new worker program to take pressure off the borders, and give the 12 million undocumented immigrants the opportunity to come out of the shadows and into the light of America. Improving border security is only part of the puzzle. As long as the identities of those who cross the border are unknown, our national security is at risk.

There is no question but that we need more Border Patrol agents with better technology and equipment. But there is also no question that enforcement alone cannot solve the problems of immigration.

We have tripled the number of Border Patrol agents over the last 20 years and increased the Border Patrol budget 10 times over. Yet the probability of catching someone illegally crossing the border has fallen from one-third to only 5 percent. That is a startling figure.

A population as high as that of Las Vegas crosses the border every year. That is almost a million people who find their way into the country, despite our best efforts at enforcement. Fences alone would not stop them. Years of dangerous border crossings show us that millions will risk their lives for the opportunity to reach what is on the other side of that border.

We must not forget that just as these immigrants depend on America for opportunity, our economy depends on them as well. The overwhelming majority of undocumented immigrants have lived here for years, contributing to our economy lawfully and honestly, causing harm to no one.

Many have children and spouses who are U.S. citizens or permanent residents. Many own property and contribute to their communities. Yet, unlike us, they live their lives in hiding. If they are a victim of a crime, they cannot report it. They cannot do that because they have to avoid contact with the police. If they are treated unfairly in the workplace, they have almost no recourse. If they are discovered, they face deportation and separation from their families. Their families, as we have indicated, are, many times, U.S. citizens.

We should not allow them to jump to the front of the line for a green card, in front of those who have played by the rules, but we should give them a place in line—a chance for citizenship—if they do what we ask of them. We could continue to track down the undocumented housekeepers, dishwashers, and farm laborers who live among us or we can provide them the chance to earn their citizenship with all the responsibilities it requires and refocus our limited resources on those who would do us harm, rather than those who would do us proud. We could embrace the unrealistic rhetoric calling for mass deportation, or we could pass laws that require them to pay taxes and learn English. If we put rhetoric aside, we have the opportunity to pass a law that treats people fairly and strengthens our economy.

Over the past several weeks, a group of Senators has spent countless hours and days negotiating in good faith and in the spirit of compromise.

Last week, Democrats and Republicans, standing with the Secretaries of Homeland Security and Commerce, announced they had finally reached an agreement on immigration reform. The bill they have drafted will be offered as a substitute amendment this evening for us to debate and amend this week.

I am grateful to my colleagues for their hard work. Reaching agreement on an issue as controversial as immigration requires extraordinarily hard work, compromise, and consensus building. They have taken that important first step.

I was not heavily involved in the negotiations, but similar to some of my colleagues, I have reservations about the agreement that was reached. The bill impacts families in a number of ways that I believe are unwise. The bill also allows 400,000 low-skilled workers to come to America for three 2-year terms but requires them to go home for a year in between. This is impractical both for the worker and for the American employers who need a stable, reliable workforce.

Senator BINGAMAN will offer an amendment almost immediately when the bill is laid down to reduce that number to at least 200,000.

We must not create a law that guarantees a permanent underclass—people who are here to work in low-wage, low-skill jobs but don't have the chance to put down roots or benefit from the opportunities that American citizenship affords.

Allowing these temporary workers to apply for possible citizenship through a new points system is not good enough. There must be certain opportunities for those who are willing to work hard and contribute to our economy.

Finally, I will say a word about the idea of this so-called touchback, which would require the head of each household eligible for legalization to return to their home country to file their application for a green card.

I understand this concept is important to many of my colleagues, but it seems to be a plan that will cause needless hardship for immigrants and needless bureaucracy for the Government.

Nearly everyone agrees that the existing bill is imperfect. The problems I have outlined will be addressed in the Senate and in the House and, of course, in conference. What we have now, though, is a starting point.

I urge my colleagues to vote for cloture so we can begin an open debate. The bipartisan legislation before us is not perfect, but I think we can agree the spirit of bipartisanship behind it is encouraging.

If we continue along that road in the coming days, I am confident we can write another chapter in America's great immigration story that makes our county safer, treats people with dignity, and keeps our economy moving in the right direction.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1348, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 144, a bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama, Mr. SESSIONS, is recognized for up to 3 hours.

Mr. SESSIONS. Mr. President, there are more than 3 hours' worth of discussion that needs to go on concerning this bill, that is for certain.

I appreciate Senator REID's comments, but I express some concerns about what I understood him to say a few moments ago. He is the Democratic leader. He does have the power to call up legislation in the end and to try to set the agenda but not the total power to do so. I think I heard him say he would like to see this bill—he wants to see debate and amendments this week.

I have to say there is no way this bill can be voted on and amended only this week. We have had legislation such as WRDA that we took up for 2 weeks, a re-authorization of the water resources bill. When we worked on the bankruptcy reform bill, which mainly was a reworking of the existing bankruptcy law, with some changes, we debated that for months. So there is no way we can or should produce this bill after 1 week of debate.

If that is so, the American people can know we have had a railroad job for sure. Hopefully, that does not reflect Senator REID's firm and final opinion on the question of the schedule for this week.

Also, I wish to say I am not pleased, and I oppose the motion to proceed to last year's bill.

When we talked about the comprehensive immigration bill last year, I pointed out 17 loopholes in the bill in a series of speeches, and people began to take to heart a number of points I made, frankly. The negotiators of the new bill have come back with a bill that has some of the intention to or at least purports to deal with some of the concerns I had last year.

I have to say I was pleased to hear that we were considering a point system, such as Canada's, that we were considering a temporary worker program. I was told by the people who met and drafted this legislation, that the guest worker program would be for temporary workers and it could work to serve our economy.

I am afraid, that if you read the legislation, that the needed immigration

reform is not so. That is not what we have in either case and to any significant degree; it is a bit of window-dressing of some movements in those areas and some fairly significant steps, frankly, that we need to hold on to and need to be a part of a fundamental reform of immigration. There are some positive steps, but they are just not effective enough, as I will discuss later.

I reject the idea that a movement to a system such as Canada's or Australia's that is based on merit and skills for immigration is somehow, as I think Senator REID said, an attack on the family. I am offended by that statement. A person who wants to come to this country, has to ask to be admitted into the United States of America, and say that: I have not been a criminal, I meet the standards for admission, and I want to be a productive citizen. Then after we give that person a green card, that person can become a citizen and have the right to demand that his or her parents be allowed to come here, the aging parents who will be fundamentally supported by the American taxpayers, demand that his or her brothers and sisters and their spouses and children be allowed to come. So how is this an attack on your family if we say: You can come, you can be a citizen, but right up front, you cannot bring your parents, adult children, and siblings, you don't have any special rights to do so, but they can apply if they qualify, just like everybody else, based on their own merit. But why should the fact that we give one person a glorious thing—citizenship in the United States—entitle them to bring maybe tens of other people? It just does not make sense. I reject the argument that moving to a merit based system is an attack on family. Canada does not believe it. Sure, you can bring your nuclear family—spouse and children. I am not talking about stopping nuclear family from being together. I am talking about a reform of the current system that focuses on the extended family.

This chart shows three approaches to immigration by nations similar to the United States. Fifty-eight percent of the people who come to our country are family based—58 percent are family based, and only 22 percent are skill based. We have a policy that gives 16-percent of green cards for humanitarian reasons and those are unconnected to the skills they might bring. And 4-percent of green cards are given through a visa lottery. I may talk about that issue later. This bill wisely eliminates the lottery.

Look at Canada. They had 60 percent merit based immigrants; that is, they asked those people: Are you educated? Do you have language skills? Can you speak in English or French? What kind of skills do you have that Canada needs? What prospects do you have as an immigrant to be successful in Canada, to be a productive citizen who will contribute to Canada, make Canada a stronger and better nation? That is what Canada does. Australia does the same. They have 62 percent skill, merit based immigration. I reject the idea that it is some sort of an attack on the family to do that.

Senator REID and others have said that this bill which will be introduced—it has not yet been introduced—is a good starting point. That makes me a bit nervous, I have to say, because the bill can be moved through perhaps this week with some real strong-arm tactics, which would be a very sad thing, but perhaps it could be. The House of Representatives does not have the free period of debate that the Senate does. The House leadership, Speaker PELOSI, could bring this bill up and hammer it through in a matter of days even and then it goes to a conference committee. The conference committee will be picked by and will be dominated by and absolutely controlled by the appointees of Senator REID and Speaker PELOSI. They can alter the bill in any fashion they wish. So it is a good starting point, they say. Well, what might happen in conference?

The American people have a right to be nervous. They have a right to be cynical about how we in Congress have handled immigration. We have consistently protested that we want a lawful system of immigration. People have run for President for the last 25 years or last 50 years saying they believed in a lawful system of immigration, but, in fact, they don't do anything about it. They never take the steps necessary to make the system lawful, to make it principled, and to do what it absolutely must do as a matter of national priority; that is, the bill should serve our national interests. Think about that simple concept. Any legislation we pass should be a product that serves our national interest, not special interests.

One of the things that has worried me about my colleagues who have been having these secret meetings is that there is some talk about them having stakeholders, I believe Senator KENNEDY said that. I think Secretary Gutierrez from the White House, Secretary of Commerce, said interest groups. I don't know whom they pretend to be meeting with and deciding these issues, but I will tell you who was not in those meetings, and that was the American people. Not only were we not there, we were excluded from those meetings, and we had not been informed how those decisions were reached or what is in the bill—until perhaps Saturday morning.

This started brewing last week when Majority Leader REID said he was going to bring up last year's bill. He gave the people who were working on this legislation a limited amount of time. He told them they had to come up with a bill by Wednesday. So they fiddled around and worked hard and compromised and rushed and rushed and rushed and came forward with a bill on Thursday. They announced they had reached a grand compromise and that all Americans could take a deep breath and relax because they had met and fixed the problem of immigration, a comprehensive fix, that we could all just relax and not worry about it anymore because they fixed this problem.

We were told—and I was promised directly—that the bill would be ready Thursday. Senator KENNEDY, at the press conference, said it would be ready Thursday, and it wasn't ready Thursday. They said it would be ready Friday. It wasn't ready Friday. It came in early Saturday morning, 2 a.m. Staff had been working all night, bleary-eyed, trying to put this grand compromise together in some sort of fashion. Small print, it is 326 pages, I believe. That is about this thick, all these pages together. That is about what the stack looks like at 326 pages.

One of the few times since I have been in the Senate, perhaps the only time I can recall, we have had a major piece of legislation not written, not reviewed by the committee that is here to review language and write it in bill format. They didn't do it. So all we have seen is a bill written on a computer by somebody who works for the executive branch, as I understand it. It is about 300-something pages. Why didn't they ask the Legislative Research Service to write up a good bill? They can't do it. How can you take 326 pages and put it in proper legislative language overnight when the thing comes in at 2 a.m. Saturday morning? And truly, if it is put in proper bill language—and I hope it will be at some point because the group that works on the language really does a good job of professionally making sure it is written in a proper way, and they find a lot of errors just doing that. If the bill is re-formatted by legislative counsel, it will turn out not to be 326 pages but closer to 1,000 pages of bill language, about two times or more this thickness.

Are we going to pass that bill this week? How many amendments will we be able to take up this week? People need to talk about, first and foremost, the fundamental principles and policies embodied in good immigration reform. We should also talk about what is going to be coming up in the legislation.

As I understand the plan, the majority leader intends to file cloture this afternoon on last year's bill, and then he purports that he—and that uses up a lot of time, see. If we started with a new bill, we would have to wait until it is printed, then bring it up, then move cloture on the motion to proceed, cloture on final passage, and other procedural matters. They have been moving on a bill they said they never intended to bring up anyway, last year's fatally flawed bill that should never ever become law. That is what we are going to do this afternoon. We are going to move to cloture on that bill.

Then we are told this entirely new bill is going to be substituted as an amendment. So the first amendment

will be a substitute to wipe out the old bill, last year's bill, and get an accelerated start without the opportunities for debate on a new bill. Presumably that is how we can ram this bill through in record time. I predicted that is what the plan was last week several times, and it does look as if that is where we are going.

So we have a flawed process, I suggest, in a lot of ways, and it should cause the American people to be troubled and Members of the Senate to be troubled.

I don't deny that the people who attempted to work on the legislation, draft this new bill, are good people, good Senators, but they put themselves in a situation, based on what I see of their results, in which the document does not have the strength, the effectiveness needed to be a solution for our immigration problems today. I wish it was different. I wish I could say it is something we could be excited about and should support.

It is all right that they met. I have affectionately referred to them as ''masters of the universe.'' They would go into these secret meetings, and they would get together and talk to special interest groups and would listen to everybody, I guess, but the American people and put together a bill. But that is what they have done. The bill has some good parts and some troubling parts.

So we are at a point in our history when the time is right for comprehensive immigration reform. The Senate, however, in my view, is not ready for debate today. The plan, as we are moving today, is unwise. It has been produced as a result of undue pressure and artificial timelines, which we have no responsibility or need to meet, on the Members who are meeting in this group involved in the negotiations. So the majority leader says: OK, you guys go off and meet, but you only have so many days or we won't bring up this bill, we will bring up the old bill, and we will do these things. They felt this pressure, and they produced.

When I first heard about the plan on Friday, May 4, I stated that the Democratic leadership in the Senate acts as if this is just another piece of everyday legislation, but it is not. The immigration bill is one of the most important bills to come through the Senate in the decade I have been here.

Staff drafting of the bill was not finished until Saturday morning, and legislative counsel has not yet converted the bill into the proper format. Even today, we have no assurances that the product they produced that had across the top of it ''Draft: For Discussion Purposes Only,'' are the final agreements in the bill and will be the document actually introduced, presumably tonight.

At last week's press conference, two individuals remarked, and with great pride and enthusiasm, they were taught as children that is—what they had been doing—how a bill becomes law. One said:

> I have never been more proud to be a member of the Congress and a member of the Senate. This is what my ninth grade teacher told me government was all about, and I finally got to experience it a bit. We have been in rooms together, early in the morning and late at night.

Hopefully, they weren't smoke-filled rooms. They used to be smoke-filled rooms.

> Going line by line trying to figure out what started to be how to deal with illegal immigration and it wound up being what it means to be an American.

Well, that is good. Actually, Secretary Chertoff said:

> This is pretty much what I was taught in grade school about the way the process works; not that everybody gets what they want, but everybody works together to achieve the best results for the most people.

Well, I want to share a few things about how a bill should become law and what we were taught in grade school about it. Last Tuesday, I agreed to move forward. We have a cloture vote today. We were told we would have a bill by Wednesday or Thursday. We were not given that. So we have moved forward and the bill is being rushed forward at this point. I remain concerned that what I heard Senator REID say earlier, that he hoped to debate and amend the bill this week, indicates, I am afraid, that he intends to see it passed this week.

How does a bill normally become law? A bill normally becomes law, if it is a bill of importance, when it is filed in the Senate and referred to the proper committee. To a degree, that was done last year, although there was a tremendous effort last year to rush that bill through to completion. Many of the tactics utilized this year are very similar to the tactics utilized last year.

Let us talk about what happened last year. The bill was introduced—McCain-Kennedy—and it went through the Judiciary Committee. It was referred to the Judiciary Committee. Senator SPECTER, I believe, had his own bill as a working document, but it wasn't long in committee negotiations before the Kennedy-McCain bill was substituted for it. Then the majority leader, Bill Frist, gave them a deadline: You have to finish this bill, as I recall it, by next Monday. If you don't bring up the bill out of the committee next Monday, I am going to offer on the floor of the Senate a tough law enforcement bill that will focus on border security. This was supposed to be an incentive for the committee to act. Apparently, it worked, because a bill passed out of committee, worse by far than the bill Senator SPECTER had introduced, and here it was on the floor and hardly had been written. Nobody had seen what was in it. Yet they were bringing it up the next morning, Tuesday morning, and we were on the floor in debate.

Senator REID, then the Democratic leader, pushed to have no amendments and have the bill voted on that week. It became a big brouhaha. Senator KYL, Senator CORNYN, myself, and others had amendments we wanted to talk about. So we pushed back and complained and complained. Finally, then Majority Leader Frist said, let's pull the bill down. We are not going to bring it up until we have an agreement to have a full debate and an opportunity to offer amendments. And that is what happened. It was brought back up and we spent 2 or more weeks on it.

I point out, however, the legislation which was on the floor was in the Judiciary Committee and, even though rushed out, it passed out of the Judiciary Committee and it had several weeks of debate on the floor. That was that fatally flawed bill from last year, the bill we are now talking about going to but will be substituted by an entirely new piece of legislation which Senators have not had an opportunity to see, except from Saturday morning, if they were here, and most Senators have been at home this weekend.

So that is what is going to be brought up. It has not gone through the committee process, as classically a piece of legislation should, and it is not known to the Members of this body what is in this bill of perhaps a thousand pages, and we are hearing they might want to move to it this week. That is a matter that is breathtaking in its scope. We should not do that.

This is how the Heritage Foundation describes the process on its Web site. The Heritage Foundation is one of our Nation's most August and respected institutions that deals with public policy. They have been engaged in major issues for several decades. They say this on their Web site:

> Working behind closed doors for months, a handful of Democrat and Republican staffers, along with a few Senators and principals from the administration, have been drafting a ''comprehensive immigration reform package.'' Until Saturday morning, the legislation was unavailable to any other Senator or staff, let alone the media, policy analysts, or the general public. This legislation would be the most significant reform of immigration policy in 40 years, affecting not only our national security and homeland defense but the fiscal, economic, and social future of the United States for several generations. For the sake of open deliberation and public education, the Heritage Foundation—which got a copy of the bill somehow—is making this legislation in draft form publicly available to encourage widespread debate and discussion.

Well, thank goodness they did make it public, but who knew they had it on their Web site? I don't know, maybe it was Sunday they did so, but it is not an opportunity for the American people to know what is involved. The Heritage Web site goes on to say:

> The document made available here, although marked ''Draft: For Discussion Purposes Only,'' is being relied upon by Senators and staff as the final language to be debated beginning Monday, May 21st, with the expectation of a vote on final passage without congressional hearings, committee markup, fiscal analysis—and we will talk about that in a little bit, that means how much it costs—expert testimony, or public comment before the end of the week.

As Mr. Hugh Hewitt wrote yesterday, in an on-line article entitled ''Summary of the Fine Print'':

I have spent a lot of my weekend reading the draft bill, as requested by both JOHN KYL and TONY SNOWE. There are so many problems with this bill that it should not be introduced in the Senate absent a period of open hearings on it and the solicitation of expert opinion from various analysts across the ideological spectrum. Even if it were somehow to improbably make its way to the President's desk, if it does so before these problems are aired and confronted, the Congress would be inviting a monumental distrust of the institution.

In other words, a monumental distrust of the Congress and the Senate. He goes on to say:

There is simply too much here to say ''trust us and move on.'' The jam-down of such a far-reaching measure, drafted in secret and very difficult for laymen, much less lawyers to read, is fundamentally inconsistent with how we govern ourselves.

