlying statute, you don't know what it means, but if you do that, as my counsel did, you will see that is a pretty sneaky maneuver. As I noted, under the new H-2C program, 400,000 per year can get green cards as workers, and these people will qualify for that because those code sections refer to aliens who came here illegally and those who have been ordered removed but have come illegally will go back into the United States.

The last bunch, the 1.2 million that have been here less than 2 years, they are not going to leave this country.

First of all, nobody is going to come and get them. They are going to apply under the new visa program, the H-2C worker program that has these huge numbers that we have triple the numbers for. And it specifically says in the statute that they will qualify, even if they came here illegally or have been apprehended here illegally or removed—and removed from the United States—and they have come back illegally, they still get to qualify and stay here.

We don't need to vote for a bill such as that.

By the way, in reading the bill carefully, my fine staff discovered—it is kind of hard to do all this when you get a bill last night at 10 p.m. which is 325 pages—that those here illegally, whom I just mentioned, in the last 2 years or have been removed and come back illegally, they do not even count against the cap. Why would we want to do that?

I say to you that whoever drafted the bill—I don't really say this to the sponsors because the sponsors of the compromise who met for a few hours and put this thing together didn't realize who all had worked on it. I guess it is the forces who believe that no illegal alien should be left behind. So everybody who is here illegally gets to stay in the country, and they don't even count against the cap for the green card.

I don't think we ought to welcome back into this country someone who

has been apprehended, deported and removed from the country and they come back again illegally. They ought not to be allowed to stay, period, much less be given a permanent status and much less be put on a path to citizenship, which this compromise legislation will do.

We think somebody had to have intended this. Somebody who was involved in the writing of this knew what they were doing and definitely wanted to include everybody to make sure that they could say publicly: Well, if it is 5 years, you know you can stay, but if it is less than 5 years, you could be removed. None will be removed unless they are convicted of a felony or three misdemeanors.

They basically said you wouldn't be eligible for citizenship if you came here after January of 2004. That is not true. The bill covers everybody. That is part of the compromise legislation and still part of it. It is part of the Kennedy bill that we roundly rejected this morning, and it is part of the compromise that is before us now.

Let me take a few minutes to run over some of the provisions in that 95 percent of the Kennedy bill that was rejected this morning that remains in the Hagel compromise.

Here are some of the difficulties with it.

Let us take loophole No. 1: Absconders and some individuals with felonies or 3 misdemeanors are not barred from getting amnesty.

An absconder is somebody who was apprehended by Border Patrol people, detained, they did not have time to take him or her out of the country, they were busy, they did not have jail space, detention space for them, so they release them on bail. That is what they do all over the country because we don't take this seriously, and they don't show up when they are supposed to be deported. Surprise. They abscond.

Absconders and some individuals with felonies or three misdemeanors are not barred from getting amnesty.

Under the Immigration and Nationality Act, different crimes make aliens "inadmissible," "deportable," or "ineligible" for specific benefits.

As written, the Specter substitute—it is included in this bill—only requires an alien to show they are not "inadmissible" to qualify for the amnesty contained in the bill. However, some felonies make an alien "inadmissible," but some do not.

Absconders—aliens with final orders of removal who are currently watched by ICE immigration officers—should not be eligible for amnesty. They remain eligible for this amnesty. The Kyl-Cornyn amendment that was blocked by the other side so we couldn't get a vote on it, was designed to fix this loophole. It would keep aliens with felony convictions or three misdemeanors from being eligible for the new amnesty program. Surely, we agree on that. If we had a vote on it, I am sure it would pass.

But the leader on the other side has managed to block us from getting a vote.

Loophole No. 2: Aliens specifically barred from receiving immigration benefits for life because they filed a frivolous asylum application will also be able to receive amnesty. Under INA, section 208(d)(6), if the Attorney General determines that an alien knowingly filed a frivolous asylum application, the alien will be permanently ineligible for any benefits under the INA. This bill changes that. On page 333, it says: "Notwithstanding any other provision of law, the Secretary shall adjust . . ." an alien who meets the requirement of INN 245B. There is no provision that states that the alien is eligible for amnesty if they file a frivolous asylum application. It, therefore, gives benefits to aliens previously barred from all immigration benefits.

Loophole No. 3: All aliens who are subject to a final order of removal—for some reason you are brought up and the court has ordered you removed from the country—who failed to leave pursuant to a voluntary departure agreement, they entered into those agreements and oftentimes people promise to leave and never leave—or who are subject to the reinstatement of a final order of removal because they illegally reentered after being ordered removed from the United States are also eligible for amnesty.

I call on my colleagues to look at the bill. On page 353, line 3, the bill clearly states that any alien with a final order of removal can apply for amnesty. This means that the aliens who have already received their day in court have had their case fully litigated, and they have been ordered removed and have failed to depart will now be rewarded for not following the law and leaving like they were ordered to do. They will qualify for this amnesty.

