enforcement promises being made on the floor of this Senate.

I will note again that the Association of Retired Border Patrol Agents roundly criticized the legislation. Two former chiefs of the Border Patrol of the United States, one of them under President Bush, one under President Reagan, have strongly and totally condemned the legislation.

The current Association of Border Patrol Officers opposes the legislation. The former Assistant Attorney General, Kris Kobach, who served in the as counsel to Attorney General Ashcroft on issues dealing with immigration and national security says this bill will not make us safer but will make us less safe. So does Mr. Cutler, a former INS agent of many years of experience. He is worried that we will be issuing U.S. government identities to people who we have no idea who they really are.

So, bottom line, the bill is not going to do what supporters are promising it will do. Those of us who were not in the little group of grand bargainers certainly have no responsibility to affirm the deal they may have reached, especially if we know that it is not going to work.

If the bill before us was a good piece of legislation and it solved the problems it claims to solve, then maybe we would just have to hold our noses and live with this sort of secret pressure that our good friends, the masters of the universe, have put on us by meeting and writing up a bill and telling us we have to take it or leave it. They tell us they will only allow a few little amendments, but anything that goes to the core of the legislation we will not allow you to change. They tell us they are all going to stick together and vote against it amendments that offer any real changes to the deal.

I have had members of the group say to me, and I find this very disturbing: Well, JEFF, that is a pretty good amendment you have, but it changes what we agreed on. I might agree with your amendment, but I cannot support your amendment. That is a rather unusual way to do business on the floor of the Senate, it is not a way of doing business that should make us proud, not one that is worthy of a matter of this importance.

Constituents all across the country are opposed to this legislation. I think I earlier said 20 percent support it. I think more accurately it is 22 percent that support this legislation. According to the latest Rasmussen poll, there has been a continual drop in support for the last 3 consecutive weeks in the tracking they have been doing.

Twice as many said they prefer no legislation at all to the bill that is before us today. We have been told by our colleagues promoting this legislation, that the only way to get the enforcement we want, is to vote for this legislation. Well, I don't think that all enforcement items should be held hostage to amnesty, and I have just explained why the enforcement they promise is not going to work.

The bill does have some concepts that are fairly significant. For example, the idea that people get legal status in the form of the probationary benefits visa a mere 24 hours after filing an amnesty application is very significant. These are legal documents we will be giving them, a certification that a person is in our country legally. It can then be utilized to get a state driver's license, a Social Security card, and those kind of things.

So the only thing that is going to be done before people are given this document just 24 hours after filing an application is a cursory background check. I submit to my colleagues that a full background check can not possibly be performed within 24 hours. The only way an amnesty application will not get legal status in 24 hours is if they had been arrested and fingerprinted somewhere in the country, and their fingerprints have been put into the national fingerprint index. That is really the only thing that will disqualify them within that 24 hour period.

But I wish my colleagues would think back to 9/11. Several of the 9/11 hijackers were stopped by state and local police at various times prior to 9/11 for speeding or such and each time they were let go by local law enforcement. Local law enforcement was now aware that some of them were here illegally. In the future, all of these 12 million would be given an identification document that would give them legal status, so, in fact, their position would be enhanced to an even greater status than the 9/11 hijackers. They would have U.S. government issued identification and a driver's license. They could travel the whole country with freedom under these documents.

So Mr. Kris Kobach and Mr. Mike Cutler and others have written op-eds and editorials that point out that this could be a tremendous advantage for terrorists, not a disadvantage.

These are complex issues. I think it would be better if our wise colleagues had invited somebody like Mr. Kobach, who is a professor of law now, a former Assistant Attorney General, to speak on these issues. Maybe they should have sought his opinion instead of the special interests they were listening to when they cobbled together this political deal.

Maybe they would have been better off if they asked some of experts, such as the former chairmen of the Border Patrol, what they thought, or the present head of the Border Patrol Association.

SO, the question is, what do we need to do now? The first thing we need to do is take this bill off the agenda tomorrow by defeating the cloture motion. Let's just end this agony, please. Let's not continue down this path. Let's say: No, it is time to pay a decent respect to the opinions of our constituents. They do not like this. Let's respect them. Let's acknowledge that independent experts say this bill will not work. This is not just the opinions of some radio talk show hosts, as I have heard my colleagues talking about this week, but we have independent experts saying it will not work. I will just observe that the radio talk show hosts know more about the bill than most of the Senators do, if you want to know the truth.

But at any rate, this is where we are. I think we ought to come down with it. We should probably follow what the people have suggested in the polling data that I saw. The American people would favor incremental steps emphasizing enforcement. There are some things that we could do to achieve what the American people want. I suggest that if we can come up with a credible enforcement mechanism—and we can—then we need to enact it. Then we can begin to talk about the future flow in immigration levels. I don't think most people know—I am not sure most Senators have fully understood—this bill over the next 20 years will double the number of people given green cards, legal permanent residence in America. It will double the current numbers. It has only a 13-percent reduction in the 500,000 or so who come illegally every year. Remember, it was last year when we arrested 1 million people coming into our country illegally. What kind of system is this when our Border Patrol agents are out there working their hearts out and risking their lives to arrest a million people and we want to give immigration benefits for those that snuck past our agents?

That type of immigration system does not work. The way to make it work is for this Nation to state with crystal clarity that our border is not open anymore. Don't bother to try to illegally cross our border. People are coming from all over the world, not just Mexico, to sneak across the Mexican border, because it is wide open in their thoughts and it has been easier to get into the United States that way. It is not that difficult to create the reality that it is not open, and people will not spend their money trying to go through deserts and so forth to get into this country if the word gets out that it is no longer possible to be successful at it. That is what we need to do, reach that tipping point. We could see a big drop in the flow of illegal immigrants into our country. Then we could focus on a compassionate solution to those who have been here for a long time, who have children and families and have jobs and solid ties to our country. But the legislation before us today moved the date by which you could make claim for legal status from January of 2004 to January of 2007. Basically, no illegal alien is left behind; everybody is going to be a participant in this deal. I was stunned at that. Senator WEBB offered an excellent amendment today on that point to say it ought to go back 4 years. Why would we do that? The reason that is important is because we made an announcement that we were going to close the