Not what we were taught in grade school, I assure you, and I couldn't agree more. This is not how the process is supposed to work. We should not be asked to trust our colleagues and vote to put a bill on the floor when we do not know that the bill text is even finalized, that the bill has not been drafted by legislative counsel, the bill has not been introduced or even given a bill number, the committee process was skipped and not followed, a Congressional Budget Office score may not have been requested.

What is that, a Congressional Budget Office score? Before a piece of legislation is passed, you are supposed to have a score, which is how much it costs. How much will the bill cost? How much will it impact our budget and our deficit if we pass the legislation? How basic is that? Congress shouldn't be passing bills if we don't know what they cost. Last week, they haven't even asked for a CBO score, although we had one from last year that said the bill was exceedingly costly in the first 10 years and much more costly in the years outside of that.

I am going to talk a little bit about what Heritage Foundation says about a score, and it will take your breath away when we discuss that. It is almost something you hate to discuss, but it is something we have to discuss because this is supposed to be a serious institution.

One reason, of course, they haven't requested a score last week is you have to send the bill language to the Congressional Budget Office. Well, they don't even have the language, I guess, yet. It is still being called draft language, and it will be over 800 pages in the proper format. How would you score how much a bill like that will cost? How long do you think it would take? So there is some sort of problem here.

The majority leader is saying we are to spend 1 week on this bill, and we don't have a score, we don't have an idea of how much it is going to cost from the official institution, the Congressional Budget Office, that is charged with doing those things? Not good policy, in my view.

In 1914, former Supreme Court Justice Louis Brandeis wrote:

Sunlight is said to be the best of disinfectants, electric light the most efficient policeman.

So I want to trust my colleagues. I do trust them. But I have to verify, because this bill is very complicated. It should be introduced in the proper way, as a new bill. It is very different from last year's bill in a number of areas. It should have been introduced as a new piece of legislation. It should have been referred to the Committee on the Judiciary, the primary committee of responsibility, and we should have had hearings and debate on it. We should have called policy experts from Harvard and the University of Chicago, as we did a little bit last time, at my insistence, to find out what it means to our economy, to the working people of America. Are they going to have their wages crushed down because of a flood of low-wage workers, which is what those experts told us last year would occur? That is what they told us.

That is what should have happened. We are not there. Maybe these Members of the Senate who have been meeting think they got it right and the bill is ready to come to the floor, but there are 85 other Senators here who have no idea what is in it. There is no way they could. For many, today is the first day they are back in DC after the new bill text has been made available for them to read. This bill needs some time to be disinfected by the light of day before it is ready for this floor and before we should be voting on it. That is fundamental, because it is so important.

We have small bills, and bills that come before us that we have dealt with that are legitimate to bring up on fairly close notice. But a bill of this importance, one of the longest piece of legislation, possibly the greatest number of pages of any legislative bill since I have been in the Senate, is not something that ought to be popped through here, plopped down as an amendment to the bill, substituting out an entire bill and then going forward to final passage. I don't like that and I don't think we should do it. It is not the right thing to do, and it is not fair to the American public.

The American public cares about this issue. They know more about this issue, oftentimes, than the politicians themselves. The American people, for the last 40 years, have had the right instincts. They want a lawful and fair immigration system. They do not want to end all immigration. They know we are a nation of immigrants. They believe in immigration. But they want a system that works, that does not pull down the wages of working Americans, that furthers our economy, does not enhance the welfare state and is lawful—is consistent with our principle of law. They want the law enforced.

It is the politicians who have failed them consistently. The politicians, similar to last year, seem to be on the move. Their move is we don't want this bill on our floor long. The longer it stays here the more the people will get upset, the more they are going to find out about it, the angrier they will get with us. So we do not want them to know what is in it. We will bring this new bill up, we will plop it down, we will vote it out this week, and get it off our plate. Maybe they would not know. Maybe they would not care.

But it is too important for that. We are beyond that. The American people do care. They are engaged. We might as well have a public and open debate about it and discuss these hard choices—and there are some tough choices to be made. We know that.

It would have been better if this group had conducted their meetings in public, had open meetings and everybody discussed it for several months. They might have made the American people feel better about the system.

When I first heard the White House PowerPoint presentation, this was a presentation made by Secretaries Chertoff and Gutierrez, members of the President's Cabinet. They had a PowerPoint presentation. It leaked to the press at some point. They presented it to certain Senators. I was invited to participate. I believed we had made some big strides from last year. It did, in fact, indicate a movement to a Canadian-type point system. They did assert they had created a temporary worker program that was actually temporary. Last year's temporary worker program was exactly the opposite of what they said it was. It was not temporary at all. The big print in the bill last year was ''temporary guest worker.'' Do you know what those workers were and how it would actually be carried out? A person could come to the United States as a temporary guest worker and, when you got to the fine print, they could come with their family, they could stay for 3 years, they could reup for another 3 years, another 3 years and another 3 years and they could apply for citizenship—or apply for a green card, permanent resident status in the United States the first year they were here.

That was not a temporary guest worker program. It was a joke, a sham, an attempt to mislead the American people. Forgive me if I am a little bit cautious this time about reading the fine print.

We were told we would have a better temporary worker program this year. Let me discuss some of the concerns I have about this legislation, as we understand it today, and how it actually meets with the public presentation of the principles and outlines and framework, as stated in the White House PowerPoint.

It has been my hope that negotiations would produce a bill that followed the principles laid out in the 23 White House PowerPoint presentation. That was released in March. Those were much closer, those principles, to

the framework of a bill that I said last year should be in any legislation. I stated I thought the framework from the PowerPoint could produce a bipartisan piece of legislation that could become law and could even become law this year. But I stated clearly I intend on reading the fine print.

I have not had time to read all the fine print, but I have had time enough to know I will have to oppose the bill in its current form. The question Members should ask themselves is this: If we invoke cloture today on last year's fatally flawed bill, this old bill, will the new bill the leader will file as a substitute amendment fulfill the promises laid out in the White House plan? Let's look at the four principles and see.

Principle No. 1 is an enforcement trigger. Among the first principles, the PowerPoint was to ''secure the U.S. borders'' and ''not repeat the 1986 failure.'' Before any new immigration programs or green card adjustment could begin, the White House PowerPoint stated ''enforcement triggers'' would have to be met.

Several items were listed under the trigger: 18,300 Border Patrol agents; so many miles of fencing; the end of catch and release; and the initial implementation of a workplace verification system. That is the system at the workplace that ends the job magnet so the businesspeople will stop hiring people illegally because they will have to produce a work card, an identification card, that is very difficult to forge. That is something I think could be very effective.

But I didn't think this list was going to be exhaustive, the things they had on their agenda as a trigger would be the only things in the trigger, that they would be the only things needed to ensure that we ''secure U.S. borders'' and make sure we did ''not repeat the 1986 failure.''

Does the new bill fulfill the principle No. 1? Will the enforcement trigger guarantee we are not repeating past mistakes? No, it falls short. It will not ensure that the same promises of enforcement made in 1986 do not meet the same fate.

First, the trigger only applies to the guest worker program. All other amnesty programs will begin immediately—the Z visa probationary status begins 24 hours after the Department of Homeland Security begins accepting applications. If the trigger is not met, it is unclear that status will ever expire.

Second, the trigger only requires enforcement benchmarks we are already planning on meeting. It requires nothing new, and it leaves out many very important enforcement items. Let me tell you about the debate on the trigger. It was a very important debate. Senator ISAKSON offered it. It was something I had offered in committee. He worked on it. I offered it on the floor of the Senate. The trigger basically said nobody gets amnesty until we fix this system.

The reason that was important was because, in 1986, when that big amnesty occurred, people said: OK, we are giving you amnesty. American people, we will not have amnesty again. We are going to fix the border. We are going to have a law enforced at the border. But of course it never happened. Three million people were given amnesty in 1986, they were given that on the promise we would have enforcement in the future, and today we have 12 million people here illegally and that enforcement never occurred. So the American people are cynical on this point. I am cynical on this point. I know how this institution works. The concept in the trigger was we would insist on the critical components of the enforcement mechanism being in place before any kind of legalization or amnesty occur.

That is that. That is why it was important. It was a very important part. We have been told: Don't worry, we have a trigger in the bill.

Let me tell you some of the things that are not in it. The US–VISIT exit system is not included as a requirement of the trigger. In 1996, 11 years ago, Congress required the administration—it was the Clinton administration then—to set up a system that recorded the exit and entry of persons across the border. I mean, people go to work, they put their cards in the machine. You go to the bank, you take out money by sticking a card in the machine. It is not difficult to have an exit/entry system at the border if you make up your mind to do so.

We later gave ourselves more time to finish the exit portion because the exit portion was not completed. We moved the date of the exit portion from US–VISIT to the end of 2005. The exit portion of US–VISIT is essential to ensure that future guest workers or new-parent visa recipients or new-family visa recipients do not overstay.

It is one thing to be recorded when you come in. But if you come in for a 30-day visa or you come in for a 1-year work permit, how do we know you left? This is fundamental, to know when the person leaves. Anybody who suggests this is beyond the capability of the United States of America technologically to accomplish, I think is blowing smoke. Of course, we have the capability of doing this if we desire to do so.

It is not a part of the trigger, so I am not sure how valuable it is to have an entry check as part of the US–VISIT but not have the exit check. It is important, I would say, if you intend, when we pass this bill, to actually see it enforced and actually have people go home when the bill says they are supposed to go home. But if you do not put it in, then we have a problem.

A separate section of the bill, section 130, only requires the Department of Homeland Security to submit to Congress a schedule for developing and deploying the exit component. There is no requirement that it be finished as part of the trigger. But I would say the trigger has been very much weakened. They promised a trigger. They knew what the debate was all about and why it was important. The masters of the universe, I affectionately call them, who wrote this thing, said they put a trigger in. But it is not an effective trigger.

Operational control of the border is not required by the trigger. Current law requires that by April 26, 2008, 18 months after the Secure Fence Act was passed and was signed into law, that:

> The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

Eighty Senators voted on that last year right before the elections, that this should be the standard that we would have, operational control over the border.

Only 18,000 Border Patrol agents have to be deployed by the Department of Homeland Security under this deal. This is 300 agents less than the PowerPoint listed. The Intelligence Reform and Terrorism Prevention Act of 2004 requires 2,000 new Border Patrol agents to be hired each year through 2010, so we are already on track now to have that many people in the next 2 or 3 years. We have already funded the hiring of over 14,000 Border Patrol agents, and DHS is already planning on hiring the 18,000 with upcoming appropriations.

This trigger didn't require anything new, nothing other than what we had done.

The 370 miles of fencing, which was part of the bill offered last year, and 200 miles of vehicle barriers, are yet to be built. So they are being built. But that was a key part of the trigger.

The trigger said we must end the catch and release, and some progress has been made to end this situation that happened when individuals coming across the boarder are apprehended. If they are from Mexico, it would be pretty easy to transport them back to Mexico, or Canada if it were on the Canadian border, but what about somebody caught on the border who is from Brazil? What about someone caught on the border who is from China? Or Indonesia? Or India? Or Africa? What about that? What happens to them?

What we were doing was apprehending people such as that, taking them before some administrative officer, releasing them on bail and asking them to come back for a hearing to be deported. Of course, 95 percent, the numbers show, were not showing up.

We have ended some of that already. Secretary Chertoff has made some progress in ending that situation, where those other than Mexicans are actually moved out rather quickly, except in a few instances.

The catch-and-release provision of the bill directly conflicts with the bill sponsors' claim that the catch-and-release will be eliminated forever as part

of the trigger. That section, found on page 10, lines 3 through 23, allows persons ''other than Mexicans'' caught at the border to be released on $5,000 bond. Being released on a bond is being released. The practice of catch-and-release of the persons ''other than Mexicans'' isn't ended by this bill; it just now calls for bond. People pay $5,000 to have some coyote bring them across, and they bring another $5,000 bond and they can post the bond and be released immediately into the country.

Another question that came up as part of that debate was to have sufficient prison capacity to detain people while they are being deported instead of releasing them on bail. You cannot end the catch-and-release if there is no place to hold persons apprehended.

The Senate has appropriated money for 9,000 new beds already, bringing us to a total of 27,500 beds. This is the money already appropriated. It is the current level of funding. So nothing new is added by this trigger that would strengthen our capacity.

Later in the bill, a separate section, 137, requires Homeland Security to conduct or acquire 20,000 additional beds. That should be in the trigger. How do we know it will ever be done? Well, we want to authorize or require 20,000 more beds to be built because we have decided we need those. But let me tell you, American people, just because we authorize something like this does not mean in any sense that somewhere down the line a future Congress will put up the money to pay for it. You cannot build bed spaces without money. What is not appropriated will not be built.

Additionally, 27,500 beds is far less than the 43,000 detention beds required under current law to be in use by the end of 2007, as required by the Intelligence Reform and Terrorism Prevention Act. So we are below where we need to be. That should be in part of the trigger if we are to guarantee we are moving in that direction.

Finally, there is no guarantee that the additional enforcement items in title I, Border Enforcement, and title II, Interior Enforcement, will ever be funded. There is no guarantee that the additional enforcement items will be funded. The phrase ''subject to the availability of appropriations'' is used 18 times in the first two titles. The phrase ''authorized to be appropriated'' is used 20 times in Titles I and II of the bill.

We all know this does not require any money to be available or any money to be appropriated. So that should make us nervous, ladies and gentlemen, that the language in the bill says we will do this and we will do that, build the items in title I and title II of the bill, but it will be done ''subject to the availability of appropriations.''

Then they go on to repeat many times, ''moneys that are authorized to be appropriated.'' In other words, this bill is an authorization bill. It would authorize border enforcement. It would authorize bed spaces. But it does not fund it. It does not require it to be done.

Two other trigger elements—workplace enforcement tools and processing of applications of aliens—are fine, but they do nothing to make sure the border is secured before the new guest worker amnesty program begins.

So I am disappointed that the promise of an effective trigger is not what we see in the reality of the bill language.

Principle 2: a future flow temporary worker program, the so-called Y visa. The principle is outlined in a new program for temporary foreign workers. That is what was in the framework in the PowerPoint. The PowerPoint proposed a new program where workers would be admitted for 2 years and could have their visas renewed two times, for a total of 6 years. Each period of admission would be separated by 6 months at home.

Get that. This is what is in this new bill, as we understand it and read it. So this is going to be a temporary worker program. Workers would be admitted for 2 years. That could be renewed two times, for a total of 6 years, but each period would be separated by 6 months at home.

I stated I was very concerned about this time frame. I argued last year that a genuine temporary worker program should be a 1-year program and that workers would come without their families and work on the max to be about 10 months, was my suggestion, then they would return home to be with their families, and that this could be renewed year after year as long as they were satisfactorily employed and the employers desired to hire them again and they had work to do.

But I like the fact that the PowerPoint stated—this is what they promoted a few weeks ago or a month or so ago in the PowerPoint—that workers would not be allowed to bring spouses or children but could return home for visits with their spouses and children. The PowerPoint did not say spouses and children would be coming to the United States to visit the worker.

Though no numerical cap was specified in the plan, the plan envisioned an annual cap set by the Secretary of Homeland Security, in consultation with the Secretaries of Labor and Commerce to set this cap, how many would come.

Secretary Gutierrez told me he thought it might be around 200,000—200,000. If workers wanted to apply for green cards, the PowerPoint stated they would be able to apply for permanent residence—a green card—but they would have to follow the normal merit-based channels and compete for the green card. Just because you are allowed to come into the program and work temporarily in a low-skilled job did not give you a leg up on somebody who was applying because they had a master's degree in mathematics. Also, they would have to leave the country when their work period expired, even if their green card status had not been granted but was pending. That is essential to the success of the project.

Well, does the new bill fulfill the principles in principle No. 2 that were stated to us? Will a truly temporary worker program be created that is comparatively simple and efficient as promised? I have to say the answer is no. There are at least three flaws that will make this program unworkable.

First, the periods are too long. The bill sets up a program where workers come for 2 years at a time. I strongly believe 1 year is a better time period. I think 2 years is just too long.

The periods, curiously, are limited. The bill only permits workers to come for two or three 2-year periods. Why do you limit that? It makes no sense to me to prohibit a worker who has come here for 2 years, gone home, 2 years, gone home, is a fine, skilled worker, the employer wants them, why they cannot keep coming, although I prefer 10 months at a time every year. After 6 years, the bill would cut off the worker from their employer unless they apply for a green card.

So this is a plan, I suggest, that is not supportive of circularity, where a person comes and circulates back to their home country, maintains their base in their home country, but encourages persons—in fact, puts pressure on them, if they want to continue to work—to do everything they can to become a citizen when they may have no desire to be a citizen.

We were in Colombia last year with Senator SPECTER. I met with President Uribe, and he talked about their temporary worker program. He was concerned. He thought the United States was being hostile to immigration. He expressed concern about that. He said: Why don't you do like Canada. We have people who fly up to Canada, they work and come back, and nobody ever has any problem. Well, I said: Mr. President, that is exactly what we should do. We would love to see that. But our system is so convoluted and so lawless, it is not working at all. We are not against immigration. We are not against the workers. But we want to make sure the number of workers is a legitimate number and that the system works. Our system is not working. I would love to have your system.

Now, the numbers are way too high, I have to tell you. The bill sets the initial number of guest workers at 400,000 per year, not 200,000, then it adds an escalator clause based on ''market demand.'' So the real cap is 600,000 a year after a few years. Due to the fact that the bill's market escalator—15 percent—is available in the first year of the program, the new program can result in just under 1 million workers being present in the United States in the second and third years of the program. About one million guest workers will be present in any given year under that program after the second year.

Now, that will have an impact on wages in America. It will be about 920,000 in year 2 here, the 2-year program, and 989,000 in year 3. These numbers do not include the 20 percent of workers who will be allowed to bring their families with them for their 2-year stay. So instead of complying with the promises that we would have a temporary worker program without families, we ended up with 20 percent of the temporary workers being able to bring their families with them for the full 2 years.

So that is what makes this new temporary worker program unworkable. Families can come with a worker. The new temporary worker program allows workers to bring their families—spouses and children—with them in one of their 2-year stays and for 30 days at a time on parent-visitor visas. So there is going to be a parent-visitor visa, which means you can bring children and spouses for 30 days at a time.

There is no reason for a temporary worker program that should allow workers to bring their families with them. Workers can easily go home for a week or two at a time. The cost of travel for one person to travel would be cheaper than for a family to travel for a visit.

Allowing workers to bring their families for either the 2-year period or the 30-day period will cause many practical, complicated ripple effects. Now we have got to be serious about this. We do not have enough Federal people to go out and search for everybody who is overstaying in our country and not complying with our laws. We need to create a good framework that reduces the number of people who are here illegally so they do not have to be run down and apprehended.

So these are some of the things which will happen with children coming for 2 years: Local school costs will escalate as the children of these guest workers attend schools; the language barrier will create additional problems for No Child Left Behind requirements; difficult problems for teachers and principals who have to have language skills they did not have to have before; local emergency room and health care costs will likely escalate.

So we are creating a magnet for dual citizenship. What worker would not want to bring their spouse in during her eighth month in pregnancy on a 30-day visa? This would guarantee that the spouse would receive great medical care during her delivery and would give the child dual citizenship.