This will include many of the 37,000 Chinese nationals that China has refused to take back. I understand maybe they have agreed to take them back in the last day or so, but they have been pretty recalcitrant on it. I will be surprised if they are all approved for repatriation.

But do you see how important this could be.

Loophole No. 4: Aliens who illegally entered the country multiple times are also eligible for amnesty. Page 334, line 8 requires continuous physical presence and states that an alien must not have departed from the United States before April 5, 2006, except for brief, casual or innocent departures. Every time the alien reenters the United States illegally, they are committing a criminal offense. But this bill rewards those aliens with amnesty also.

Loophole No. 5: This bill allows aliens who have persecuted anyone on account of race, religion, nationality, membership in a particular social group or political opinion get amnesty. It fails to make persecutors ineligible for amnesty.

I would have thought that was an oversight until I noticed on page 363,

line 22, that the bill makes those heinous acts bar aliens here between 2 and 5 years from amnesty but not those who have been here longer. The same bar left out for the 8.8 million who have been here for more than 5 years. This will be interpreted as an intentional decision of Congress when we pass this bill.

That is not inadvertent. I don't know why they did that.

Loophole No. 6: There is no continuous presence or continuous work requirement for amnesty. To be eligible to adjust from illegal to legal statutes under the bill, the alien must simply have been "physically present in the United States on April 5, 2001," and have been "employed continuously in the United States" for 3 of the 5 years "since that date."

The bill does not say "employed continuously in the United States since that date," as some have said. It does not require that employment be full time. Which means that it will be interpreted by any fair court following the law to mean that the alien will be eligible for amnesty if they have been employed in the United States either full time, part time, seasonally, or self-employed.

The bill also allows the time of employment be shortened if the alien has attendance in a school. The employment requirement under the language, as written, is as broad as possible. Essentially, any alien who worked in the United States for 3 out of 5 years any time prior to April 5, 2006, will fulfill the eligibility requirements.

Loophole No. 7: The bill tells the Department of Homeland Security to accept "just and reasonable inferences" from day labor centers as evidence of an alien meeting the bill's work requirements.

Day labor centers—I am not sure how reliable those can be to make major decisions. Some of these are openly and notoriously promoting illegal workers.

Under the bill, an alien can "conclusively establish" that he was employed in the United States, and it can be either full time, part time, seasonally, or self-employed by presenting documents from Social Security, the Internal Revenue Service or an employer related to employment. The alien meets "the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements" if the alien can demonstrate "such employment as a matter of just reasonable inference."

If you can just have a reasonable inference that you have worked, get a document from a day labor center, you meet the work requirements. Everybody will meet it. No illegal alien will be left behind.

The bill then states:

. . . it is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

The invitation is there to abuse the system. The invitation for fraud is clear.

Congress is telling the Department of Homeland Security to accept pretty much anything as proof of work, and if they don't take it, they will be sued and they will win in court because the bill we have written says anything goes as valid proof of work.

Loophole 8: The bill benefits only those who broke the law, not those who followed it and got work visas to come to the United States. That is a plain fact. If you were here legally on or before April 5, 2001, you will not get the benefit of this amnesty. This amnesty benefits you only if you came here illegally.

Loophole 9: The essential worker permanent immigration program for non-agriculture low-skilled workers leaves no illegal alien out. It is not limited to people outside the United States who want to come here to work in the future but includes illegal aliens currently present in the United States who do not qualify for the amnesty program in title VI, including aliens here for less than 2 years. Under the bill language, you can qualify for this new program to work as a low-skilled permanent immigrant even if you are unlawfully present in the United States.

The bill specifically states:

In determining the alien's admissibility as an H-2C . . .

The program is specifically intended to apply to absconders. There are 400,000 absconders out there now that we are trying to apprehend and trying to deport. They have been ordered deported yet they absconded; illegal aliens who were in removal proceedings and signed a voluntary departure agreement but never left, many of them did that, and illegal aliens already removed from the United States but who have come back.

Loophole No. 10: The annual numerical cap on this program is a completely artificial cap. If the 400,000 cap per year is reached, what happens then? The cap immediately adjusts itself to make more room under the cap. I kid you not. If the cap is reached, an additional 80,000 visas can be given out that year and the cap will go up automatically the next year as much as 20 percent. Even if the cap stays at 400,000 per year, we will have a minimum of 2.4 million low-skilled permanent—not part-time—immigrants in the first 6 years, the length of the H-2C visa if the individual did not file for a green card.

I see the Democratic leader. I have been going over some of the things in the bill that I think the American people and maybe our colleagues are not aware of. It is a breathtaking piece of legislation. It is something that jeopardizes our ability to be successful in the Senate in passing good legislation. The compromise will not deal with the problems I mentioned today. I am very disappointed.

