

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

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

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

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

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

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

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

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

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

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

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

What would a better approach be?

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

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

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

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

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

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

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

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

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

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

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

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

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