Down the road, Members of Congress now purporting to be enforcement hawks, when they have to talk about removing a family, leaving a child here who is a citizen of the United States, what will they do then? I submit they will crumble. You have to create a situation in which that is not likely to occur, not create a bill that encourages or incentivizes this kind of thing to happen. It is going to be too hard to require families who overstay go home. They have kids who are going to be in school; some will be U.S. citizens. That is not going to work.

The temporary guest worker program in this legislation is set up to fail.

Principle 3 in the PowerPoint presentation was that green card allocations would be adjusted to focus more on merit and chain migration, and the visa lottery program would be ended. This is a good deal. That was a good principle, a historic move in the right direction, following Canada and Australia. It was something that was never even discussed last year, except by me. Senator MIKE ENZI on the Health, Education, Labor, and Pensions Committee agreed to have a hearing at my request to discuss that. We could never get a hearing in the Judiciary Committee where the immigration bill came forward. We learned a lot about it. Everybody who learned about the merit-based system liked it. So the White House PowerPoint stated the bill would change the way we distribute green cards to focus more on merit. It described how the current green card system is ''out of balance'' and ''favors those lucky enough to have a relative over those with talent and education.''

It noted how the United States currently dedicates 58 percent of the 1.1 million green cards issued each year to relatives and only 22 percent to people selected for their disabilities.

This is the chart we had. It reflects that this is what the United States does; 58 percent of the immigration was based on relative ability, not merit. The PowerPoint noted how in other developed countries, Canada specifically, 60 percent of the green cards go to employment-based immigrants selected for their abilities. The PowerPoint described that in the initial years ''all diversity visas and some parent-preference visas would be used for merit based selection—creating 100,000 openings in year one.''

Finally, the PowerPoint stated we would ''launch a visa system that sorts applicants according to national needs and merit.'' The system was described as a way to ''boost U.S. competitiveness, emphasize education,'' and ''make it easier for the best foreign students earning STEM (science, technology, engineering, or math) degrees at U.S. colleges to stay and work.''

Negotiators describing the merit system described the implementation of a point system which selects legal permanent resident applicants based on their skills, education, language abilities, and age. That is good, isn't it? You would evaluate people who apply based on their skills, education, language, and age.

To give you an insight into how significant this is, we have a lottery. Anybody in the world from any country can apply to be a resident of the United States. They can submit their name and it goes into a pot. They draw 50,000 names from that pot. If your name is drawn out, you get in regardless of whether you have any skills, merit, or anything else, other than perhaps you couldn't get in if you had a bad criminal record. To give some perspective on the situation the United States now finds itself in, 1 million people in the year 2000 applied for those 50,000 slots. Correction. My fabulous staffer Cindy Hayden has corrected me. Hold your hat. I was wrong. Not 1 million people applied for the 50,000 lottery slots; 11 million people applied for the 50,000 lottery slots. What does this mean if we are trying to establish an immigration policy that serves our national interest? What does that mean? It means we have far more people who have applied to come to our country than we can ever accept. Professor Borjas at the Kennedy School at Harvard, himself a Cuban refugee, has said in his book ''Heaven's Door'' that for a poor person anywhere in the globe, coming to the United States is a tremendous benefit to them. All of them will benefit; almost universally they will benefit by coming here. It is not a question of whether the individual will benefit if they come here; it is a question of who can come here since we can't allow and have no capacity to come close to allowing everybody to come to America who would like to come here.

What have Canada and Australia done? They said: We are going to set an immigration policy that serves our national interest. How commonsensical is that? Our national interest. We had a committee hearing on it. I asked Secretary Chertoff at one of the hearings: Do you believe that policies should serve our national interest? I was proud of him. He said, just like that: Yes, sir, it should serve our national interest.

I believe it was the columnist Charles Krauthammer, in one of his columns about this subject, who mused as to whether we shouldn't be like the NFL football draft and look out all over the world and pick the best and brightest who would flourish in America and strengthen our Nation and make us a better, stronger, more vigorous, and talented country. There is much to be said there. That was the promise we were made, that this new bill was going to make a move toward the Canadian system. There are some steps in that direction but, unfortunately, not enough.

I expressed concern at the time that the White House plan appeared to increase the number of green cards available each year. Page 21 of the bill indicated 1.4 million would be available each year, now at 1.1. I also stated it would be critical to examine how the point system was actually written, that the actual test had to ensure that low-skilled workers would not receive preference for green cards over high-skilled workers. Even though some business may think that is great, to have a bunch of low-skilled workers, that may not be the best thing for the national interest. Nor does the bill fulfill that principle we were told should be included in an immigration bill.

Will green card allocations be adjusted to focus more on merit? Will chain migration be ended? The new bill will only do a fraction of the good it could have done. That is what is so frustrating to me. It came close. It made some progress, but it could have been so much better. We could have made a cleaner move to this kind of enlightened approach to immigration.

They say we are going to end chain migration. Chain migration would be the ability to bring brothers and sisters into the country if you have been made a citizen. Also I thought it meant you would end the ability to bring in aging parents, but typical of the cutting the baby in half, the political compromise basically cut the number of parents in half who could come. So a number of aging parents will still be able to chain migrate in if their children have obtained citizenship. That is in the future, however. But between now and 2015, chain migration does not end but is actually accelerated. I kid you not. Instead of actually ending chain migration, the new bill only stops accepting new chain migration applications. The bill's sponsors take the numbers they eliminate from chain migration categories, about 200,000 per year, and then allocate those to adjusting the backlogged chain migration applications. In other words, people who have applied for chain migration get to come in.

If this were not enough, the bill's sponsors then take the green card numbers freed up through elimination of the visa lottery program—50,000—and also dedicate those numbers to processing not high-skilled people but the chain migration backlog applications. Even after 8 years, when the chain migration backlog is supposed to be eliminated, points for family members will be issued through the merit system. So we are creating a so-called merit system, but it is skewed also, not to merit but to family. Six points are given for adult sons and daughters of permanent residents; four points for siblings of citizens and permanent residents; and two extra points if you have applied for a chain migration category between May 1, 2005 and now. So we are giving substantial points, tipping value points to lower skilled workers because they happen to be involved in the chain migration process. I don't think that is a good principle. It undermines the move we have been promised occurs through a merit-based system.

Let me make this point. The merit system as proposed in the legislation will not receive ''100,000 openings in year one'' alone, as the PowerPoint presentation we were given promised. For the first 5 years, current employment-based visa levels are kept the same—140,000—until 2015. Only after 8 years will the number of employment-based, skill-based, green cards be increased to 380,000. So in reality, chain migration numbers between now and 2015 will skyrocket. Chain migration is going to increase until 2015. The portion of family-based migration versus merit-based migration will be worse than it is today, perhaps much worse. Think about that. The PowerPoint we have been sold is that this is going to move to merit. Yes, it says that. Yes, it does. But when you look at the real numbers through the next 8 years, the numbers are going to be more chain migration, and it will be worse in terms of merit-based migration than exists today.

Additionally, several characteristics of the merit-based system will work to undermine its stated purpose, which is ''to boost U.S. competitiveness,'' to ''emphasize education,'' and ''make it easier for the best foreign students earning STEM degrees at U.S. colleges to stay here and work.''

The merit-based system will set aside 10,000 green cards a year for temporary workers, new Y visa holders. These workers will not have to compete on a level playing field with all other merit system applicants. Instead, they will only be competing among themselves for the 10,000 annual slots. Additionally, the merit-based system includes points for characteristics that low-skilled workers in the United States are sure to have. In other words, you create a temporary worker program that can bring in almost a million people in a 2-year period to do low-skilled work. Then you create a permanent system of immigration for those low-skilled workers when it is supposed to focus on merit. But the system then turns around and provides extra points for low-skilled workers to help them get into this system. Sixteen points, for example, are given for employment in a ''high demand occupation.'' This list, to be produced by the Bureau of Labor Statistics, is sure to conclude jobs in the service industry, the construction industry, food processing industry, et cetera.

Two points per year—up to 10—are given for the years of work the applicant has done for a U.S. firm. It is easy to see how a temporary worker, who is allowed to work in the United States for 6 years, will get 10 points here. That undermines the merit system in many ways, so there are a lot of subtleties here.

Now, when Senator KENNEDY and the others had their press conference to announce the grand compromise, Senator KENNEDY or his staff, about that time, indicated only 30 percent of the people would come into our country based on merit and that, not to worry, we were still going to be, as one of his staffers said, a family-based system, a chain migration system, not a merit-based system. As we look at the numbers, I am afraid Senator KENNEDY is more correct than I wish were so.

There is another principle: the illegal alien population program, the Z visas. These are the people who are here illegally.

The White House PowerPoint described how the proposal would give legal status to illegal aliens currently in the United States through new Z visas, but would provide them with ''no special path to citizenship.'' The Z visa sounded better to me than the plan last year, which was very bad and should never have become law.

Specifically, the PowerPoint told us the Z visa holder would be able to apply for green cards, but ''only through regular programs,'' through ''point-based merit selection.'' According to the PowerPoint, Z visa holders would be ''ineligible for 'adjustment of status' from the U.S. . . . Heads of household would need to return to their home country and follow the normal channel'' to be admitted into the country on a permanent basis.

Well, does the new bill we have been presented with Saturday morning at 2 a.m. fulfill principle No. 4? Will the current illegal alien population be treated compassionately but not given a special path to citizenship, as they promised? The answer, I am afraid, and I am sad to say, is no. The new bill clearly creates a system whereby current illegal aliens are treated differently than those who try to come to the United States lawfully. It may not be ''jackpot'' amnesty, but it is some form of amnesty.

My definition has been: Those who broke the law to come here should not receive every benefit this Nation has to offer, like those who come lawfully; namely, citizenship and certain economic benefits. If you come unlawfully, you should never get those things. That is an important principle.

Mr. President, 1986 should have told us that. We need to establish and say from 1986 onward we are never going to let you be a citizen if you come unlawfully. We may say you can stay here with your family and your children—you are working, you have been here many years—maybe we can accept those kinds of compassionate realities. But to give them every benefit of citizenship as a result of breaking in line ahead of other persons is not the right thing.

I was very glad our Republican leader in the Senate, Senator MCCONNELL, when interviewed yesterday by George Stephanopoulos on ''This Week,'' drew a line in the sand for the Republican position on this issue. He stated:

> One thing is for sure: If this bill gives them any preferential treatment toward citizenship over people who came into the country in the proper way, that's a non-starter.

Well, I agree. The one thing we can all agree we should not do is treat the illegal alien preferentially. So I am sad to say that after reading the bill I think there are several ways in which the language gives preferential treatment toward citizenship to the illegal alien population over people who have waited in line to come the proper way.

First, illegal aliens who rushed across the border between January 7, 2004—the date contained in last year's Senate bill—and July 1, 2007, will be eligible for amnesty. That is on page 260, line 25 of the legislation. This includes

illegal aliens who have been here a mere 5 months.

I want to repeat that. Last year, the bill that was so fatally flawed—I thought was not principled—said if you wanted to be part of the amnesty it contained, you would at least have to have been in the country before January 1, 2004. This bill says you get amnesty if you were in the country up to January 1, 2007—just a few months ago, 4 or 5 months ago.

We put National Guard on the border. We have enhanced our Border Patrol. We put up fencing and all of this. But if somebody beat the system last October, last November, last December 31, and got into our country, they are going to be given amnesty under this bill. That is not sensible. It indicates we are thinking politically and not as a matter of principle.

Advocates for this bill claim this bill is necessary because illegal aliens have deep roots in the United States and are, therefore, impossible to remove. This is simply not true in all cases. It is not true in all cases. For some cases, they are tough situations, I admit. But illegal aliens who have rushed across the border in the last few years, without their family—and including those who came 5 months ago—will be given all the same amnesty benefits as those who have been living here for 10 or more years in the United States, and raised children in the United States, and have never been arrested or done anything wrong.

The American people may want us to treat the illegal alien population compassionately—and they do—but there is no reason to lump all illegal aliens into the same amnesty program regardless of when they got here or how deep their roots are into the United States.

The bill also contains a provision that makes anyone who filed an application to come lawfully after May 1, 2005, have to start the process over by applying for a green card through the merit system. So if you applied lawfully after May 1, 2005, you have to start your process all over again—a burden to the lawful applicant. It is fundamentally unfair those who would come here 5 months ago should be put on this guaranteed path.

Second, under this bill, only illegal aliens will be eligible for Z visas—visas that allow them to live and work here forever, as long as they are renewed every 4 years, and they have a special point system that allows the Z visa holder to adjust status to permanent status without regard to numerical limits. These visas are not available to anyone living in the United States who came here to work legally and who will have to go home once their visa expires.

Third, under the bill, unlike any alien who wants to come the proper way, those illegally here will get legal status 24 hours after they apply, even if their background checks are not completed.

Fourth, under the bill, unlike any alien who wants to come the proper way, illegal aliens may be exempted from a long list of inadmissibility grounds, including fraud or misrepresentation to obtain immigration benefits, and false claims of U.S. citizenship; and their prior deportation or removal orders can be waived, even if they never left. In other words, if they have been apprehended in some fashion, have been ordered deported and given a removal order, they can still be exempted from that, even if they refused to leave the country, as they were ordered to do so, if they can show hardship to their families.

Fifth, it is important to remember that under the bill, unlike an alien who wants to come the proper way, a Z visa holder will be able to get a green card through their own separate point system, and without being subjected to the regular annual numerical limits, which is a real advantage, I would submit, to them.

I see my colleague Senator BUNNING is in the Chamber. I understood he wants to speak, and I will be pleased to yield to him at this time.

But we do have a responsibility to fix this immigration system we have today. It is comprehensively broken. It is a lawless system. We arrest at the borders of the United States every year—hold your hat—1.1 million people. That is because the word is out all over that we do not enforce our laws and you can come into this country unlawfully and get away with it.

Now, we have to make a decision as a nation: Will we create a system that is lawful, that is principled, and that will work? Will we do that, or will we not?

I have said in the last couple years when someone comes up with an idea that will actually work to enforce our law and end the lawlessness, that is what gets objected to. If you come up with an idea that will not work, will only have an incremental benefit, people are glad to pass it and say they did something about immigration. But that is not the way we have been doing it.

In my mind, it is no good—this is the analogy I use—if someone attempts to jump across a 10-foot ravine and he jumps fully 9 feet but does not get across and falls to the bottom, how good is that? That is what we have been doing in immigration law. We have been passing bills. They have had loophole after loophole, gimmick after gimmick, impossibility after impossibility, and they have never worked. I think it is because in our base, in the Congress—we and the Presidents—they have not wanted it to work.

It is time for us to listen to the American people. Their heart is right on this subject. They believe in immigration. They believe in a lawful system of immigration that can serve our national interest.

Mr. President, it is a pleasure to yield the floor to my colleague from Kentucky. He understands this issue with great clarity. He is a man of principle and courage. He also is a man you do not want to be battling against with two outs and two people on base, our Hall of Fame baseball pitcher, JIM BUNNING.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I thank Senator SESSIONS and thank him for his input and insight into what has gone on for the last 8 weeks or 10 weeks. I thank the Senator for his explanation today on his perception of what is in this bill. I wish to add a few other comments, and I do have a couple charts that are on their way down to the Chamber.

I rise to address some of the concerns I have about last week's so-called immigration compromise and the way it is being shoved—or trying to be shoved—through the Senate this week. Last week's so-called immigration agreement is not a compromise in the traditional sense of the word. The proposal was written in secret by a small group of Senators and our current administration. This bill may not be a compromise, but it is compromising to this country's economy, national security, and the very foundation as a democracy rooted in the rule of law.

America is a democracy operating under the rule of law. Since the very beginning of the American experiment, people came from all over this world—many countries with corrupt governments—where the law only applied to some and could be bought by the highest bidder for others. They came to live where the Government respects the individual and where the individual respects the law.

From our recent history, we have seen an alarming increase in immigration from people who don't think they have to wait in line or play by our rules. Instead of punishing these people, a few Senators and the administration have crafted a large-scale ''get out of jail free'' pass. No matter what you call it—X, Y, or Z visas—this bill will grant amnesty to millions of illegal immigrants all over this country. My wife and I, our 9 kids, and our 35 grandkids are all descendants of immigrants. Mary and I have taught our family to be grateful for our Nation's rich tradition of immigration. But more importantly, we have tried to instill in our family a deep respect of law. Appreciating the contributions the immigrant brings to our Nation does not mean we will surrender the right of our Nation and its citizens to decide who comes here.

Like many people in the Commonwealth of Kentucky and all over this Nation, I have serious concerns about an immigration policy that rewards lawbreakers. Is granting amnesty to those who were lucky enough to be born or get to one of our border countries, and enter our country illegally, fair to those potential immigrants who have been waiting in other parts of the

world? I wonder what message does rewarding those who willfully break the law send to our Nation's young people? What message does it send to the rest of the world? Doesn't it make everyone who is trying to play by the rules seem foolish? More practically, how many people do you think are going to come over our borders? Are you going to reward 5 million people for breaking the law or will it be 10 million or maybe 20 million? Isn't it a distinct possibility this bill will grant amnesty to those who came here only to do our Nation harm? These are questions I am willing to get serious about for the American people, but is anyone else?

Today we are going to have a vote to move the process forward. Some things are clear. This bill will grant amnesty to millions of illegal immigrants, period. It is true. It also creates a massive new guest worker program for low-skilled workers that does not truly limit costs to the system. What remains unclear is how much this great compromise will cost. If you look closely, the numbers are staggering.

In 2004, there were about 4.5 million low-skill immigrant households in the United States—about 5 percent of our population. That number has only gone up. Let's look at this chart. Each of these households pays about $10,500 in taxes. That is less than almost every other American household. What is more alarming is how much they are receiving. Each of these households receives an average of $30,000 a year in immediate benefits. So they earn, or bring in, $10,000, and they get benefits of $30,000. That means each low-skilled amnesty household could cost the American taxpayer approximately $20,000 each year. Well, actually, $19,588, or twice what they are paying in.

Let's go to the second chart. If we look at a breakdown in what they are receiving, that $30,000 a year in Social Security, Medicare, and transfer programs, cash, food, housing, social services, medical care, public education, and population-based services such as police and fire, $30,000 seems like a pretty hefty welcome basket just for crossing our borders. Here shows all the other benefits, and it all adds up to $30,160. These are the benefits I described.

We will go now to chart 3. Most American families are taxpayers during their working years and tax-takers during their retirement years. Not so with the low-skilled amnesty family. The low-skilled amnesty household takes more from the Government than it pays in at every level. Therefore, claims that we save Social Security and other programs by importing young immigrant workers are simply a myth. You can see that households under 25 pay in $8,000 and take out $14,295; heads of household from 25 to 34, $10,000 paid in, benefits of $25,485; households whose head is 35 to 44, $12,000 paid in, $34,000 in benefits, all the way down to where the biggest burden is when that immigrant family and the head of that household becomes 65 or over, and they pay in $4,500 in taxes and other things, and receive $37,500 in benefits.