I urge my colleagues, if you said you would not vote for amnesty, you should not vote for this compromise. If you voted against the Kennedy-Specter-McCain committee bill that came out today—and the vote was 60-39 against it—you should not vote for this bill. It is essentially the same thing.

Mr. REID. Mr. President, I so appreciate the courtesy of my friend from Alabama.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate your courtesy so very much.

Mr. President, the Democrats continue to fight for strong border enforcement and comprehensive immigration reform. This compromise is the second bipartisan plan we have supported, this Martinez amendment which is now before the Senate. We are happy to welcome Senator FRIST. He has been very cooperative in working to get this bill where it is now, to the Senate, at this time. It is a comprehensive, tough, smart approach that we have advocated all along.

Unfortunately, other Republicans seem intent on delaying and defeating this compromise. We are ready to move forward, but a group of Republican Senators want to slow this matter down, it appears. If not for them, this legislation could move forward. We would head into the recess with a bipartisan victory for the American people.

Although this compromise is not perfect, it still is the right comprehensive approach. It is "enforcement plus," tough reforms to protect our border and crack down on employers who hire illegally plus it will bring the millions of undocumented immigrants out of the shadows.

The Republicans are divided, obviously, on this issue. We must protect this fragile compromise and those bent on gutting this bill with hostile amendments. We still must ensure that this comprehensive approach is not lost when the bill reaches conference with the House of Representatives.

Therefore, I have suggested to the distinguished majority leader that the conferees on this be the Judiciary Committee. There would still be the two-vote majority that we have on all conference committees. These men and women who make up the Judiciary Committee fully understand this legislation. I believe they would make sure the Senate's position was protected.

I have also said in addition to that we should have a limited number of amendments. I have made that proposal to the distinguished majority leader.

I believe it is a test of leadership for President Bush to see what he can do to help bring everyone into this program. We do not need this matter derailed.

I will meet with Senator FRIST at approximately 8:30 again tonight and see if there is something we can work out. Here he is. So I hope there is something we can do.

I have, as I indicated, suggested that the Judiciary Committee members be conferees and we have a limited number of amendments. It sounds fair. It sounds reasonable, to me. I hope President Bush, who has talked about immigration reform, would get involved and help us reach the finish line.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I said this earlier this morning: we find ourselves at an interesting moment. This morning we had a cloture vote which gave us the opportunity to start afresh. We started in a very positive way in that we had a strong bipartisan show of support for an amendment, the Martinez-Hagel amendment. That is a good alternative. That is what we will be voting on tomorrow morning.

We left that meeting with the understanding that we would be able to debate amendments and bring up amendments and discuss amendments to this issue of immigration given the fact that it is a complex issue. And I think this Senate has come to the real point where we agree it is going to take a comprehensive approach to address the illegal and undocumented people coming into this country across our borders. That is real progress over the last week.

However, the problem we have, we have not been given the opportunity to treat each of these colleagues in this room fairly, allowing them to come forward and offer their amendments and to have them debated, to improve, to modify, to probably win some and to lose some, but to help shape legislation as we did on other bills, including the transportation bill, highway bill, other large, complex bills in this Senate.

Over the course of the day it was my expectation as we set out this morning, we take a step forward in terms of debating an amendment and looking at the overall immigration bill and offering amendments on that immigration bill to improve it. Yet here we are, 10 hours later, and we have made absolutely no progress.

The amendments that were first offered on this bill were a week ago, Wednesday of last week, the Kyl amendment. To this day, we have not been able to have a vote on that Kyl amendment, the Dorgan amendment, or the Isakson amendment, all of which have been on the table and discussed, but we are not allowed to vote on them. It takes unanimous consent, all of us working together to do that.

The problem is, unless the Senate is able to work its will, we are not ever going to be able to finish a bill and all the good we want to do in addressing immigration will come to naught today or tomorrow and in the near future. That is the tragedy.

I still think we have an opportunity to reverse that. What I recommend, and I will talk to the Democratic leader shortly, is that we proceed and take up the Kyl amendment and that we debate it, and we already have had suffi-

cient debate. We can vote on it and dispose of that and take that next amendment, the Dorgan amendment, and vote on that, dispose of that, and take up the Isakson amendment, and vote on that, and then develop some good will.

I think, again, most everyone in this Senate wants to move this bill forward, see where we are, and then continue through the evening and the night in order to consider other amendments. That would be the normal process and the process I would expect.

I will be talking to the Democratic leader and I hope we can make progress and do just that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am a little puzzled as to why the distinguished Democratic leader needed to come to the Senate at this time because, as he said, there is going to be a conversation between him and the majority leader in 15 minutes.

We all know where we are. We all know the obstacles we face. But we also know that people of good will need to sit down together and implement the bipartisan agreement made after a lot of labor and hard work.

All I can say is I am a little puzzled, but I still hope in 15 minutes the conversation between two individuals of good will would agree to move forward with a process. That is, obviously, the will of the majority of this Senate.