The most expensive group, of course, is the 65 and older crowd. They cost the American taxpayers on an average of almost $32,000 every year. If we consider only the illegals given amnesty, those costs would add up to over—and this is shocking if you want to think about it—$2 trillion—that is trillion with a T—over the lifetime they are here, from very young when they come in at 25 to when they become 65. There are currently 8 million nonelderly immigrants in low-skilled households. Eight million. Can you imagine the strain on Social Security when these people reach retirement age? Right here, where they are receiving the $32,000 in benefits that they don't pay in—they don't match. At that moment the program will be going into crisis—that very moment—because if you add them now, the baby boomers, and they will reach the age of 65 about at the same time. Our Social Security system can't handle that now. What are we to do if we add 10, 15, 20 million more?

The upcoming budget stifles the economy by levying the largest tax increase ever—ever—on American businesses and taxpayers, and what have we left our kids and grandkids? The biggest bill ever that they will not—I say will not—be able to pay.

These may be hard numbers for some people to understand, but I wish to talk for a moment about who will be paying these bills. Look no further than your neighbor, families who have two mid-wage earners, now fall into the top 40 percent of our Nation's wealthy, according to the Internal Revenue Code—wealthy. My daughter Amy and her husband are now wealthy—with four children to raise.

A recent study by the Tax Foundation found these working families, the middle class, are carrying the weight of the Nation's tax burden on their back. And let's not forget about our small business owners. Forty-three percent of the people in the top 20 percent of the tax bracket have business income, meaning they are creating jobs and wealth in our economy. Can you imagine the effect that continued tax increases, which will be inevitable to fund this kind of amnesty program, will have on our middle-class families and our economy? Is anyone willing to get serious about this for the American people?

I don't know about my colleagues, but these numbers, over $2 trillion, are pretty hard for me to comprehend. What is even more unbelievable is no one is talking about them. In fact, the Senate is being asked to pass this incredibly expensive bill in less than 1 week—less than 1 week.

How our Nation chooses to deal with immigration is one of the most serious questions Congress must address. Our immigration policy directly affects our economy, communities, and the rule of law. It requires a thorough, thoughtful, and serious debate. We should be debating each and every one of these issues I have put up here on the chart on the floor of the Senate—not rushing to get something through so that the President can sign it.

But here we are about to vote to proceed to a bill that is not even in bill form. It is 326 written pages. By the time it goes into bill form, it will be close to 1,000 pages, and we don't even have a CBO estimate on the cost—not one CBO estimate. It didn't go through the committee process. At least last year we had a bill that went through the committee process. It was voted out. We spent 2 weeks on the floor of the Senate debating it. So at least last year we had a much more thorough discussion.

The bill we dealt with and are dealing with this year has not even been considered in committee, and we are supposed to pass it by Memorial Day. That is a seriously flawed process. With the many questions that are currently being asked about this bill, we need to debate it thoroughly—each and every questionable paragraph—when they finally get it into bill form.

We are going to have a substitute amendment shortly, after we pass a bill that means absolutely nothing. If they do pass cloture on last year's bill, then the majority leader will propose a substitute to this new bill. Wouldn't it be interesting if someone objected and made the clerk read every sentence in that bill? How long do you think that would take? Two days, maybe more. I know the clerk would be very tired by the time the reading of the bill would be over. I am sure everyone in the Senate would realize exactly the seriousness of this bill. So I am asking all my colleagues in the Senate, let's not rush to judgment on this so-called compromise immigration bill we have before us. Let's consider it like the Senate should consider it. If we are the most deliberative body in the whole world, we should deliberately look at all the nooks and crannies in this compromise bill. I ask my colleagues to do this.

I yield the floor and thank the Senator from Alabama for the time.

Mr. SESSIONS. Mr. President, I thank the Senator from Kentucky. I hope people heard what he said and saw the import of the charts he produced. The numbers are so large it almost goes beyond our ability to comprehend. But according to the senior fellow at the Heritage Foundation, Robert Rector, one of the most acknowledged experts on social welfare in America and the architect of the historic welfare reform that worked far better than critics ever said it would work, at a press conference that Senator BUNNING hosted this morning to give those figures, he said in his opinion—correct me if I am wrong—and he studied this and added up the numbers for days, weeks, and months, and he came up with the

figure of $2.3 trillion as a net loss to the U.S. Treasury over the lifetime of those persons who would be given amnesty out of the 12 million; is that correct?

Mr. BUNNING. He used the figure 12.5 million.

Mr. SESSIONS. Based on the fact that half of those were high school graduates, that was a key factor. He was passionate; would you not agree?

Mr. BUNNING. Absolutely.

Mr. SESSIONS. Regarding the damage this would do to the financial well-being of our country.

Mr. BUNNING. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. BUNNING. I know how desperate some of my construction people are in Kentucky, my horse farmers, the general farm community, the service industry, and the motels and hotels, for workers to be here, but they have to be here in legal form. They cannot be here and cheating to get across the border. We have to have legal immigration to service those jobs. I don't think this bill gets us there. That is why I have serious doubts that it is the right vehicle to take care of those workers we want to make sure get here to service our economy.

Mr. SESSIONS. I thank the Senator. I agree. We are at the point of needing historic reform. I believe we could do that, but we ought to consider what Canada, Australia, and New Zealand have done to avoid the financial catastrophe we are headed for if we don't watch out.

I yield such time as he might use to Senator VITTER from Louisiana, who is a lawyer and a Tulane graduate.

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

Mr. VITTER. I, too, rise today to strongly oppose the motion to proceed that we will be voting on in a few hours and to strongly oppose this absolute rush to judgment on this bill, rush to pass legislation that will have a huge impact on our country for 25 to 50 years or more.

I start by thanking Senator SESSIONS for his hard work in defending the Senate procedure that is in place for a very good reason—to ensure the deliberative process, to ensure that important, weighty matters get careful consideration. That is what the American people deserve.

That is what is absolutely threatened by this rush to pass this legislation, starting with the motion to proceed that we will be voting on in a few hours.

The Senate is supposed to be the world's most deliberative body. Yet I and many other Senate offices have not had adequate time to look carefully at this so-called compromise proposal before this very important vote this afternoon. The first time the legislation was available to me or any other Senator was at 2 a.m. on Saturday. Yet right now, Monday, in a few hours, we are being asked to essentially start voting on it through the motion to proceed.

I am especially disappointed because I joined 16 fellow Senators urging the Senate leadership to provide 1-week prior notice before we are asked to cast votes on this massive immigration reform bill. Rather than 1 week, of course, we barely get a day of the work week. As I said, this bill was not available for anyone's consideration until 2 a.m. Saturday. Here we are on Monday about to start voting on this massive bill of 800 to 900 pages, at least. Maybe it will be near a thousand pages when it is put into proper bill form, which hasn't happened yet.

There has been no committee consideration, no committee markups and vetting, which is the normal course of action, which at least happened last year during Senate consideration of immigration reform. Senator REID, the majority leader, is rushing and urging us to finish this week before the Memorial Day recess. Folks haven't had any chance to study the bill yet and we are going to rush to try to finish it this week and there is no estimate whatsoever of its cost, no CBO score.

In fact, the proponents of the bill haven't even requested, as I understand it, a CBO score to date. That should tell you something. I urge my fellow Senators to vote against this motion to rush to judgment, because that is what it is, and join the American public in urging the leadership to postpone any vote until it has had a proper chance to review carefully this massive proposal.

I am not against all immigration reform. I am against voting on a bill that only a few Senators participated in crafting and that all Senators have not had adequate time to study carefully.

Mr. President, an obvious question: Why are we in the midst of this rush to judgment, rush to pass this bill? I believe there is a very simple political answer, and it is that if the American people fully understood what was buried in this bill, there would be a massive outcry against it, and Senators—politicians at heart—would have to react to that outcry. I believe that is the simple, cold, hard political fact behind this rush to judgment and rush to pass this bill.

Of course, the biggest item that I would argue falls into that category is the Z visa section of this massive immigration reform proposal. It would grant amnesty—I truly believe there is no other appropriate word for it—to millions of illegal aliens who have broken our laws to come into this country, who have broken more laws to stay in this country and, in many cases, get jobs. But this Z visa section of this proposal—better known as Z visa amnesty—would give all these millions and millions of illegal aliens the opportunity for pure, unadulterated amnesty. Make no mistake, this Z visa is amnesty, pure and simple. It rewards folks for breaking the law and lets them stay in this country without ever having to return to their homeland forever.

I have an amendment that will strike the entire text of title VI and remove the Z visa amnesty program from the bill. I hope at least we have time for consideration of that and other crucial amendments. I will certainly offer this amendment, and the American public absolutely wants to have all Senators vote on record on that amendment and other important amendments.

Again, we should not absolutely rush to judgment and rush to pass this bill, 800 to 900 pages or more. We don't know because it is not in proper bill form yet, with language only available to all Senators starting 2 a.m. on Saturday, and yet here we are Monday, the first day of the workweek, rushing to start voting on this bill.

What is more, there is no estimate of the cost of this measure, costs that will be with us for decades and decades to come, no estimate of the cost, and to date the proponents of the bill haven't even asked the Congressional Budget Office to start working on an estimate, which should give us some inkling of what that cost estimate might look like. Yet in the midst of this, the majority leader is pushing for final consideration of the bill this week, before we leave this week. Yet most of us have only begun to look at its exact language.

Surely our Founding Fathers did not intend for this to be the legislative process. Surely they did not intend for a very few to represent the many, even in the Senate. We have 100 Senators who have votes in this body. All of them, not just the proponents and crafters of the bill, all of them, all of us should have a reasonable opportunity to digest this massive bill.

The legislative process should afford elected officials and our citizens the opportunity to read, amend, and debate bills. Can we honestly say we have honored that principle by going forward with votes on this legislation starting today, with the leadership rushing to try to finish the entire process in the Senate by the end of the week?

I ask my fellow Senators, is this a precedent we really want to establish for future very important legislation, legislation such as this that will affect our country for decades and decades to come? Clearly, this is not the right precedent. Clearly, we should have time to read the bill before we start voting on it, and we don't here. Clearly, we should have time to hear from the American people about the very important elements in this bill, and we don't. Clearly, all of us should know the cost estimate of this bill. We should get a CBO score before we start voting on this bill. And we don't. We are not likely to have that score before the end of Senate consideration with the proponents not even having asked for a CBO score, to my knowledge, to date. Clearly, something is up with this rushed process.

Clearly, this process needs to go beyond this week, through the Memorial

Day recess, so we can have an adequate and full national debate; not just Senate debate but a national debate among all our citizens and then be allowed to come back, flesh out details, offer more amendments, having digested the entire bill.

On any vitally important matter, on any key bill numbering 1,000 pages or so, on any legislation that will affect our country for decades and pose costs in the trillions and trillions of dollars, that is the right course of action. One has to wonder in that context why the Senate leadership is pushing for exactly the opposite course of action.

Again, I urge all of my colleagues, however they are leaning on this bill, which they have only begun to read, to vote no on this motion to proceed to preserve the integrity of the Senate, the deliberative process, and to respect the American people enough to give them, as well as ourselves, the time to digest all important aspects of this massive bill.

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

The PRESIDING OFFICER (Mr. WEBB). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Louisiana and value his insight into these matters and so many other matters in the Senate. He has an incisive mind and is committed to the principles that have made America great.

I wish to follow up on a few points that indicate to me the unhealthiness of where we are. Here is an Associated Press article from Saturday. Once again, we are hearing statements from the people who met to write this bill, as we did last year, that any amendments threaten the whole bill and it may not pass. It might fall apart if somebody in the Senate were to disagree and offer an amendment that was different than something the self-appointed negotiators agreed upon; and not just they agreed upon, but maybe some outside influences and special interests who have been working behind the scenes to see this legislation become reality from the beginning.

I remember last year in the debate having an exchange with one of my colleagues who objected to amendments and said that we couldn't do this amendment, that the compromise that these groups had worked on together might collapse if a trigger amendment, I believe it was, that Senator ISAKSON was offering passed.

I remember asking: Who was in this room where you all met? Were you elected to be in this room? Did outside groups submit information and approve or disapprove various provisions contained in the legislation? Are those the people who are going to be unhappy if some Member of the Senate, duly elected by the people of their State, disagrees and votes it down? Who gets to decide what is in a piece of legislation? The whole Senate or not? I just see some of that same little tendency out there today.

I have an article by the Associated Press. This article goes on to note:

> Any one of the changes has the potential to sink the whole measure, which was unveiled with fanfare Thursday but still was being drafted late Friday.

That is what Julia Hirschfield Davis said. She goes on to quote Commerce Secretary Gutierrez, who helped negotiate the compromise who ''cautioned against revisions that could upset the framework.''

I would like to have seen the bill follow the framework that Secretary Gutierrez and Secretary Chertoff provided when they said we were going to have a new bill. That framework sounded pretty good to me, but the details of it are not holding up to the principles of that framework.

Secretary Gutierrez said:

> You take something out and you're creating a problem throughout the system—you may think that you're only tweaking one part. . . . We've got to be very careful as to what is proposed to change.

In other words, don't be messing with what we worked on.

Interest groups also seem to be well informed:

> ''We're going to fight like mad to fix the parts we don't like,'' said Tom Snyder, the national political director of Unite Here!, a service workers union comprised largely of immigrants.

Not a normal union, a service worker union, comprised of immigrants.

Then liberal activists who call the measure a good start but object to parts, but they say they have ''a couple of bites at the apple' to change it as it makes its way to President Bush's desk, said Frank Sharry, the executive director of the National Immigration Forum.''

And another:

> ''We're not sure that our support will continue if the bill that approaches the finish line has these kind of problems in it,'' says Cecilia Munoz of the National Council of La Raza.

So they make their points. All I am saying to my colleagues is that it is our responsibility as Members of this body to take extremely seriously the responsibility we have been given to craft an immigration policy that will serve—surely we can all agree—the national interest of the United States and the people who live here—a just, legitimate national interest. That has to be the pole star of what we are doing, a guiding star of how we are going to do our work. If we don't commit to that, then we are going to have real problems. We are going to try to adjust immigration policy based on special interest groups, what they think is important to them in the short run.

If you are a business and hire people and don't have to have health care for them and they get sick, you don't have to take care of them, but they can go down to the local emergency room and have it paid for by the city and the county in which that person lives and you have gained an economic advantage.

Why would you want to hire a lawful American citizen if you have to have more benefits or pay more wages? This is a real factor. We have to talk about it. You can bring in enough workers and, in fact, we are already doing it, to the degree it will drive down the wages of decent, honest, hard-working American citizens and prohibit them in this time of economic growth and prosperity of seeing their wages rise as those corporate leaders are seeing their wages rise in this time of prosperity with profits up.

In fact, Professor Borjas of Harvard, who has written the book ''Heaven's Door,'' himself a Cuban refugee, is very concerned about the large flow of low-skilled immigration workers into America. Professor Borjas says, in his estimate it has reduced the wages of lower skilled American workers by 8 percent. That is real money. Not only that, it has prohibited people from having a chance to progress and rise in the ranks and be promoted and get an even larger paycheck than just the lower scale at which they may have started.

On the Mall—not even on the Mall, at the foot of this Capitol—last year during this debate, I was taking a Saturday morning walk. An individual, an African American from Montgomery, AL, spoke with me. I went over and talked with him. He was going to visit relatives in New Jersey, and he stopped by with the family to see the Capitol.

I asked him what he did. He said he was in the drywall business in Montgomery. I asked him how he was doing. We first talked about how good the economy in Alabama was doing. We had good economic growth and a lot of building had been going on. I asked him how things were going with him. He said: Yes, the county and the city are doing wonderful, but we're not doing so well.

I said: What do you mean?

He said: My father started this business as a young man, and we have been carrying it on. Really these are as bad a times as we have ever had.

Why? Montgomery is growing, houses are popping up everywhere. There is economic growth in the commercial area in addition. I said: Why? Do you think it has anything to do with immigration?

He said: I don't have anything against immigrants. I like them. But, yes, it really has. We have lost a lot of work.

So I am saying to my colleagues, it is not always true that nobody will do this work. Sometimes it is a question of whether they will or can do it at a salary and an income level we want them to have, at a salary and income level that will allow them to take care of their family, that will provide a retirement benefit or health care for their family if someone gets sick. There are thousands, tens of thousands and hundreds of thousands of individuals similar to this man I just described who are seeing their piece of the economic pie being eroded.

People disagree about that. They say it is not so. But I submit it is basic economics.

We grow cotton and corn in Alabama. If someone were to bring into this country huge amounts of cotton, causing the price of cotton to fall, we would hear from our farmers, and people would oppose that, saying that is not proper. If they brought in huge amounts of corn and depressed the price of corn, wouldn't we be concerned about that? Is anybody concerned about the low-skilled worker, where we are seeing unprecedented numbers of people doing low-skilled work and adversely impacting the wages of workers in America today? It is happening.

Do we need immigration? Do we have jobs that can't be filled by American workers? I think so. I have talked to business people in my State. I have had them tell me what is happening and share their ideas, and I am convinced we do. That is why I proposed last year that we create a legitimate temporary worker program, one that would actually work.

The proposal in last year's bill was breathtaking in its lack of wisdom. The bill last year had a provision called temporary guest worker. But when you read it, what it said was that a temporary guest worker could come to America for 3 years as a temporary worker and they could bring their families with them; after 3 years, they could reup again for another 3 years and another 3 years and another 3 years. After the first 3 years here, they could apply to be a green card holder or a permanent resident and then be put on the road to citizenship. That is not a temporary worker program. Those people were supposed to go home after a certain period of time. But the way that proposal was set, they would not go home. Their children would be born here, their families would be settled here, and their roots would be deep in American soil and in the American community. Their kids would now be in junior high school, and somebody is going to walk in and say: Sorry, it is time for you to go back home to Mexico or Honduras or China or wherever they may have come from? That is not a practical solution. That makes no sense.

We know we are not going to want to confront that kind of situation, so we objected to that and urged the idea that they have a legitimate temporary worker program and a legitimate program that is a temporary worker program, which would mean the worker came here without their family for a limited period of time and, with circularity, would go back home after their period of work had occurred.

That is being done throughout the world today. A group from Colombia applies, and they go to Canada and they work for a season and then return home to Colombia. They never have any problem with that. They do not bring their families. They do not settle in for 3 years and then the Government of Canada expects them to go home. They have created a system that actually works because it is based on common sense and human nature.

What I suggest is that we create a genuine temporary worker program where people can come to our country to meet those needs certified by the Department of Labor and that are in crisis. For example, my colleague, Senator VITTER from New Orleans, and I have talked about Hurricane Katrina. That is a national crisis. There are not enough workers to do the roofing and other things that need to be done. That would provide a basis for the Department of Labor to allow temporary workers—maybe more than normal—to come to the United States to help us through this crisis program. You could do that and still not pull down the wages of American workers, yet fill a critical need.

I believe that if we are to avoid the problem of permanence, avoid the problem of a system that will not work because it invites people to sink their roots into the United States, it must be a system that does not allow families to come with the temporary workers. I believe strongly and I urge my colleagues to let us have a temporary guest worker program that allows people to come for 10 months and no more and spend at least 10 months at home. With a good ID, they could go back and forth throughout the year if they chose to. That would work.

Some say: Well, some companies aren't seasonal. Some companies need people all year. Well, you could stagger the number, for heaven's sake. The return-home periods could be staggered. Maybe you would need for a given business 12 workers instead of 10, but you could cover the whole period. The system would be clear that the person would come just for temporary work and would go home. Frankly, I am not aware of why we would want to say that type of program should end. As long as a person wanted to come and as long as a business wanted them there to work, I don't see why they should be required to end after 6 years or 8 years or however many.

Now, under this bill, what we find is this: Under the temporary worker program that is supposed to be without family, we find that 20 percent of them do bring their families. Not only that, they do not come for 1 year or less; they would come for 2 years, have to go home for 6 months, come back for 2 years, go home for 6 months, come back for 2 years, go home, and never return, which is sort of weird, to me. So I am just not sure that this has been thought out carefully.

I believe we could create a better, more practical immigration system—one which we could be proud of and which would actually work—and provide the amount of labor we really need in our economy without having an amount that depresses the wages of American workers. We have to be careful about that. We really do.

Mr. President, I see Senator CORKER from Tennessee is here, my neighbor, super mayor of Chattanooga, just across the Alabama line. If you can't be from Alabama, Chattanooga is a good place to be. I yield such time as the Senator would consume.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank my neighbor from the great State of Alabama, and I rise today to express concerns over the speed at which this legislation is being addressed this week.

I thank the many Senators and all the staff members who have worked for weeks and months to put forward this piece of legislation—a piece of legislation we received at 1:58 on Saturday morning. This is a condensed form. In its bigger form, it could be three times this size. This evening, at 6 o'clock, I will be meeting with other Senators to walk through this legislation to see its impact on the citizens of this country, to see its impact on neighborhoods, on public hospitals, on schools, on counties, on judicial systems, on sheriffs, on businesses, and on people throughout this country.

Many of the pieces of legislation we deal with in this body relate to tax reform or they are pieces of legislation that may deal with a program. I don't know of any piece of legislation that touches as many people in as many ways as does this piece of legislation. So I rise today to encourage my fellow Senators to take a break, to give us the opportunity to actually digest this legislation.

Again thanking the Senators who spent so much time in giving us this piece of work here for us now to debate, I rise today to encourage my fellow Senators not to rush into this debate, to give us the time to actually look through the intricacies of this bill and see how it affects everyone involved.

This is one of the most major pieces of legislation we will deal with in this Congress. My attempt today is in no way to stonewall, in no way to not deal with an issue that is important to our country, but instead to make sure we, the ''greatest deliberative body in the world,'' actually deliberate, that we actually look at this bill in detail, that we actually take our responsibilities seriously.

I have great concerns over the content of this legislation. My guess is that many of the people involved in drafting this legislation have great concerns over this legislation. We all should take the time this week to go through and look at what this legislation actually says and to hear from groups that are actually affected seriously by this piece of legislation. Perhaps we should take our normal recess, or work through it if we need to, but come back and then, as the ''greatest deliberative body in the world,'' actually deliberate and debate this legislation.

Again, I have great concerns, and I am rising here in the Senate to ask other Senators to join me in urging caution, to make sure we put forth a

piece of legislation that truly reflects the values of this country and addresses this immigration issue in the way it ought to be addressed.

Mr. President, I yield to the great Senator from the State of Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee, and I believe he is telling us correctly that the way we were taught in school is that Senators ought to have an opportunity to understand what is before them before they vote. We are dealing with an extremely complex piece of legislation, and the more you get into it, the more I have been involved in it as a member of the Judiciary Committee and in the floor debate last year, the more I see you have to be realistic and practical and thoughtful and principled if you want to make this system work, and we are a long way from that.

I think what Senator BUNNING said earlier about the cost of this bill is important for us to consider. I understand some work is being done on a CBO score. I don't know if that is true, but I have heard that the Congressional Budget Office is attempting to score this, but it is difficult, I assume. They can't give a real score because we don't even have the bill in final form yet. It is still referred to as a draft and hasn't even been introduced. So until something is actually introduced, there is no way we can get a score. But I can tell you a little bit about the way this thing was handled last year.

Those of us who were concerned about it last year asked for a score on the bill from the Congressional Budget Office to find out how much it would actually cost. We got a troubling number, and we used that number a day before we had a final vote, and then a month or so later, we got a more complete score from the Congressional Budget Office. I think that bill was probably less complicated than the one we are dealing with today, and they scored the bill, over 10 years, to be $127 billion in cost. Now, they excluded from that the money we spent on enforcement. I didn't count that. This was based on lost tax revenue, it was based on the welfare and other direct benefits to people who would be legalized under that bill and how much more they would draw from the Treasury than they would pay into the Treasury, and they came up with a cost of $127 billion over 10 years. Similar to last year's bill, this bill puts things off for 10 years. That is what the Budget Office scores normally on, a 10-year cycle. They score it on that basis, and that is how they came up with $127 billion.

When we asked them—I believe at a public hearing—what about the next 10 years, they said: Well, it would definitely escalate. It will definitely be higher. Okay. Why? Well, because the lineup and the movement of people to green cards and citizenship was delayed by the bill. They were legalized in our country and they could stay, but they didn't get a permanent resident status, which gives you many welfare benefits and other benefits and citizenship, until the second 10 years. Do you understand that? That is when the big money is out there. That is what Robert Rector told us today at this press conference. That is what his study at the Heritage Foundation points out. He convinced us all last year. One thing you don't hear as much as you used to—oh, we need this immigration flow, these hard-working, low-skilled immigrants; they do a good job for us, and that is going to help us with Social Security and Medicare because we are an aging population, and we need those people coming into the country. They are going to help us with Social Security and Medicare.

Mr. Rector demolished that argument. It is completely bogus. It is off the table. I hope nobody will suggest that anymore. Those were the people I called the masters of the universe up on Wall Street somewhere thinking they know: ''Oh, well, we don't want to be like Europe, we will just bring in this immigration and that will solve our debt problems for the future.''

Isn't that wonderful. But it doesn't work that way. Mr. Rector explained it last year and today with tremendous passion at a press conference. Half of the 12 million people here—at least half, maybe more, maybe 60 percent, there are different estimates—do not have a high school degree. Some of them are illiterate even in their own language. Mr. Rector studied the numbers on that. He used a framework of the National Academy of Sciences study in 1990. That study tried to analyze the economic impact of immigration. He took this disproportionate number of low-skilled and uneducated workers and he demonstrated, as Senator BUNNING told us, that it is not this year and not next year the crisis will hit us, but in the outyears. Do you know what Mr. Rector said? He said they will begin to draw the biggest amount of money about the time the baby boomers are drawing the biggest amount of money out of the Treasury, and Medicare and Social Security will be damaged tremendously by this program.

It is hard to talk about that. It is painful to talk about it in those terms, I have to tell you. We hate to do that. But a nation like Canada has had to deal with it. They wrestled with it and they decided it makes sense for them, since they cannot accept everybody who wishes to come to Canada—it would overflow the country, and more people want to come than they can accept—that they would accept people who have the job skills, the education, and the language skills that will be successful in Canada and therefore they will pay more in taxes than they will take out in benefits.

Mr. Rector calculated what happens when you take the workers, the low-skilled workers who will be provided permanent legal status—call it amnesty or not—in this country, who will all be able to stay. He factored out a mortality rate. He was very complex and detailed in the analysis, following the principles of the National Academy of Sciences. He concludes it would cost the U.S. Treasury, over the lifetime of the people who will be provided amnesty, $2.3 trillion.

A trillion is 1,000 billion. I got into an argument down here about attorneys' fees and I talked about attorneys getting $50 million and $100 million. One attorney in Mississippi got a $100 million check and no bank in Mississippi could cash the check. I was winning the argument. Then we started finding out they got billion dollar fees. The Baltimore Orioles guy got $2 billion in legal fees. We started talking about billions and I lost everybody. Nobody understood what we were talking about. It was too big; nobody could comprehend it and the steam went out of the debate.

But I am telling you, $2.3 trillion is a lot of money; $2,300 billion is what that is. Pretty soon you are talking about real money. We have to think about this. I hope we will—very much.

I will raise it as a moral issue. Remember, we have a certain zero sum game. We will put an ultimate level on the number of people who can enter our country. The question is, who will enter our country? We know, as I noted earlier, in the year 2000, 11 million applied for the 50,000 lottery slots. Think about that, 11 million want to come to America and they applied for those lottery slots. Only 50,000 names were drawn out of that 11 million. We can't accept everybody, and we should focus on what we can do for the people who will most likely flourish here, will pay more in taxes than they will take out in revenues, and who have proven themselves acceptable. Since we can't take everybody, let's raise this question.

Under the current law, here is the choice for the immigration official. You have a person who dropped out of high school, has not done very well, has no English skills, but has a brother in the United States who is a citizen. Compare that to another young man in Honduras, say, who finished at the top of his class, and was the valedictorian. He took English classes because he wanted to take English. People all over the world learn English today. It is an international language. Millions of people know English all over the world. So he knows English. He took the technical and college courses he could get there. He had a couple of years in college. They both apply to be citizens. Who gets in? The answer is crystal clear: The brother with no education, no skills, is going to get in, and the other one will have zero chance to get in.

We need family reunification. Everybody who becomes a citizen needs to be able to bring their parents. Why?

Church groups are asking that. I ask, Why? If somebody leaves their family, goes to the United States of America, decides to be an American citizen and now feels they have a constitutional right to bring their aging parents in to be taken care of by the American health care system, why is that? If that parent is brought in, it denies that young person in Honduras, who has worked hard, studied hard, learned English, and dreams of being an American and dreams of the opportunity of coming to this country—because we have a limit to how many people can come. See? If we can't accept everybody, what basis do we use to decide who gets to come?

I think that is an important concept. I urged and was very pleased when the White House and members of this group who are negotiating this bill said they were going to move to the Canadian point system, a merit-based system. That is the right thing for us to do. It only makes common sense. It is what Australia, New Zealand, as well as Canada, are doing. I understand the Brits are moving in that direction. I think they are moving towards it in The Netherlands and other advanced countries.

We ought to be moving in that direction. I am disappointed the move was so small, and such an incremental step. I am not even sure that is going to be acceptable because prominent Democratic Senators have said—and Senator REID earlier today used this phrase, which made me nervous,—''this is a good start.''

What does a ''good start'' mean? It means, well, it may change on the floor of the Senate. Then it could go to NANCY PELOSI and the House of Representatives, and they may take out the merit-based point system. Or it could go to conference where the conference committee will be formed to work out differences between the House bill and the Senate bill, and who will dominate the conference? HARRY REID and NANCY PELOSI. She will appoint a majority of the House Members and HARRY REID will appoint a majority of the Senate Members, and the bill then comes right out. What they say is going to be in it. Senator REID a while ago indicated his concern about a move away from family migration.

I don't know; I am nervous about this legislation. Here we go, are we going to get together and hit the bait? They throw out a point system, a merit-based system like Canada, and this is going to be a big deal and we all bite it and it is not there. We get hooked.

What we do know is it is a very small step. It may be an important step, but a small step. According to Senator KENNEDY in his press conference and his statements through his staff, they calculate this will move the merit-based system in the United States from the 22 percent we have today to 30 percent. About 8 or 10 percent is all it is going to increase merit-based immigration into America. That is what he said.

He said it to the leftist groups that have all been hollering about this and objecting. He says, Don't worry, there is nothing to it, it is not a point system at all. His staff, I believe his press secretary, said flat out, ''This is a family-based immigration system.''

You tell me what it is. Canada got to 60 percent, Australia 62 percent, on merit based. They are very happy with that. I have met with the director of the Canadian system. I met with an individual from Australia who is involved with it. I asked him how it was working, are they happy? Yes, they are.

They considered things such as if you are willing to go to a more rural province that needs workers, you get more points. Because that serves the Canadian or Australian interest. A lot of things such as that can be made part of a thoughtful bill, which we do not have here, I am afraid.

Why is it important we go to the merit-based system? There are 2.3 trillion reasons why.

Look at immigration. Rector explained it to us last year. He is a senior fellow at Heritage. You get sort of a skewed picture. If you take the smaller number who come to America with any college, he said—2 years of college or above—they tend to do fabulously well. They tend to be very successful. They and their children almost never go on welfare. They pay their medical bills. They do well and they prosper. Many of them are providing scientific expertise that may be the cure for cancer and other diseases and have other capabilities, so that has tremendous benefits to us.

When you add it all up and average them out, it makes the fundamental system look better than it is. But if you take the lower skilled workers, their productivity is not as great.

I do not believe we ought to create a system that denies people, those who come in initially on a lower skilled workforce basis, the right to apply and compete on a merit basis. So if you choose to come as a low-skilled worker, you work as a bricklayer or something of the kind, you take advantage of junior college courses and you learn English and you get a few hours or some years of credit in college, and then you apply. They should be very competitive. They will know English probably by that time. We are not creating an underclass that gives them no chance to apply. But the system should apply, I suggest, in such a way that temporary workers can apply for permanent resident status and compete against anybody else. I believe that will work.

We have very little increase in the bill as we see it in the high-skilled workers. We have not made a lot of progress toward dealing with those, many of the highly educated people who graduate from our best universities. They come here, advance to the top of their class at a university, and we often send them straight home.

I think we have a strong feeling that we should fix that. But, so far, our evaluation of the bill indicates that it is not fixed very well at all.

Congress needs to seize the moment. We need to pass legislation that will improve our immigration policy, a policy that serves our national interests, our legitimate, just national interests, and that will secure our border and create a lawful system.

These goals will not be accomplished by last year's bill. That is what we will be voting on in a few minutes, cloture on last year's bill, which I have a great deal of concern with and could delineate a host of reasons it is a total disaster. And they won't be accomplished with a new bill that we are forcing through today.

So that is a concern for us. I do believe the principles set forth in the PowerPoint presentation attracted my attention, got my interest up because I thought it would move from a framework that last year's bill had, which was a failed framework, to a framework that could actually be effective to accomplish what we want.

I am disappointed, almost heartbroken, because we made some progress toward getting to this new framework, but the political wheeling and dealing and compromising and splitting the baby has resulted in a circumstance that—we just did not get far enough. I wish we could do better. We have got to do better. This is a historic opportunity.

If we do not grab the bull by the horns now, we are going to be sorry. I would suggest that my colleagues say now is the time to pass a bill. I agree. But what I would say in addition is, let's pass a good bill.

Mr. President, I see my colleague from Nebraska, Senator NELSON. I believe he wanted to share some remarks. I would be glad to yield to him in a moment and just say that I appreciate his service to the country on the Armed Services Committee. I was a member of his delegation. We got back a few weeks ago from Iraq.

Senator NELSON, thank you for your leadership of that delegation. It was a meaningful visit to Fallujah and other places. Thank you for your principled and effective leadership on immigration. I yield to you at this time.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Alabama. It is true that we did have a very eventful trip to Iraq to talk about what needs to be done there.

But today the opportunity arises to discuss the concern that I have with the latest attempt by some of my colleagues to push forward with a ''comprehensive'' immigration reform bill.

We have been here before. Last year, the Senate pushed through a mammoth bill that sought to reform our immigration laws on a comprehensive basis. Yet, as predicted, that bill failed. It was a ''do everything'' bill that ended up doing nothing.

Well, here we are again this year watching efforts to push through another ''do everything'' bill. What is more, this year the language has yet to be finalized, and certainly no Member of this body has been given the kind of time needed to review the proposal and analyze its provisions.

Our immigration system is broken. But, apparently, so is our system for fixing it. That is why last year I tried to change the debate on immigration reform. Along with my colleague, Senator SESSIONS, and our colleague, Senator COBURN, we introduced a bill that focused solely on the most important component of immigration reform, and the first component of immigration reform, border security.

Last year during this debate, I tried time and time again to convince my colleagues that a comprehensive bill would get nothing accomplished and that we needed to concentrate on securing the border first. Today we find ourselves right back where we were last year: debating a comprehensive bill that has not been finalized, has not been given proper consideration, and that, again, will not achieve any of the goals we had. So, again this year, I emphasize to my colleagues we must concentrate on border security first.

We can only hope to solve our immigration problems if we take it one step at a time. There are three steps to resolving this problem: First is border security; second is fixing legal immigration and the process of legal immigration; and third is addressing those who are here illegally.

Now, we can take steps 1 and 2 at the same time. So we made some progress on the first step last year. We passed the Secure Fence Initiative, and the folks at DHS have made some progress on fixing and securing the border. We should give the border security provisions a chance to prove that they will work and can effectively slow and stop illegal immigration. But instead we are being asked to jump to step 3 before steps 1 and 2 are completed.

We need to concentrate on accomplishing border security first, as the first step for the first leg of this stool. We still have a lot of work to do to fix our current system of legal immigration. Why would we jump this step and reward these who are here illegally and effectively punish those trying to enter this country legally, the right way?

The current immigration process has left so many people frustrated with trying to do the right thing and enter this country legally. Clearly, we should make sure to help those individuals first. As I have said time and again, we need to close the back door to illegal immigration while we open the front door to legal immigration. Instead, this bill adds more complications and more complexity to our legal immigration system that is currently overworked with backlogs and long wait times for people who want to enter this country the right way.

We cannot change the letters for a visa from H to Y or Z and expect it to work better. We cannot add some complicated and difficult point system and expect it to work. We have to fix the system for legal immigration, not make it more complicated and even more unworkable. This bill will add more problems onto a broken system. We are digging ourselves deeper.

Therefore, I believe only after we have accomplished the first two steps, which we can do, and can demonstrate that we have made considerable progress toward solving those problems, only then can we proceed to the third step and turn our attention to handling 10 or 12 or more million people who are here illegally.

We must secure the borders so we do not have millions more illegal immigrants. If we do not, we will only encourage millions more to cross the border illegally in the hopes of being part of the amnesty offered under this legislation.

From what I have seen and read thus far, I think this bill is only about half right. Since it has a series of so-called triggers, the current compromise certainly seems to recognize that we have to do border security first. So if we recognize we cannot solve our immigration problems without first securing the border, then why do we continue to insist on mixing in the comprehensive provisions at the same time?

If we can understand the need for triggers based on border security and workplace enforcement, then we should understand that we cannot solve this problem all at once. Why do we continue to rush to pass some ''comprehensive'' measure when we can approach this problem one step at a time?

I propose that instead of triggers, we should consider only passing those provisions dealing with border security and enforcement and those provisions dealing with worksite and interior enforcement. Instead of pushing through everything at once, we need to start solving the problem at the border and working from there.

In conclusion, I will vote for cloture on the motion to proceed, but not because I support the underlying bill. I will support cloture only because I hope we can significantly improve this bill so that it addresses the problem properly: at the border first and then fixing the legal immigration system. If we do not come up with a bill that properly addresses the issue the way I believe it needs to be addressed, then I will not be able to support the final product.

I will vote to give us a chance to create a bill that focuses on securing the border first and that fixes our broken system for legal immigration. I will not, however, support a comprehensive amnesty-based bill that creates more problems and that fails to secure our borders first.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I had time set aside. Has that time expired? How much time is left?

The PRESIDING OFFICER. The Senator from Alabama has 1 minute 20 seconds remaining.