I am puzzled, but I hope the conversation that takes place in about 15 minutes between the two leaders would bear fruit and the details of what that agreement would be would, obviously, be between the two leaders.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, let me salute those on the floor who have been so instrumental in bringing us to this point.

I look over and see Senator MARTINEZ, who has worked very hard to find a bipartisan compromise which I now support. I thank him for that leadership.

I say the same of Senator MCCAIN and Senator GRAHAM and so many others who have gathered here today. They are people of good will who generally want to pass a bill, as I do. The same can be said for many on our side of the aisle who have spent an extraordinary amount of time trying to find this common ground.

But let's be very blunt about where we are at the moment. It is 8:15 on Thursday night. Tomorrow is the last day of the session before a 2-week recess.

Clearly, if we don't reach some agreement as to how we are going to deal with this bill when we return after the Easter recess, it really is a troubling situation. I hope it is not a situation that would jeopardize the bill. We are trying to come up with a reasonable number of amendments. Yesterday, we

calculated there were 228 amendments filed to the pending bill. It is physically impossible to deal with that number of amendments. We know that. As the whip on this side, I have faced 100 or more amendments and had to try to talk Members out of them. At this point, we are trying to reach a reasonable number.

We have been given a list of potential amendments on the Republican side. I will tell you that almost without exception, they are authored by Senators who have expressly stated on the floor they want to defeat this bill. So at some point, we have to acknowledge the obvious. Senators should have the opportunity, I suppose, to express themselves, but if the purpose of the amendments is just to drag this out once we return to the point where it never passes, we have done a great disservice.

It was not that long ago that we gathered on the floor of the third floor of this Capitol in the press room congratulating ourselves on what we had achieved on a bipartisan basis. Supposedly there was a bipartisan will to move forward. We need the same thing now. And we need to acknowledge that every Senator who wants to offer every amendment cannot be allowed to do so, if we are ever going to complete action on the bill. Both sides have to be reasonable in the amount of amendments that will be offered or nothing will happen.

The final point the Democratic leader, Senator REID, made, is equally important. We want the conference committee to be a working committee that understands the bill. The clearest way to achieve that is to have the Senate Judiciary Committee, with 10 Republicans and 8 Democrats, represent our interests, if the bill ever passes in the Senate. We think it is going to be an arduous process facing a House where the chairman of the House Judiciary Committee has passed a bill far different than the one we are considering in the Senate today. I don't think that is an unreasonable request by the Senator from Nevada. It reflects a two-vote plurality for the Republicans, as is usually the case, and brings the people to this conference committee who have worked on this bill the longest and the hardest. That is what we put on the table.

I sincerely hope that before we adjourn this evening we can announce an agreement to move forward. If we don't, I fear that tomorrow there will be a race for the airports without this resolved, and we will wait for 2 weeks in the hopes that when we return we will have the same spirit of bipartisan cooperation. We may and we may not. We shouldn't miss this chance, this historic opportunity to seize this moment and to pass comprehensive immigration reform which starts with enforcement of our borders, enforcement against employers who are misusing those who are undocumented, and a legal pathway so that those who have

lived in the shadows and in fear for so long finally have a chance to prove themselves, in a long and difficult process, that they are in a position to be legal participants as part of our great democracy.

Tonight may be the test as to whether we can achieve that. I hope before we close down the session tonight, it is with the good news that we have reached a bipartisan agreement; otherwise, I am very concerned about the fate of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Illinois. He has been involved in many, probably too many, conversations we have had on this issue and meetings and gatherings. It is very interesting. Everybody is expressing the same desire, yet we can't quite get there. That is hard to understand.

I would like to make one comment to my friend from Illinois about conferees. One, I am confident it will be a fair conference. Obviously, in my personal view, the Judiciary Committee will be the appropriate conference. But that is a privilege and a right and a responsibility of the majority leader. We know the way it works around here. The majority leader appoints conferees. The majority leader wants to resolve this. He doesn't want the legislation gutted or destroyed in conference. We have worked too hard to get where we are. We have to proceed, at least a little bit, in good faith, recognizing if at some point as we are moving along that confidence is not there, you can derail it at any time. You can start the procedure that we have been in for the last 9 or 10 days. That seems to me the right thing to do, and I hope the discussion between the two leaders in 10 minutes will yield us an agreement to move forward.

The Kyl-Cornyn amendment has been pending for 10 days. We have on your side Senator DORGAN who feels strongly about his amendment, and so does the Senator from Georgia, Mr. ISAKSON. Those are issues we could work through and then see the end of the tunnel. We all know what happens. I think we are down to something like 20 amendments on our side, and it would probably be less than that. But there are only so many major issues associated with this bill.