Mr. SESSIONS. Madam President, well, I see my colleagues here. I thank Senator NELSON for his work on immigration last year and this year. I see others here prepared to speak. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the remaining time until 5:30 p.m. shall be equally divided and controlled by the two leaders or their designees.

Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 38 minutes.

Mr. KENNEDY. Madam President, I yield such time as the Senator from Colorado might use.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, let me first begin by making some acknowledgments as we move forward on this debate on immigration reform for our country.

First, to the majority leader, Senator REID, for having kept the feet to the fire in this Chamber so that we finally will have an opportunity to move on to one of the most important national security issues that our Nation faces today. I appreciate his efforts and his leadership to help lead our country in a way where we deal effectively with this very difficult and contentious issue of immigration reform.

I also thank the President of the United States, President Bush, and his Cabinet Secretaries Chertoff and Gutierrez for the work they have done now over the last 3 months as we have tried to put together a comprehensive immigration reform proposal that will work for our country.

I thank my colleagues in the Senate, both Republicans and Democrats, who have come together in good faith to try to deal with this very important issue. I know we have a long week ahead of us as we move forward with the immigration debate on the reform proposal in the Senate. I am confident at the end of the day the national security of this

country will require us to move forward with passage of legislation that will bring our Nation into the 21st-century reality of the immigration challenges that we face.

As I approach this debate and I have worked on this legislation over the last 4 years—I am mindful of several things: First, that this is not a new debate; this is a debate where last year, for 1 month, we spent 1 month of the time of the Senate on this floor dealing with the very same issues that we are going to deal with again.

So for those on the other side who might say this is coming upon us too fast, I will simply remind them of two things: First, we spent an entire month dealing with immigration reform last year, and we were able to get a bipartisan consensus to vote a bill out of the Senate last year. And, secondly, we were given very ample warning by Senator REID when he said to all of us that this was an important issue that we would be working on in the last timeframe remaining before the Memorial Day break.

So here we are now. The time has arrived. We must not let our country down. We must move forward and deal with immigration reform in a way that makes the most sense.

Now, as I approached this issue, I asked myself the following question: What is the aim? What is the aim?

Well, the aim is about the national security of the United States. How is it that we are going to provide a greater amount of security to the United States of America? In my view, the bipartisan legislation that has been put together is a tough law-and-order bill and a real bill, a realistic bill that provides realistic solutions.

It is not a bill that is liked by those who want essentially not to have any progress on immigration reform because they would rather the debate go on not 2 years, not 5 years, but 10 or 20 years. It is not about satisfying them. This issue, from our point of view, is making sure the national objectives are objectives that we are able to address.

Let me talk to you to let you know what it is that is on my mind. First, we need to secure our borders. As a nation, we have a sovereign right to make sure our borders are secure. As a nation that is very concerned—rightfully so—about the threat of terrorism, it is important we know who it is that is coming in and leaving our country. We need to know our borders are, in fact, secure.

Second, we need to know the laws within our country are being enforced. For far too long on the issue of immigration, our enforcement mechanisms have looked the other way. That has allowed a system of lawlessness and illegality to continue. We need to have a system of laws that will, in fact, be enforced. That honors a fundamental value of our Nation, which is that we are a nation of laws. For us simply to look the other way is not the American way. This bill will accomplish that.

Third, we need to secure the future of America's economic realities and challenges. We do that with a process that will penalize those who are here illegally. We will have them pay fines that will put them at the back of the line, that will require them to learn English and to remain crime free. Then if they survive a purgatory of, on average, 11 years, at that point in time they would be eligible for a green card. So for those on the other side who might say this is an issue of amnesty, they are wrong. When you have to march through that kind of pain and pay the fine and do the time for having violated the law, it is far from anything that anyone ought to be labeling as amnesty.

Let me spend a few minutes talking about each of the components; first, securing America's borders. It is true that there are about half a million, maybe 600,000 people who come across our borders illegally every year. What we have done in the legislation we crafted together is we have required that there be a set of triggers that have to be met with respect to securing our borders. We will require that there be 18,000 new Border Patrol officers helping us secure our borders. We will require 370 miles of fencing to make sure that in those areas that are vulnerable on our border, those areas are secure. We will require 200 miles of vehicle barriers in other places to make sure that that border is secure both on the south end as well as the northern. We will require 70 ground-based radar and camera towers so we can keep watch on the entire border. We will require seven UAVs, unmanned aerial vehicles, to make sure we know what is happening across our borders, and we will require new checkpoints for ports of entry.

When this legislation is introduced, passed, and when this legislation gets implemented, as it will be, one thing we can tell the American people is we will have a secure border. Securing our borders is not enough, because the other aim has to be enforcing our laws within the interior of the country. Some people say it is all of the illegals across the southern border that has led to the current reality of 12 million undocumented workers. The fact is, many of the people who are undocumented workers entered this country through legal means. They simply overstayed their visas. Time and time again, it is estimated that probably more than one-third of those who are here illegally actually came into this country legally. We need to create a system that will make sure that at the end of the day, we are enforcing our laws against those who are here illegally.

How have we done that? We have done that in a variety of ways in this legislation. We increase the detention capacity to 27,500 beds daily. We add 1,000 new I.C.E. investigative personnel. We add 2,500 Customs and border protection workers. We require reimbursement to State and local communities that detain criminal aliens. We create a new employer verification system. We require 1,000 new worksite compliance personnel. I could go on and on with respect to how this legislation will create interior enforcement on immigration that will be effective.

Finally, the third thing this legislation does is secure America's economic future. It secures America's economic future through the adoption of a program which Senator CRAIG and Senator FEINSTEIN and 67 of us have cosponsored, the AgJOBS Program, because we know that across America our farmers and ranchers are suffering because they have not had the labor they need. We also have included in this legislation the President's new temporary worker program. It is a program that will allow employers to match up with employees on a temporary basis, to create circularity with respect to those workers who will come into this country.

Finally, it will create a realistic solution for America's undocumented workforce, the 12 million or so people who are here. That will be accomplished by requiring them to pay significant penalties and fees. We will make sure that as they move forward in the process, they also go to the back of the line so they don't get any advantage over those who enter the country legally.

We will require them to return home prior to the time they apply for a green card. We will require them to learn English, and we will require them to remain crime free.

Let me conclude by urging my colleagues to vote yes on the motion to proceed. The time is now for us to deal with the immigration reform issue which is so difficult and so contentious. At the end of the day, this bipartisan proposal which we have put on the table will allow us, first, to secure our borders. It will allow us to make sure we are enforcing our laws. Lastly, it will deal in a realistic and humane manner with the economic realities that face our businesses and workers in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank my friend and colleague from Colorado for his statement and his inspired leadership. We have worked on a number of different issues. I can recall the extraordinary leadership the Senator from Colorado provided last year when we debated comprehensive immigration reform. He brings to this issue a knowledge and understanding and perspective which is very special in terms of any issue, particularly this one. I have enjoyed working with him and look forward to continuing to do so. I hope our colleagues listened carefully to his message because he has demonstrated a thoughtfulness about this issue, as so many others have, a very strong, balanced judgment on these questions. I thank him, as always, for an excellent presentation and

look forward to continuing to work closely with him as we move through the debate on whether we are going to take the opportunity to mend our broken immigration laws.

I thank the Senator from Colorado.

Madam President, today, we take up the solemn task of immigration reform—not just because we may but because we must.

Our security is threatened in the post-9/11 world by borders out of control.

Our values are tarnished when we allow 12 million human beings to live in the dark shadows of abuse as undocumented immigrants.

Our economy is harmed when our immigration system fails to protect the American dream of a good job and decent wages.

Our competitiveness in the global economy is at risk when our employers cannot find the able workers they need.

Our immigration system is adrift and urgently needs an overhaul from top to bottom.

The answers are not simple or easy. We cannot meet this challenge by simply building fences. We need comprehensive and commonsense solutions that meet the immigration needs of this century.

We begin this debate mindful that immigration issues are always controversial. There are strong views on every side of this question because the issue goes to the heart of who we are as a nation and as an American people.

But we should remember in this debate that we are writing the next chapter of American history. Immigrants made the America of today and will help make the America of the future.

I am reminded of this awesome responsibility each time I gaze from the windows of my office in Boston. I can see the Golden Stairs from Boston Harbor where all eight of my great-grandparents set foot on this great land for the first time. They walked up to Boston's Immigration Hall on their way to a better life for themselves and their families.

So many Americans can tell similar stories of ancestors who came from somewhere else. Some built our cities. Some toiled on our railroads. Some came in slavery—others to raise their families and live and worship in freedom.

That immigrant spirit of limitless possibility animates America even today.

Today, immigrants harvest our crops, care for our children, and own small businesses.

They serve with pride in our armed forces—70,000 in all. At this very moment, many are risking their lives for America in Iraq and Afghanistan.

Immigrants contribute to scientific discovery, to culture and the arts. They help make our economy the most vibrant one on the planet.

Our strength, our diversity, our innovation, our music, our hard work, our love of country, our dedication to family, faith and community—these are the fruits of our immigrant heritage and the source of our national strength. They have made America the envy of the world.

As President John F. Kennedy so eloquently wrote, the secret of America is that we are ''a nation of people with the fresh memory of old traditions who dared to explore new frontiers, people eager to build lives for themselves in a spacious society that did not restrict their freedom of choice and action.''

Last week, we reached a historic agreement on a far reaching bipartisan immigration plan that lives up to this heritage. It involved hard negotiations between Democrats and Republicans, and it has the support of President Bush. Our plan is strong, realistic, and fair. It is a commonsense immigration policy for our times.

It is tough at the border. It doubles our Border Patrol from 14,000 agents to 28,000. It hires 800 new investigators and 800 antismuggling officers. It builds more fences and more detention centers, and provides more state-of-the-art, high-tech border enforcement equipment.

It is tough on employers who hire illegal immigrants in defiance of the law. Today, it is too easy for an employer to hire an undocumented worker and pay them substandard wages in sweatshop conditions. That hurts American workers. It depresses wages. It allows employers to avoid paying payroll taxes.

Our bill says no more worker abuse. Under our plan, employers must verify that they hire only legal workers. If they do not, they can be fined up to $5,000 for a first offense and up to $75,000 for subsequent offenses. They can even go to jail.

Our bill says that these tough enforcement measures must be in place first before we move forward with changes in future immigration. Future workers cannot come in until we have doubled the Border Patrol, built more fences, enhanced our equipment and technology along the border, and the employer verification system has begun. It is enforcement first and future workers later.

Our plan also addresses the 12 million undocumented immigrants who are in America today. They have something to contribute. They are men and women of dignity. They work hard every day. They care for their families. They revitalize decaying neighborhoods. They sit in our pews on Sundays.

We witnessed this recently in my own State of Massachusetts. An immigration raid in New Bedford disrupted the lives of scores of families who had laid down roots in the New Bedford community. Their children were in our schools, many of them born in America. They worked every day in a factory making equipment for our troops in Iraq.

We are not going to round up these 12 million men, women and children and send them home. That is not the American way. So our plan allows these families to earn the privilege of remaining here and working legally.

They have to pay a $5,000 fine over an 8-year period. They have to work and pay taxes. They have to learn English. They cannot be criminals or national security risks and they must obey our laws.

The heads of family must make a trip home for a day or two sometime in the next 8 years to submit their applications for a green card at an American consulate just like other immigrants applying to come here. Then they are guaranteed the right to come right back to America right away to rejoin their families while they wait for their green card applications to be considered.

Finally, they have to get in line for their green cards behind everyone else who has been waiting to come here legally.

If they meet these tests, they will be welcomed into the sunshine of America. They will have no fear in coming forward and joining the American family. They will not be deported. Instead, we welcome them as our neighbors and as our friends and as future citizens of this great land.

Our plan also continues to stress family reunification—a longstanding tradition under our immigration laws.

Today, if you are trying to bring your relatives here legally, you might have to wait 22 years to get visas for them. As a result of this backlog, 4 million family members of American citizens and legal immigrants are on the waiting list to come here. Our plan expedites the reunion of these families and eliminates the waiting list in 8 years.

In the future, our plan continues to make family reunion the highest priority. It says if you are an American citizen or a legal immigrant, you can bring your immediate family here to join you—your wife or husband, your minor children, and your parents.

Of the 1 million green cards we issue each year, two-thirds will be dedicated to reuniting these families.

But under our plan, more distant relatives will no longer have an automatic right to immigrate. They must first prove that they have the skills, education, and English abilities to contribute fully to our economic strength.

Finally, our plan recognizes that our economy will continue to need hard-working people who are willing to come here for a few years. We need nurses and home health care aides. We need farm workers and janitors and hotel workers. We need computer programmers and scientists and engineers. So our program will allow them to come as guest workers under a program with strong labor laws that protect American jobs and wages.

Our plan is a compromise. It involved give and take in the best traditions of the U.S. Senate. For each of us who crafted it, there are elements that we

strongly support and elements we believe could be improved. No one believes this is a perfect bill.

But after weeks of negotiations and years of debate, this bill accomplishes our core goals. It provides tough new enforcement at the border and the work site. It allows a realistic path to family security and eventual citizenship for millions of men, women, and children already here. And it provides a new system for allocating visas in the future that stresses family reunion and national economic needs.

I don't usually quote Republican Presidents, but President Reagan understood the integral role that immigration plays in our country's future. As he said so eloquently in one of his last speeches before leaving the White House:

> We lead the world because, unique among nations, we draw our people—our strength—from every country and every corner of the world. And by doing so we continuously renew and enrich our nation. While other countries cling to the stale past, here in America we breathe new life into dreams. We create the future, and the world follows us into tomorrow. Thanks to each wave of new arrivals to this land of opportunity, we're a nation forever young, forever bursting with energy and new ideas, and always on the cutting edge, always leading the world to the next frontier. This quality is vital to our future as a nation. If we ever closed the door to new Americans, our leadership in the world would soon be lost.

The world is watching to see how we respond to the current crisis. Let's not disappoint them.

I urge my colleagues to vote to proceed to this debate and to support our new plan.

Madam President, we have two of our colleagues on our side, I believe, who are on their way to the floor at the present time.

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

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

The Senator from South Carolina is recognized.

Mr. GRAHAM. What is the status of the time allocation?

The PRESIDING OFFICER. The time remaining on the Republican side is 38 minutes 45 seconds.

Mr. GRAHAM. Madam President, I ask unanimous consent to be recognized for 10 minutes, and afterwards I add to that Senator MARTINEZ be recognized for 10 minutes.

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

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am delighted to hear the Senators. Would you like to have one speaker on our time and one on the Republican time?

Mr. GRAHAM. Madam President, that would be fine. My 10 minutes will come from Senator KENNEDY's time. Is that OK?

Mr. KENNEDY. Is that agreeable?

Mr. GRAHAM. Absolutely.

Mr. KENNEDY. We have a couple Senators who are on their way over. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I thank Senator KENNEDY and Senator MARTINEZ.

I am in the fifth year of my first term, and we are finally dealing with an issue I think the country would love to have dealt with years ago. We are on the verge of doing something big and important. There are many reasons why you never do the big things and the hard things. That is why they stay unresolved.

The country is running out of time on this particular issue to think of reasons why we won't solve this problem. Before 9/11, I would argue illegal immigration was a social and economic problem. After 9/11, I would argue it is a national security problem. We have millions of people in our country roaming around and we do not know who they are or what they are up to. The good news is most of them are here, unfortunately illegally, to work and to try to make something of themselves and add value to our country.

It is clear from Fort Dix, NJ—and maybe other things to come—some people are here illegally who are up to no good. They want to hurt us. The hijackers on 9/11—all of them came here. Most of them overstayed their visas. They did not come across the border. They had four or five fake drivers licences. It should be a wake-up call to this country we have people in our midst and we do not know who they are and there is no way to find out who they are.

One thing every Member of the Senate, I hope, will agree upon is that if you wanted to, you could get a Social Security card made by midnight tonight somewhere that would pass for the real thing. When you drive by a construction site, and you see people working who are Hispanic or other folks you think are here from outside the country, I bet you every employer has documentation on file that appears to be legal. It is almost a nightmare for employers to comply with the current system.

People tell me, enforce the law. If you can enforce this law, you are doing better than anybody since 1986. There is a reason this has happened. Why do 12 million people come here? Because we do not have a way to bring people here legally so they can work in a legal status. There are not enough Americans doing these jobs. Unemployment is below 5 percent. It is illogical to say this illegal workforce has driven Americans out of work. We are at historically low unemployment. We need workers. But what we need more than anything else is we need to be able to secure our border, control who comes, on our terms, and have verifiable information about what status you are in. Because if we do not do that, then what happened on 9/11 is more likely to happen again.

So there are many reasons to say no to this bill. There are many reasons to say no to someone else's proposal. But there is no good reason to not solve this problem. I do hope those who come down on the floor to amend this bill, to make it better, will lead us to a better solution. Those who come down on the floor with a goal of taking this bill down, I hope you feel some obligation to substitute it with something else that could pass.

Democracy is a wonderful thing. When I was at my State convention, a lady told me: I don't like compromise. I said: Well, don't run for office. Because this is all about compromising. Isn't it, Senator KENNEDY? It is. What I like about my country is that Republicans, Democrats, and Independents historically have been able to do the hard things to make us a better nation.

I say to my friend from Florida, Senator MARTINEZ, you have been a delight to work with.

Breaking the law is something that has occurred in large proportion when it comes to immigration. The reason people have been breaking the law to this extent is the rest of us have not been that excited about enforcing it. I think the rest of us have sort of looked the other way and allowed the illegal immigration problem to grow because we have not asked the hard questions about: Where are all these people coming from? And what are they doing?

There are lots of people, to their credit, who have been very upset about this issue for a very long time. I think many people in this country have gotten the benefit of this illegal workforce in terms of the labor and have sort of turned their eye, and now everybody is looking at it anew.

To those who have been shouting from the rooftops that the immigration system is broken, you have done us a great service. To those who believe illegal immigration is a national security threat, an economic threat, and a social threat, you have done us a great service. But you are not going to do us a great service if you only shout about the problem. I want you to do more than tell me it is broken and it needs to be fixed. I want you to do more than just say: LINDSEY GRAHAM and KEN SALAZAR have it wrong. I want you to do what we have done. That is the only thing I ask of any of my colleagues: Sit down with a Democrat and Republican and try to fix it—and good luck because it is hard.

You are right to come here and amend this bill and change it, and to take the floor and tell us why we have it wrong. I will listen. If we can fix it, we will. But do more than just tell me where I am wrong. Do more than just tell the American public we have to do something about this illegal immigration problem. Do more than just shout

''amnesty.'' If you think saying ''amnesty'' absolves you from having to participate in this debate, you are wrong. This debate is about the future of the United States when it comes to our national security, our employment needs, our ability to compete with the world for the labor force that exists. At the heart of this debate, it is about who we are as a people.

Now, tomorrow, I am going to read a report issued by the Government about immigrants. Some of it is very tough. Let me give you a preview:

As a class, the new immigrants are largely unskilled laborers coming from countries where the highest wage is small compared to the lowest wage in the United States. They bring little money into the country and they send or take a considerable part of their earnings out. More than 35 percent are illiterate as compared with less than 3 percent of the old immigrant class.