I thank the Senator from Illinois for his cooperation and his efforts to bring this process forward. I think any objective observer would argue that it is time we move forward with the process. As the Senator from Illinois said, it is almost too late.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, if I may echo the comments of the Senator from Arizona, had we followed a normal procedure in the Senate over the last week or 10 days, we would have

probably had way more votes than Senators on this side of the aisle are requesting. A modest number of amendments, as Senator MCCAIN indicated, roughly 20 amendments, is an incredibly small number of amendments when you consider the magnitude of the bill that is before us and the length of time that it has been before us. We could have been to the end of the process if we had had the kind of procedure that is typically followed in this body. I am hoping that we can get to that point. I am optimistic that the meeting between the two leaders may produce an agreement to get started. We have a group of amendments that are the logical place to start. I hope before the evening is over, we will have an opportunity to lock those in and to move forward, as we do on every other piece of legislation that we handle in this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I have been involved, along with many other people, trying to work hard. And if this were an easy problem, we would have solved it many years ago. As a nation, in 1986, we offered amnesty under Ronald Reagan, and 3 million people have turned into 11 million people. We can argue rightfully about what is punishment, what is amnesty. But what we can't afford is to take broken borders and combine them with a broken Senate.

America needs something to work around here on immigration. The House has spoken. I don't agree with their conclusion, but at least they spoke. The President is speaking. The Senate is trying to speak. We have reached a bipartisan compromise that enjoys support on both sides but also enjoys fair criticism. If it begins to be the rule that you can't offer an amendment if you oppose a bill, that is probably not a good policy for our friends in the minority.

We want to be able to tell America why we differ with each other and in some constructive way vote on what our differences are. Three amendments on a bill this important is unfair to our colleagues who disagree with what we are trying to do. Some of them are trying to make the compromise better. I was in the Judiciary Committee. It has been a heck of a place to reside. If I had known going in what it was about, I don't know if I would have accepted the job. But I have thoroughly enjoyed it in this sense: We have taken very important issues, and we talked about them and we voted. We spent days on this bill. We had dozens of votes, Senator SESSIONS. Nobody said you couldn't vote. We worked through it, and we came out with a bill that some like and some don't. Now we are on the Senate floor.

Everybody who is not on Judiciary deserves at least a shot to have a say about this bill. As much as I like being on the Judiciary Committee, I don't

think we should take over the whole Senate. So what we are trying to do is give people on the committee and not on the committee a chance to revisit this legislation in some orderly process.

Here is what we propose. It really is about who to trust, and trust is pretty low around here. The country has lots of problems, but we have to be able to prove to each other we mean what we say. I hope I have proven this. I mean it when I say I am for a comprehensive bill. I have taken some votes that are not that popular at home. But I believe it is best for the country and the people of South Carolina to realistically solve this problem. Senator ISAKSON has a good amendment. Senator KYL and Senator CORNYN, there are a bunch of good amendments out there. Some of them I will vote against, but they deserve the right to be voted on.

What do we do in conference? Senator FRIST has been a very good leader this week. He has taken a majority of his conference in a way they really didn't want to go, but they are now understanding it is better to get something done than nothing. And to get to the end of the tunnel, we are going to have to trust each other a little bit.

Senator DURBIN has been terrific. You have been in every meeting I have been in, and I believe in your heart you believe it is good for the country to solve this problem. The only way we are going to get there from here is to have a little bit of faith. If at the end of the day this bill blows up, I don't expect you to accept that result, nor will I. But I am willing to give the process an opportunity to prove to each other that we can do what we said we can do.

I think we can deliver a bill with Republicans and Democrats that would honor the compromise we reached today, but we can't do it shutting out our colleagues. I know if we give this a shot, we will make it. But those who want to kill it, you need to be on notice. As long as I am in the Senate, we are going to be talking about this kind of problem. Every day we talk, people come across our border, and we don't know who they are. Some are doing good and some may not. We need to fix this problem.

To my colleague from Illinois, I know where your heart is, and I appreciate what you have done. But we need to move forward. America needs a better legal system when it comes to immigration. America needs secure borders. America needs to treat with dignity 11 million people who have committed a wrong but could be of great value to us in the future. But more than anything else, America needs a Senate that can work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will be brief. Obviously, Senator SESSIONS is on the committee and had been speaking prior to this interlude with our leaders.

I have worked 5 years to get a piece of this bill, and I have a piece of the bill that is currently before us. At the same time, I have voted consistently to allow my colleagues who disagree to have a vote on their issues. Senator SESSIONS and I rarely disagree on issues. On this we disagree.

He is very artful in casting certain provisions of it one way. I could argue it the opposite way. I suspect my arguments would sound nearly as logical as his. But what is important here is the final shaping of a very important piece of legislation.

Controlling our borders is an absolute must that we have denied ourselves for now two decades. Everybody talks about the 1986 act. It didn't work. No, it didn't work. It didn't work because we didn't realize, at least some didn't, that we were sending a signal out that if you could get here and wait your time, some day you might become legal. You might become a citizen. We didn't realize that we put a megaphone to the world and said: Come one, come all.