The new immigration movement is very large. There are few if any indications of its natural abatement. The new immigration coming in in such large numbers has provoked a widespread feeling of apprehension to its effect on the economic and social welfare of the country. They usually live in cooperative groups and crowd together. Consequently, they have been able to save a greater part of their earnings, much of which is sent or carried abroad. Moreover, there is a strong tendency on the part of the unaccompanied men to return to their native countries after a few years of labor here.

These groups have little or no contact with American life, learn little of American institutions, and aside from the wages earned, profit little by their stay in the country.

Unquestionably, the hordes of immigrants that are coming here have a good deal to do with crimes against women and children. You will notice these particular crimes are done by fellows who can't talk the English language.

Now, this is a Government report about the effect of immigrants, the new immigrants, on our country. These quotes were taken in 1910 from the Dillingham Report, and one of the Senators on that commission was from South Carolina. It went on, and I will talk more about it, to talk about how these immigrants are ruining America. They live among themselves. They have disease. They won't learn our language. They commit crimes. They are a burden on society, and we need to do something about it. The report was begun in 1910, it was finally issued in 1913. The people they were talking about became the ''greatest generation.''

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, as the Senate prepares to vote on the majority leader's motion to proceed to a comprehensive immigration reform bill, I continue to have concerns about the proposal announced last week. But I wish to commend Senator KENNEDY for working so hard over the last several months to revive a bipartisan bill. He worked closely behind the scenes with Senator MCCAIN for several months. When those efforts failed, he didn't give up. In fact, he was not deterred, as many who supported this process before went the other way. On the contrary, he spoke to a number of Republican Senators who had actively worked with us last year. When they wouldn't join him in a bipartisan effort, he continued on and joined the process Secretary Chertoff had begun with opponents of last year's bill. In extended discussions he and others have had, they have now come forward with a proposal. I commend Senator KENNEDY's commitment and his efforts.

I would also like to thank the majority leader. He had intended to set aside 2 full weeks this month for Senate consideration of comprehensive immigration reform. When the informal discussions were not completed on time, he gave those discussions more time. He was right that this issue warrants a significant commitment of the Senate's time, and I am glad to work with him to make sure that consideration is fair and comprehensive.

Now, I am going to support the motion to proceed and the majority leader's cloture petition to go to the bill in order to allow the Senate the opportunity to work its will on the matter. Obviously, that doesn't presuppose how I will vote on the final product. Many of us have said that the bipartisan proposal, the Kennedy-Kyl-Chertoff proposal, represents a starting point for consideration.

As the authors of the proposal know, this Senator from Vermont feels very strongly about the provisions that affect dairy workers and the circumstances of that important industry. But I also take a particular interest in the provisions that affect seasonal workers for the hundreds of Vermont businesses that require them, as well as the needs of our leading high-technology companies, many of which have significant operations in Vermont. The diverse coalition that put the AgJOBS bill together recognized that certain sectors of agriculture require special circumstances.

It is really a shame that the AgJOBS legislation which Republicans and Democrats worked so hard to produce and which had gotten strong bipartisan agreement will not be fully respected. I believe that is a significant mistake and one I will consider in my final determination of how to vote. Notwithstanding that mistake, I will continue to work with the bill's authors to make sure our Nation's dairy farmers have a viable temporary worker program for the future.

Beyond these provisions, I have a number of fundamental concerns I hope the Senate will address in the days and perhaps weeks ahead. In his radio address of May 12, President Bush restated that comprehensive reform must ''treat people with dignity.'' He said we must ''honor the great American tradition of the melting pot'' and that we must help immigrants ''embrace our common identity as Americans.'' I agree with President Bush. I believe part of that common heritage is our welcoming of immigrants and families.

America is a land in which families matter, in which our values call for us to provide not just for ourselves at the cost of severing family ties but for our families. As the Statue of Liberty proclaims, America is a country that welcomes the poor and those yearning to breathe free, not just the well-educated and those who already speak English. It welcomed my grandparents who did not speak English and were not wealthy. We never know who among those immigrating to our shores will turn out to be the next great military leader, the next great entrepreneur, the next great inventor, the next to lift this Nation to greater heights.

I want the bill we pass to recognize the best of America and our values and the best of our traditions as a land of immigrants, the land that brought my grandparents and my parents-in-law to this country. I also want it to be practical and workable.

The so-called triggers in the White House proposal do two things. First, they appear to put off implementation of most immigration reform to the next President and the next Congress. Somehow, I don't understand that, why we can't face up to it ourselves. Second, they require absolute faith in the Department of Homeland Security and the Bush administration. Given the record of this administration, I see little basis for such faith.

When this administration's representatives say to us that in the next 18 months they will secure the borders and they will devise and implement identification verification measures and they will do that without fail, I remember the last 24 months in which they failed the victims of Hurricane Katrina and the Gulf States. I see an administration that has ignored immigration enforcement for years. I see an administration that does not deal realistically with the northern border. I see an administration that has all but destroyed the Justice Department and severely undermined its traditions as a neutral law enforcement agency above politics. I see an administration that denied global warming, disregarded science and, most egregiously, has disregarded the realities of its current disastrous engagement in Iraq.

I say this because we are called upon to just put total faith in the administration. Some of us believe very much in the slogan President Reagan made up for the Russians when he said, ''Trust, but verify.'' In that regard, I am a Reaganite.

I have urged the President to invest himself in the process and work with Congress. I did so on the first day of this Congress and at the one Senate hearing held on this matter in February. The path chosen by the administration was not one I recommended. Instead, the administration remained on the far right of the immigration debate and has pushed the bill and the debate in that direction.

We have before us a measure that is the product of closed-door meetings between the administration and Republican Senators, which was then put to Democratic Senators as the framework from which any further negotiations could proceed. Senator KENNEDY has done his best. He has made improvements in the proposal. He deserves our thanks. But whether the proposal is where it should be is what this debate will begin to determine.

The substitute bill the administration endorses creates a temporary worker program with no opportunity to pursue the American dream. This bill risks the creation of a permanent, revolving underclass of workers with limited rights. A temporary worker program with no opportunity to share in the promise of America creates an incentive for overstays and risks creating a new population of undocumented individuals, just as we work hard to bring millions of people out of the shadows of our society. I also worry that the temporary worker program included in the bill doesn't effectively serve the needs of American employers. I am worried that it is unrealistic. This part of the proposal is opposed by a wide array of interests and constituencies, including organized labor, business, and advocates for immigrants. I hope we listen carefully to their concerns as we proceed.

The substitute bill also erodes our traditional commitment to family unity by removing whole segments of family-based immigration. No longer will certain family members be allowed to be sponsored by their loved ones in the United States. Instead, proponents seek to create a supposedly merit-based green card system subject to a point system, where family ties are de-emphasized, and immediate contributions through education and job skills already attained are valued. I recognize that we may benefit in the short run from a more highly-skilled foreign labor pool, but I have grave concerns about doing so at the expense of our traditional commitment to family unity and fostering strong families. Where are the family values here?

The substitute bill also will require all Americans—not just foreign workers—to verify their citizenship before obtaining a job. Like the REAL ID Act that was forced on the American people outside the normal legislative process, this requirement is yet another example of the Administration's consistent denigration of Americans' rights, including the right to privacy. The Administration is telling all Americans that we can no longer trust you—that Big Brother will control hiring for all jobs in America. From America's country stores to our largest corporations, employers will now be de facto immigration officials, and potential employees will be presumed illegal until they prove themselves citizens. I hope we can reconsider this ill-conceived program, which cuts so hard against the presumptive decency and honesty of American citizens. America's democracy works because law-abiding Americans choose to comply with our laws, pay their taxes, and participate in our civil society.

I am pleased that significant parts of AGJOBS have been included in this bill. The legalization provisions for currently undocumented farm workers will go a long way toward helping farmers and removing the cloud of fear from so many workers. I commend Senator FEINSTEIN and Senator CRAIG for their work in this regard. But the bill also rejects parts of the monumental compromise reached between farm workers and agricultural employers in the AGJOBS bill, which provides much needed reforms for America's farmers, dairy operators, and farm workers. I am extremely disappointed that American dairy farmers who want to hire future legal foreign workers end up losing out to the talking point that ''temporary means temporary.''

The bill also neglects the real needs of the high-tech community, which has been vigilant in seeking reliable sources of high-skilled workers. Instead of adding sufficient H–1B visa numbers to allow companies to stay competitive and remain the world's leaders, the bill creates a green card system that doesn't truly address the technology industry's needs and removes hiring decisions from the company and places them with the Federal Government. It says: Trust us; we are from the Federal Government; we can make a better decision for you. Some of us are skeptical.

But there are some good aspects of the bill. It incorporates the DREAM Act, a bill I have long supported. It has provisions that can move millions of undocumented people in this country on a path to citizenship, if not unrealistically delayed by the so-called triggers.

Regrettably, it currently includes a provision to require immigrants to return to their home country before applying. In my view, that is unrealistic in many circumstances, and it is inflexibly harsh in others. Those who struggled to get here—who escaped oppressive and dysfunctional governments—should not be required to repeat that journey to share in the promise of America. This provision is driven by ideology, not by an American sense of fairness, and it should be revisited in our legislative process.

I am also encouraged that we may be past the anti-immigrant opposition that stalled our efforts last year. I hope that we are past trying to make criminals out of undocumented immigrants. I hope that we are past trying to make criminals out of the clergy and advocates that try to help hard-working immigrants seeking a better life for their children. I hope we are past trying to build fences and walls around America and the American dream. I hope that we are past the anti-immigrant rhetoric and the anti-Hispanic slurs that accompanied the debate and electioneering last year.

We need to keep working to make sure our legislation is one that takes a commonsense, realistic approach to this situation. I will continue working to produce legislation that treats people with dignity and respects our great traditions as a welcoming nation. We have much work to do before this bill becomes worthy of the Senate and of our great history and tradition as a nation of immigrants, a nation that brought my grandparents and my great-great-grandparents and my parents-in-law to this country.

I will vote to support the Majority Leader's effort to proceed to debate on comprehensive immigration reform. I hope that as we move through amendments and debate, the Senate will work toward making this a better bill. We all know that had we insisted on taking up the Senate-passed bill of last year, we would not have the votes to proceed. Many who voted for last year's Senate's bill were prepared to abandon their support. The Majority Leader has demonstrated his good faith. I hope that Senators will join together and work together to produce a bill of which we can be proud and that will honor our parents and grandparents as well as our neighbors and grandchildren.

Madam President, I yield the floor.

Mr. CORNYN. Madam President, for over 3 months, I have engaged with a number of my colleagues and administration officials in an extraordinary series of meetings and discussions designed to reach bipartisan consensus for solutions to the many problems we face regarding our immigration system. I have done so in good faith and in keeping with my long held belief that we must have a comprehensive approach to immigration reform.

I believe we should continue to try to move forward, generally, and that this problem is too important not to come up with an appropriate solution.

That having been said—I am very concerned about the process that led to today. First, we have not undertaken the normal legislative pocess—bypassing the Senate Judiciary Committee—leading to a public perception of non-transparency and distrust. Second, most of the Members of the Senate and their staff did not receive even a draft of the ''final'' language until 2 a.m. on Saturday morning, just a little over 48 hours ago. Third, I am told that the bill will not go to Senate legislative counsel—a significant departure from the normal course and a departure that makes it more difficult for legislative counsel to draft amendments due to lack of familiarity with the text. Finally, I am told the CBO cost estimate for the bill will not come out until Wednesday—only 2 days before the legislation may well receive a final vote depending on leadership decisions in the coming days.

Moreover, I remain very concerned about the substance of the bill. For instance, my staff's preliminary review indicates that there are potentially

some very problematic provisions in the language. In addition, because of the ''rush'' to produce language to meet the Monday deadline for a cloture vote, there are a number of technical drafting errors which also have a substantive effect and were being worked on as late as this afternoon.

I have been open about my concerns with respect to interior enforcement—concerns that I still hold today. For example, the draft bill does not, to my knowledge, do enough to curb one of the core flaws that undermined the 1986 amnesty bill—that of unlimited judicial review. Indeed, just 2 weeks ago a judge ordered DHS to revisit whether a class of aliens should get the 1986 amnesty. It appears that if this bill passes, these aliens whose only real claim to participate in our system, will be able to take advantage of the new visa holder because they were able to delay through litigation. There are no limits on the number of motions to reopen the administrative process or times an alien can appeal to an article III court. If the American public is going to have confidence in this system, they need/to be assured there will be limits.

In addition, I would note that the New York Times wrote that the 1986 amnesty bill produced the largest immigration fraud in the history of the United States. President Clinton's INS general counsel testified that statutory restrictions on law enforcement's ability to use the information contained in amnesty applications impeded their ability to detect the fraud. To my knowledge, this bill continues to require confidentiality in certain cases where the application is denied.

In the end, as much as I believe we should continue to work together to reach consensus on the critical issue of immigration reform—a matter of national import but that is particularly important to my home State of Texas—I cannot in good conscience agree to proceed to legislation which we anticipate replacing with language we received at 2 a.m. on Saturday—without appropriate committee review—the text of which is hundreds of pages in length, the provisions of which are as complicated as any legislation we will take up and the impact of which will be felt, for better or worse, for generations to come.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Madam President, I am delighted we have come to this point where, after much hard work and discussion for days and weeks and even months, we can present to the Senate for its consideration an immigration reform bill that I believe seeks to serve the needs of this country. I have had the pleasure and the privilege of working with a number of colleagues from this body during the last many weeks as we sought to put together something that would serve the country's interests.

We have worked bipartisanly, with help from very dedicated Cabinet members, the Secretary of Homeland Security and the Secretary of Commerce, in a very comprehensive and dedicated way over days and days of discussions and difficult negotiations that were oftentimes emotional and always, I think, with the idea that we would do something that was good for the country and that obviously was not going to be unanimously praised. Hearing the Senator from Vermont express misgivings about it and having earlier heard the Senator from Alabama equally express himself, each from different sides of the spectrum, it adds to the thought I have had that this is a bill which strikes it down the middle pretty well.

Mr. DOMENICI. Madam President, will the Senator yield?

Mr. MARTINEZ. Yes.

Mr. DOMENICI. I wanted to ask unanimous consent that the time from now until the vote be allotted to the Senator from Florida and to the senior Senator from New Mexico and that there is no time remaining on the Democrat side, unless Senator KENNEDY wants some of my time.

Mr. KENNEDY. Madam President, the Senator is typically kind and courteous. There were one or two Senators who said they might need a moment or two, but they haven't been back in touch. If they are, I might ask for a minute or two from the Senator. I thank him for his thoughtfulness.

Mr. DOMENICI. So I ask unanimous consent that the remaining time be allotted to the two of us and, if necessary, we can allot time to somebody else.

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

Mr. DOMENICI. I thank the Senator for yielding and thank him for all the hard work he has put into this bill.

Mr. MARTINEZ. Madam President, it is a pleasure to be on the floor talking about this subject with the Senator from New Mexico. We did that last year, as I recall, as well, and the Senator has a rich immigrant history in his family that all of us in different ways share.

I guess I should say, as the only person who has the privilege of serving in this body who is an immigrant and as truly someone who has come here having been born elsewhere, it is an incredible privilege for me to talk on this subject and have an opportunity to be a part of this debate.

I really think it is a moment that brings us all to the roots of what our Nation is about. We understand that this is a nation of immigrants, a nation that through its history has had this tradition of welcoming people from all over the world, from all different lands, and manages in this magical way to bring people into the fullness of what it means to be an American. I have experienced it in my own life. I can speak about that for days. It has been that same kind of miracle I have seen happen to others.

And I think that opportunity is still out there for many to enjoy, at the same time understanding we are a country that has a tradition of laws and they ought to be obeyed and observed. So it is in that tug between those two principles that are so ingrained in our country that we come to this very important moment and debate.

I don't think there is any question that much has been said about this bill before people have had an opportunity to even know what is in it. I will say some things about it I think are important. I believe it is a product of a bipartisan compromise. Anytime you come together with people from different points of view, there are going to be those who will say it goes too much in one direction or the other.

Here are some of the things it does do. It provides for border security. It will secure our borders in a way that will make Americans understand that the Government is serious about securing our borders. Before mentioning any of the other elements of this bill, I thank our colleague from Georgia, Senator ISAKSON, for the idea that we should have triggers in it. Before those other issues would be implemented, there will be an opportunity for a certification—not subjectively but objectively—with measurable results: How much fence has been built? How many border agents were hired? How many other promises were fulfilled toward the issue?

One of the important ones is a tamperproof ID card that employees must have to present to employers so we can verify that they are working in America legally and that there are no phony Social Security numbers that can be used. That is a tamperproof, biometrically induced ID. We need to have those in place before the bill becomes a reality. Border security must and ought to be first and foremost. I have heard a lot of discussion from people who have not read the bill who suggest that 12 million illegal aliens are receiving a guaranteed, automatic right to remain in the United States. That is not the case. They are going to have an opportunity—after paying fines, after coming out of the shadows and registering, after background checks—to pay a fine for breaking the law and then go on probationary status. They will then have a card, which will become a visa, if they apply for it.

It is a paradigm shift in what immigration is like in our country. It will require a new paradigm, which some find that, for a country that wants to be competitive in the 21st century, may be a wise thing. It is a merit-based system, without throwing aside the issue of family. It continues to involve family consideration, but it is not the only consideration.

Illegal aliens who are here and wish to regularize their status should have an opportunity to become citizens, but it ought not be an automatic or direct path to citizenship. They will have to return to their home country under this bill and apply outside the country

legally. It will be a long and difficult road, where they have to pay additional fines and other backgrounds checks will be done and, at the earliest, anybody who would be in this country illegally today, after having applied outside the country, it is going to be as lengthy as 13 to 15 years before they can become citizens of this country.

The people in line and the people who have done it the right way will be first to become citizens, ahead of those who have come illegally.

As to the guest worker program, this is truly a guest worker program. When somebody outside the country comes here to go to school, they ask for a student visa and they understand they are coming for a period of time to study and go to school and then they are to return to their country. The guest worker program will be much the same thing. They will come for 2 years, understanding it is a 2-year visa. At the end of that 2 years, they have to return home. They are not coming to immigrate; they are coming to work. That is the understanding. It is the understanding before they ever come here. As they do, they will have an opportunity to work and taste the American dream, but they also have an obligation to return to their country. At the end of 6 years, or three work periods, they will return home and not be allowed to return again as a guest worker. They could have a path to citizenship, if they so chose to apply for regular immigrant status. They could be considered for that, but at the same time there would be no guarantees by the fact that they were here. They will have earned points by working here, and it is going to be a merit-based system. So they will have an opportunity to be considered for citizenship.

This is a problem that begs an answer. There are many who would say this is amnesty, and therefore it should not even be considered. I suggest to them they ought to read the bill so they understand the details and how it is not amnesty. So to those who dismiss it as something that is no good and not workable, I suggest this: What is your answer? What do you suggest? What is your solution to this problem that for over 20 years has been vexing our country?

It is time to grapple with this and tackle it. We know how to solve problems in the United States. We can solve this problem if we continue to work together in the spirit of this group of ours, which at times has been quite contentious but is also forging ahead to solve a problem. The spirit that group has had is the spirit that the Senate and the Congress needs to tackle this issue.