We also had an economy and job-creating environment in which there were jobs to be had. We didn't control the border. Again in 1996, a decade later, we attempted to tackle it again. Numbers had grown. We didn't control the border.

In 1999, I began to work on the agricultural issue. I worked a compromise over a period of 5 years now with a lot of different people. But in the heart of what I have done is a very important key: it is controlling the border. No matter how we write this legislation, if you cannot define the number and control the number, it is for naught. That is an absolute fact.

It isn't by accident that the first few titles of the committee bill are all about border control. I wish we would move much faster on border control. I wish nationally we could move tomorrow because what we have offered will take a few years to implement.

We have to train more Border Patrol men, 1,500 a year, and go on and on with beds of detention and all that. That is important and part of the control. We have to find the resources to do it. So all of that has to fit together.

At the same time, Americans are phenomenally frustrated about what we are doing and where we are. They know why we need to do something, and they know our borders ought to be controlled. Well, I am going to stand here and defend the right of my colleagues to offer amendments. I would like to think that on the issues I am passionate about, my arguments are more persuasive to a majority and I can defeat any amendment that might be proposed to change certain provisions. I don't know, but I am willing to take that risk because I have to guarantee this process.

The attitude of shut out and deny has never worked in this Senate. We always shape it a little bit, but we never deny it. Yet for a week now it has been

denied and it will not stand or the bill will fall. That would be wrong for the American people not only to see but to understand because in it are the ingredients to solve a problem, if we have the heart and the will to implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I agree with much of what Senator CRAIG said—particularly about the ineffectiveness at the border. Let's be real frank and honest about the bill we have today. The reason we are in trouble today, the reason we are not going to be able to pass this legislation is that the bill is a failure. It is a colossal failure. It is a dead horse. It has been lying out in the sun, and people have been having to look at it, and they are now able to smell it. A few amendments and a compromise is not going to revive this. It doesn't do what we want it to do. It has a huge surge in immigration.

The compromise is 95 percent of what was in the bill we just rejected this morning by a 60-vote margin—95 percent of it. And the others were supposed to make some big difference, but part of the changes in the bill increase the number of people who would come into the country, and there is not any restraint on the legislation. So the underlying bill that came out of committee was bad from the beginning.

Let me tell you what happened. We debated the bill. We spent 5 days in markup, and 4 of those days basically were on border control issues. We debated individual words. Then, all of a sudden, on the last day, when the majority leader said we had to have the bill out, about noon we got around to the amnesty for the 11 million people and what we were going to do about future immigration policies. And without any amendments—maybe no more than one or two—they were adopted in toto, without any real discussion, no expert testimony, no full understanding of the comprehensiveness of it. We just rushed it through. We passed this bill last Monday at about 6 or 7 o'clock at night. It hit the floor on Tuesday or Wednesday. The bill was not even printed until Wednesday night. We were devoting Wednesday all day to the bill, and it had not even been printed.

I ask my colleagues this: Should you not know how much the bill costs? Is anybody here prepared to stand up and say what this bill would cost, the compromise bill, if we pass it? How much will it cost? Does anybody know?

I made inquiry today and got back a letter from CBO that said it is clearly in violation of the Budget Act. Now, they said that was just a part of the cost; it was much more than that. They were still trying to run the numbers.

So within minutes, I got this e-mail from the Congressional Budget Office. It has a score on it. It says that CBO and Joint Tax estimate that direct spending outlays under this bill would total about \$8 billion for the first 5

years. That is clearly in violation of the Budget Act.

What about revenues? Joint Tax and CBO—our two agencies we depend on to tell us what the cost and impact of the legislation will be—estimate that the legislation would result in an on-budget revenue loss of \$5 billion from 2007 to 2011 and \$2 billion over the 2007-to-2016 period, largely because of lower tax payments by businesses.

Here is discretionary spending. Assuming the appropriation of a necessary sum, CBO estimates that outlays for those purposes would total at least \$16 billion from 2007 to 2011 and more than \$30 billion over 2007 to 2016. And they are in a governmental mandate. The bill would impose mandates on State and local governments with costs that would exceed the threshold established by the Unfunded Mandates Act and at least 1 of the first 5 years after they take effect, totaling \$29 billion over 5 years.

Well, why am I saying that? First of all, that is a lot of money. We have Social Security in trouble, Medicaid in trouble, and we are going to add \$29 billion more to our costs?

What is really troubling is that it is symptomatic of the lack of thought and serious evaluation that went into writing this bill to begin with. It is not a good piece of legislation. It has good intentions. It desires to do the right thing. Unfortunately, as I have studied it, having been on the Judiciary Committee, I have come to believe it cannot be amended. And we are going to have three amendments that are going to somehow fix this bill? It fundamentally needs to be reviewed. I really think so.

I will repeat that I am optimistic about our ability to make this work. I am optimistic that, with just a commitment of will and some resources, we can create secure borders and increase the number of people who come into our country legally. We can deal humanely and fairly with the 11 million to 12 million—or maybe even 20 million—illegals who are here. We don't have to give them every single benefit we give to those who follow the law, but we can allow most to stay and work and live here, if that is what they have been doing and if that is possible. We can work out all those things. We can deal with those issues in an effective way. But this legislation doesn't do it, and it is too late to fix it.

We need to have some real hearings, get the best minds in America to tell us about this problem, and work out legislation that is not amnesty, that doesn't cost \$27 billion, that creates a lawful system on our borders so people can enter and exit easily with biometric identifiers if they are lawful and those who try to come in unlawfully get apprehended. That can be done. This bill doesn't do it. The compromise legislation doesn't do it. It needs to be voted down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, we have been in a stalemate over the issue of amendments for several days now on what is an issue which, as the Senator from Alabama so eloquently said, is very important to all Americans. It is a very important issue to those who support the bill and to those who might oppose the bill. It is an issue where the lives of many people in America are hanging on its outcome.

The President has spoken in the last 24 hours about the need for the Senate, with a seriousness of purpose, to move forward to try to arrive at a reasonable resolution of this issue. The fact is that, as we have over now several days endured, I am not so familiar with every nuance of Senate procedure so as to fully understand all that might be and could be done. But there is also a benefit to that, which is that I am so accustomed to what the rest of America thinks and hears and, frankly, have a view that I think is also fresh, which is to say: How do you explain to anyone in America that on something as fundamentally important as the immigration laws of this country, on a system that admittedly, while we cannot agree on much, we have to agree is a broken system, that today is not working, not serving America's need for security of the border, that is not serving America's need to know who these 12 million people are and why they are here, that today is a system that compounds and permits illegal behavior by those who cross the border illegally and those who employ them and benefit by their labor.

There is a tacit understanding that we have an illegal system and we are fine with that. In the midst of that need and in the midst of this overwhelming problem we have in our country, the Senate has a responsibility to do something about it.

So how do we explain to the people of America that 100 Senators, led by their leaders, have been hung up over the fact that they cannot agree on how many amendments they are going to have to this bill? It is that simple. We just cannot agree on the number of amendments that will be considered on the bill. Some would say it is too fragile a compromise. If it is too fragile to not have the sufficient votes to defeat amendments to the bill, why, then, it would not pass anyway. That is an indication of a lack of purpose.

Some would say: It is too broken down and cannot be fixed. Let's give it a try. I have never heard of a bill which I participated in in my short career in the Senate that came to the floor and there was not an up-or-down vote—well, sometimes they are done by unanimous consent. But on monumental, controversial legislation such as this, there are always going to be amendments. And I think about how am I going to explain to the people who are looking to me for leadership, telling me to get something done on this problem—and on both sides, people are demanding that the border be secure, and

other people are asking that their status be resolved so they can move on to have a piece of the American dream—and say to both of them that the Senate has failed you and did not act; we could not act for the simple reason that we could not agree on the number of amendments. We agreed on the underlying idea—a majority of Senators, I believe, or perhaps a significant majority agreed on how we might perhaps make a contribution toward solving this problem with what now has been reached as a compromise. And we announced it with great fanfare. Then we get to the issue of how many amendments.

The bottom line is that this issue is too important—too many people are depending on it and the security of our Nation depends upon it—for us to fail this test of leadership. If we fail to act on this bill, as I seriously fear we will because of the reason that some would prefer to have the politics of this issue over the policy we could create by acting upon this issue, whatever the will of the Senate may be on it, we will have seriously failed the American people and failed the test of leadership. The President has encouraged us, told us, urged us to move forward and to act on this very important issue. We simply are dilly-dallying and failing to act on something that is fundamentally important to the people of this country.

So I say that if this issue fails to be acted upon, there will be people looking for places to hide and fingers to point as to who is to blame. I would blame all 100 of us for not getting it done. Those who agree with it can vote for it, and those who disagree with it can vote against. Those who have legitimate amendments should be able to offer them and be able to have a vote on them up or down.

Obviously, we have to limit the number of amendments. So we are back to the decision of how many amendments. You would think that grown people could decide how many amendments to have on a bill of this significance and of this importance to the Nation. If we don't agree on the question of how many amendments, I look forward to hearing suggestions on how we explain to the American people why we failed to act.

Ms. LANDRIEU. Mr. President, I would like to speak to an amendment designed to clarify existing immigration law and ease the burden on families sent abroad in service to the United States.

Under the Immigration and Nationality Act, there is normally a 3-year residence requirement for spouses of U.S. citizens to be naturalized. Section 319 (B)(3) waives that requirement for applicants whose citizen spouses are ordered abroad by our Government to keep families intact while certain members do their duty to our country, wherever in the world that may require them to go. The same law rightly places value on cohabitation between



spouses in requiring that applicants spend no more than 45 days away from their citizen spouse. The waiver provided under existing law is clearly intended to prevent our Government from splitting up families whose members are in the service of this country for the mere purpose of satisfying shortsighted antifamily regulations. Yet that is exactly what has occurred as a result of the Bureau of Citizenship and Immigration Services' overly narrow interpretation of this law.

I wish to briefly tell you a story about two constituents of mine, a husband and wife from New Orleans, who were subjected to this particular fate. Brett Schexnider has served as an Active-Duty officer in the Armed Forces for more than 20 years, and holds the rank of commander in the U.S. Navy. Commander Schexnider married his wife Gisele in March of 1999. When the Navy ordered Commander Schexnider to leave New Orleans for a foreign post over 2 years later, Gisele, who is originally from France, understandingly and dutifully accompanied her husband on his tour of duty. After 14 months, the Navy sent Commander Schexnider back home, and his wife returned with him. Four months later, she applied for naturalization. Her application was denied as a result of her having joined her husband abroad, which caused a break in the 3 years of continuous residence normally required. Relying neither on explicit regulation nor statute, USCIS determined that she was no longer entitled to a waiver of the 3-year requirement because her husband had returned to the United States by the time she filed her application. After 6 years of marriage, Gisele was told that she would have to wait another 3 years before her application could be approved. I submit to my colleagues that this unwritten policy and absurd determination is not only bureaucratically senseless but also a shameful offense to the institution of marriage.

Again, this amendment does not seek to do anything more than clarify existing law so that it may achieve its original purpose. The provision in Federal regulations requiring that duty abroad last at least 1 year would remain intact, as would the requirement that an applicant be present in the United States at the time of naturalization. My amendment would simply prevent applicants from failing residence requirements if they choose to follow their spouse to a Government-ordered post.

Our military families and the families of this Nation's public servants who are sent abroad do not deserve to be punished for their service. The laws of this Government and the agencies that execute them must not be allowed to separate families whose members stand up to answer the call of duty, and I would hope that all my colleagues could join me in protecting our Nation's families from this disgraceful practice.

I ask unanimous consent that the text of the Amendment be printed in the RECORD.

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

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.**

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. FRIST. Mr. President, we are about to close in a few moments. We have some business to do. But I want to comment briefly on the events of today with respect to what I think is tragic in the sense that we are, in all likelihood, not going to be able to address a problem that directly affects the American people.

What the Senate does best is to identify a problem, to develop and take a solution through committee, and then bring that product to the floor of this body and allow 100 Senators—the body itself—to modify, to take away, or to add to that product and produce a bill. And it becomes especially important when you are addressing very complicated issues, tough issues, tough challenges that you produce a product that reflects the intent and the will of this entire body, the Senate.

In this particular case, when we are discussing immigration, the problem has been clearly identified. Our borders

are broken. Our immigration system does not work. Our laws that are on the books are not being enforced.

Again and again, we have heard over the last 2 weeks that we are a nation of laws, a proud nation, a rich nation because of our immigrants and our history of immigrants. But with those laws not enforced, our workplace is not protected, and with employers not having the tools available to enforce those laws, with too many people living in the shadows, we have a set of problems that have to be addressed.

This body has moved in the direction of addressing that in a comprehensive way. We developed a product in the committee, we took that product to the floor, but when we came to the point where the minority, using their rights, which I would argue is abusing those privileges, caused the system of deliberation and amendment to fail, that resulted in postponement, it resulted in blocking amendments, not having votes, obstruction.

They did not allow amendments to be offered—the substantive amendments, the really important amendments—or to be voted on.

Everybody watching this debate over the last week and a half asked—we all have that telephone call or that question in town meetings: How in the world could the Senate possibly operate that way? How can a handful of Senators or a minority of Senators—fewer than 50 in this body—actually stop progress on an important bill?

The American people are baffled by it, and appropriately so. The answer lies in that the rules of the Senate allow them to do that, and if those rules are used in that manner, then things can be stopped, postponed, and blocked.

People call it tyranny of a minority. Is that an overstatement? Not really, because the tyranny means that you have something bad happening, and the strength is of the minority, and that has actually taken place. We have seen it play out over the course of the last 12 hours, almost exactly 12 hours after a vote today to oppose a bill that gives illegal immigrants, undocumented people, a direct special path to citizenship. Many thought it would be a new day and, indeed, shortly thereafter, a large number, a bipartisan group of people, rallied in support of proceeding to an amendment put forth by Senators HAGEL and MARTINEZ, broadly supported with a number of cosponsors on both sides of the aisle.

That amendment, coupled with the work that the committee had done to date, that the Senate had done, did everything pretty much in terms of tightening the borders, worksite enforcement, looking at 12 million undocumented, illegal immigrants here and saying it is not a monolithic group and has to be addressed in a certain way and developing a temporary worker program.

However, at that point, the minority, having said the amendments could be