I commend the President for having had the steadfast support on the proposal. He has been there with criticism even for members of our own party. He has been terrific in terms of sticking to it, continuing to support it, having members of his Cabinet working with us day and night. We are at the threshold of a tremendous opportunity to do something truly good for the country. I thank the Senator from New Mexico for his interest. I will yield to him for his comment on this important legislation.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I thank the Senator from Florida for his dedicated work on this bill and for his efforts heretofore a couple of years ago, when he worked very hard on this issue. We didn't have success, but maybe this bill, in spite of all the early talk against it, may succeed. Maybe with some amendments and some work it may become the new law with reference to illegal aliens for the United States of America. It is good enough for America. It is sufficiently clear for America. It will clear up the status of the 10 to 12 million undocumented aliens who live here. It will clear that problem up. Everywhere you look, we have let the problems of illegal aliens grow out of all proportions.

It is a hard job to put a bill like this together. It is not easy. It is one of the most difficult jobs you can have to put legislation together to try to fix the last 15 years of letting our laws be ignored. We have not cared about them, letting the borders become porous, letting millions of people in illegally, which has caused all kinds of problems. But I can tell you, if you look at this bill carefully and you don't look at it with any preconceived ideas or ideology, but look at it and ask: What are the practical problems and what are the practical solutions here? I submit that it comes close to solving these problems in the very best way possible.

I am sorry I already heard this morning Senators talking for a very long period of time about why they are against this bill. In the end, I listened and, after listening, I concluded that most of them had it wrong. I don't like to say that about my fellow Senators, but they had it wrong on the major issues, which they said made up their mind to be against the bill.

Let me tell you what is going to happen under this bill. Before anything else in this bill is used or implemented, our borders must be secure. Let me repeat: whatever you hear from Senators that this bill is going to do, none of those provisions are going to be implemented unless and until we have secured the border. I don't know how we can say it any clearer. Senator KENNEDY and Senator JON KYL from Arizona, the leaders on each side on this issue with Senator SPECTER, maybe what you are going to have to do is pull the text of this bill that secures the border and distribute it to the Senators so they will have it right in front of them to see that there is a border security part of this bill. It is there. It says, before you can implement the other provisions of this bill, the border will be made secure.

It doesn't stop there. It tells you what a secure border is. It says 18,000 Border Patrol agents must be hired. We are well on a path of getting them hired and trained. We can do this because we finally, for the last 3 years, we have been funding. We have been hiring thousands of them. But the bill says none of the bill's other provisions shall go into effect until the border is made secure.

Then it says that secure means 370 miles of border fencing must be built. The Department of Homeland Security is committed to building 370 miles by December 31, 2008. We are being honest. We didn't have to say that date. We didn't have to talk about it. But we cannot get fencing built any sooner. So that period of time is going to have to be used before we do other things in the bill. The bill cannot change anybody's status this year because those provisions are dormant until the border is made secure. They are dormant.

It also says 200 miles of vehicular barriers must be in place. It says 70 radar and camera towers must be on the southern border. It says four unmanned aerial vehicles must be in operation we have to leave undocumented aliens apprehended on the border in detention facilities to wait until they are deported. Right now if you don't have a place for them, the judges release them. That has been one of our problems. The bill has 27,500 detention beds to end the ''catch and release program'', which we are aware of, those of us who represent the border. You have to have all that done before the bill becomes operative.

So if any one of those is not done, it is just like not having an immigration reform bill; isn't that correct?

Mr. MARTINEZ. That is right.

Mr. DOMENICI. People say you are going to do immigration reform before the border is secured. How are we going to do that when the law says you throw the rest of the bill away until we have secured the border, and then it tells you what border security is? That has been worked on day and night. That has been done to try to calm so many thousands of people who have been indoctrinated to believe that the only thing we should do is make the border secure. So all they are going to ask you when you go home is: Did you secure the border, Senator? And, Senator, I heard from such and such that you didn't secure the border.

Senators ought to carry around a piece of paper that has this border security provision on it, and you ought to take it out and read it to your constituents. They deserve the truth. They want the truth. We are not trying to do anything to hide what we did. We are trying to make sure they know it.

I mentioned the name of a Senator from Arizona. He is not here, but JON KYL will be here tomorrow, so all the Americans out there will understand that JON KYL was one of the Republican who spent literally hundreds upon hundreds of hours as a dedicated

leader on this issue, with Senator KENNEDY on the other side. Senator KENNEDY will acknowledge—if he hasn't already—that without JON KYL we could not have this proposal. People should know that Senator KYL knew this was the chance of a lifetime for this great country. You could not get everything you wanted because there are other people playing. If you have 10 Senators working on it, and they are Democrats and Republicans and they each believe one thing or another, you have to come to a practical compromise.

That is what it means to be a Senator who writes the law well. He works with his fellow Senators to come up with what they can use and do in a practical manner. That is what happened with this bill. It is practical, yet it is doable; and it is not only doable, it is right.

If America accomplishes this bill in its totality, we will have made one of the largest changes for the better for the United States, and I don't think there is any doubt about that. It is tough, and it is going to be hard.

I wish to talk about another provision, and then if Senator SPECTER is back and wants time, I will yield to him.

This bill is difficult because everybody wants to know two things about this bill. There are other pieces, but there are two major questions. One is, did you secure the border, and I just talked about that because I am just like every other Senator. My telephone is ringing and most people want to know: Did you secure the border? Or they tell you that you did not secure the border and you have to be sure that you set them straight and they understand that you did secure the border.

The money has been rolling in every year to secure the border, and it will be coming in again this year to get this work finished because if it can't get finished, the other provisions cannot be carried out. One of those other provisions is a brand new effort on the part of this great country to take 10 to 12 million aliens who live in our country, who live kind of as hideouts—they are everywhere and they are nowhere. Some live running from one place to another. Others have found a way with illegal cards to find their way into society. They are your neighbors with their kids going to school just like yours. We have decided, because the country has asked us to, that we have to do something about that 10 to 12 million people.

For those who are interested, just ask your Senators about the bill as it is written, ask what we are going to do. We are going to tell those illegal aliens who are here working: If you want to take advantage of this law, you have to come forward and turn yourself in, and the United States will then begin to work with you on a path toward giving you a document that you can carry with you, that you can use to obtain work, and you will be legal 4 years at a time.

The bill also says after 8 years of that process, you will have an opportunity to choose, if you want, to move in the direction of becoming a citizen. But you still have at least 5 years to wait, and you must return to your home country and file your application. You must pay another fine. You must learn English. That is the first time we have had that provision. And you must learn U.S. civics.

All of that must happen: 8 years of work, make a choice to pursue citizenship, wait at least 5 more years for a total of 13 years, and then if you can pass the citizenship test, you can become a citizen if you so choose. You can choose another route and you don't have to become a citizen or ultimately you can go home. There might be many people who will do that. We don't know.

Before I turn the time over to Senator SPECTER—and I don't have time—but my friends, a couple of Senators have heard me talk before about my family, average people who got involved with the laws of our land as immigrants.

Madam President, how much time would Senator SPECTER like?

Mr. SPECTER. Six minutes.

Mr. DOMENICI. It looks like we have 6 minutes. Is that what it is?

Mr. SPECTER. I think there is 10 minutes.

Mr. DOMENICI. I will take 4 minutes telling about my family, and Senator SPECTER can have the rest.

Mr. MENENDEZ. Madam President, will the Senator from New Mexico yield for a unanimous consent request?

Mr. DOMENICI. I will be pleased to yield.

Mr. MENENDEZ. Madam President, I appreciate the distinguished Senator yielding. I ask unanimous consent that at the end of the time on the Republican side, I have 5 minutes to speak before the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I would normally not object, but I understand the leaders have set the time at 5:30 p.m. for the vote, and this request will extend the time. I don't think I have the authority to extend the time for a vote. Madam President, I ask Senator KENNEDY, am I thinking right? I wasn't here when we agreed to take this up.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I look at it, we have 11 minutes. The leaders had indicated to different Senators earlier that they wanted 5:30 p.m., and everyone is on notice for that to happen.

Mr. DOMENICI. It is at 5:30 p.m. we are going to vote.

Mr. KENNEDY. That is the time we were told.

Mr. DOMENICI. I have to object.

Mr. MENENDEZ. I say to the distinguished Senator that before his time expires, we are going to try to work it out with the two leaders to make sure it will be appropriate to ask consent again. So before the Senator's time expires, I will again ask unanimous consent.

Mr. DOMENICI. That is fine. If the Senator from New Jersey has permission, he can come back and do that.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Madam President, I wish to tell about both my parents who came to this country as aliens, but I don't believe in 3 or 4 minutes that I can do that adequately. So I will try to find another time in the next 5 or 6 days to tell you, Americans, who are listening, that you have a Senator whose parents were both born in a foreign country, whose parents came here as youngsters.

It is a very interesting story because on my mother's side, she married my father after consultation with a lawyer about citizenship requirements. They were told that my mother was a citizen once they got married because my father was a citizen. He became a citizen because he served in the First World War. He came over right at the turn of the century and was drafted into the First World War.

It turned out that the lawyer gave them wrong advice, and my mother was not a citizen. She raised her children here and lived here as a perfect model citizen.

Then one day during the Second World War, she was arrested by several men who came in black cars to the back door while we four children were playing with marbles, or whatever we did. In came the people, the agents that work for the U.S., saying this lady was an illegal alien and she should be arrested.

Of course, that was a shock, needless to say. My father came hurrying home from work and, guess what, the lawyer who had given him advice, my dad brought him along. He went over to his office and got him and said: You got us in this trouble, maybe you ought to come over and get us out.

Sure enough, the lawyer was very upset. By evening, my poor mother was released because she had a good lawyer. A lot of people don't have that, and we know what happens to them under our laws.

Next, I will tell you about my father and what happened to him. That will be the next episode, shall we say. For now, I yield the remainder of the time that we have to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I have been told by the leadership that we can extend the debate by 10 minutes—5 minutes for the Senator from New Jersey and, if necessary, 5 minutes on the other side.

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

Mr. SPECTER. Madam President, I am always fascinated by Senator DOMENICI's floor statements, about his immigrant parents. I will take just 60 seconds to talk about my immigrant parents.

My mother came here when she was 6 years old in 1906. My father came in 1911 when he was 18. The Czar wanted to send my father to Siberia. He lived in Ukraine. That is where the Czar wanted to send all the young Jewish men, to Siberia. My father didn't want to go to Siberia because he heard it was cold there. He wanted to go to Kansas instead. It was a close call, and he got to Kansas where I was born.

They didn't have enough money to hire a lawyer, but, fortunately, they didn't have any problems either. In Wichita, there weren't many big black cars, so the family lived happily ever after.

On the issue before the Senate, I urge my colleagues to vote for cloture to proceed. We have been engaged for the better part of 3 months in extraordinarily extensive and complicated negotiations. Every week from 4 to 6 p.m. on Tuesdays, Wednesdays, and Thursdays, we would meet. Those hours were extended. We are trying to tabulate the total number of hours we worked. So far, nobody can count that high. But we had 10 Senators working almost full time, and we came to a compromise and a combination, which is the way we work around here.

I knew at the outset that working on immigration was going to be the third rail. The third rail is that rail that electrocutes you. We have long talked about Social Security as the third rail. Immigration is equally a third rail.

There is no way to satisfy all facets of the political spectrum. We are accused on the right of amnesty. We have done everything we could to avoid that charge. I think we succeeded. Those undocumented immigrants will have to pay a fine, they will have to pay back taxes, they have to learn English, they have to fit into our culture, they have to hold jobs and be responsible, and go to the end of the line. They can't begin to qualify until 8 years have passed. It may be as long as 13 years which have passed. So it is not amnesty.

Right now we have anarchy—anarchy. Those 12 million undocumented immigrants are going to be in this country one way or another. We can't deport them. If we have a registration procedure, there is a chance that we will identify undocumented immigrants who have criminal records who ought to be deported. It is possible to deport a small number, but certainly not all 12 million.

The new program will have detention space for 27,500 people, but we can't begin to detain 12 million people, to litigate the deportation process. It cannot be done. But that is not stopping those on the right from calling it amnesty.

Those on the left think it is not sufficiently compassionate and object to the provisions on the touchback and think that there is not sufficient emphasis on family unification. If I had my druthers, many of those provisions would not be in the bill. But every time we find a point which is objected to, that point doubtless is in the bill in order to get two other considerations that somebody would like. It is an accommodation.

The old saying, you never want to see legislation or sausage made doesn't apply here because what we have had to deal with wouldn't even qualify for sausage. It would be so unpalatable really. But what we are really facing here is a broken system. We have anarchy. We have borders which are porous. This bill will fix that with fencing, with barriers, with 6,000 additional Border Patrol to the 12,000 there now, and we will eliminate the magnet for jobs for illegal immigrants because now we have a way to identify who is legal and who is not legal.

So we are in a position to impose tough sanctions on employers who hire those who are illegal. We have the need for a workforce for restaurants, for hotels, for landscapers, for farms. The Chamber of Commerce doesn't like the bill because it doesn't provide a sufficient workforce.

We have tried to calculate a point system. We have to produce a lot of green cards for the undocumented immigrants, and we have tried to provide a point system which will give due regard for the low-skilled workers for the workforce and due regard for the high-skilled workers so we can be competitive. We have also given consideration to family ties. So we have done the best that could be done under these circumstances. If anybody has a better idea, we are open to suggestions. At least we should be able to proceed to have a debate and to proceed to the consideration of the bill. If people have amendments, the Senate will work its will.

We have a fragile coalition, however, it ought to be noted. The coalition is fragile. If the basic tenets of the proposed legislation are not fulfilled, some will withdraw their support. At a bare minimum, after what has been done in a very forceful, good-faith effort by Democrats and Republicans working very hard, very sincerely, in good faith to come up with a bill, we have one pending. At a minimum, it ought to be considered.

Whether it will be passed remains to be seen, but we have drawn from all segments of the political spectrum, and the consideration of this legislation ought to proceed. I urge my colleagues to vote cloture on the motion to proceed.

Mr. KENNEDY. Madam President, I think we have 5 minutes remaining, and I yield the time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I thank the Chair.

Madam President, I don't support and can't embrace the underlying agreement that has been struck, but I do believe every Senator should vote for cloture, and I want to talk about that.

If you vote ''yes'' on cloture, you are voting to give the Senate an opportunity to move forward with tough, smart, and comprehensive immigration reform that secures our Nation's borders. If you vote ''no'' on cloture, you are voting to maintain the status quo of failed laws and a broken immigration system that is weak on enforcement, leaves our borders and our citizens unsecured, while also allowing for continued exploitation and human trafficking.

If we have to wait a couple of years, and that is what will happen if we don't move this now, then States and municipalities will pass their own laws, which often violate equal protection laws, can discriminate against those who are U.S. citizens and lawful permanent residents, and create conflict within otherwise peaceful communities.

By invoking cloture, we have the opportunity to strengthen the screening process at our consulates and points of entry, to better use technology along our borders, to make sure our agencies have both the necessary staff and the resources to do their jobs, thus effectively tightening our border security and workplace enforcement. By invoking cloture we have the opportunity to create an equal playing field and ensure that America's workers, wages, benefits, and health and safety standards are not undercut.

Finally, by invoking cloture we have the opportunity to realize the economic realities in our society in which undocumented workers are doing the worst work that we cannot get many Americans to do, such as picking the fruits you had for breakfast, cleaning the hotel rooms for your stay, or plucking the chicken you had for dinner last night. We have an opportunity to vote to create a pathway to earned legalization—not amnesty but earned legalization that will take many years, considerable fines, payment of taxes, and a new English standard that will be required for permanent residency for the first time in our history.

That is what is at stake in the vote this evening. It seems to me we have to move closer to once again controlling our borders, restoring the rule of law, and maintaining our long, proud history as a nation of immigrants.

Last Thursday, the administration and a group of our colleagues came to an agreement that is often referred to as the ''grand bargain.'' Unfortunately, there are a number of details in this deal that, in my mind, create an unfair and impractical immigration system, undercutting the more sensible provisions. It is my intention, working with many colleagues, through a series of amendments, to help lead a charge to improve the deal by ultimately creating on the Senate floor tough, smart, and fair immigration reform.

Very briefly, I believe the ''grand bargain'' has at least three serious flaws that must be fixed—an antifamily bias that clogs the system, a temporary worker program that creates a permanent working underclass, and exorbitant fines. If we don't improve the ''grand bargain,'' we could tear at the fabric of family reunification by eliminating four out of five family-based green card categories and capping green cards for parents at 40,000 a year. So much for family values not stopping at the Rio Grande River, as the President has talked about.

If we don't improve the ''grand bargain,'' we would enact a truly temporary worker program that labor doesn't support and that bars most temporary workers from any path to permanent residence. Without such a chance, these workers would be driven underground and could be exploited while creating yet another underclass of undocumented workers.

If we don't improve the ''grand bargain,'' we will require a family of four to pay up to $19,000 in fines and fees, which is far more punitive than what I have seen in the Federal criminal code for a variety of criminal offenses, such as the possession of firearms, possession of narcotics, and other things, and is impractical to luring those in the shadows to come forward and be identified and regularize their stays in this country.

I believe what this country does on immigration represents the core of American values. How we treat this subject will either show the best or worst of America, and so while I am not supportive at this stage of the bipartisan comprehensive agreement that has been reached here, I urge Senators on both sides of the aisle to stand up, to vote for cloture, and to permit a comprehensive debate to start in the Senate and, hopefully, to work a bill we can ultimately be proud of, that can secure the Nation, fuel our economy, and at the same time guarantee we bring millions of people out of the darkness and into the light.

Madam President, I yield the floor.

Mr. KENNEDY. Madam President, do we have 1 minute or so?

The PRESIDING OFFICER. The majority's time has expired. The minority's time is 4 minutes.

Mr. SPECTER. Madam President, I am advised Senator MCCONNELL, our leader, is on his way to the floor, so he will be arriving shortly and we will use the balance of our time.

Until he arrives, would either Senator on our side of the aisle care to make a statement?

Well, if no one else will, I will use the time.

Mr. KENNEDY. Madam President, will the Senator yield for a question? Perhaps we could mention, so all the Members understand, this then is the cloture vote on the motion to proceed, which will permit the Senate to begin the debate. So a vote in favor would permit at least the debate on this issue, which is of fundamental importance in terms of our country; am I correct?

Mr. SPECTER. Madam President, the Senator from Massachusetts is correct, this is a cloture vote on the motion to proceed. This will enable the Senate to take up the bill.

Again, I emphasize the very laborious efforts of more than a dozen Senators, meeting many hours, structuring what has occurred. It is easy for anyone to pick out a provision of this bill he or she would not like, but for every provision that is in the bill which the Senator might object to, that was probably placed there in consideration for other provisions in the bill which that Senator might agree to. There are many tradeoffs in coming to the conclusions which we have, so that when we proceed to the consideration of the bill, obviously any Senator may offer any amendment he or she chooses, but I would again comment that the coalition which has brought this bill to the floor is a very fragile coalition. If there are any changes on the fundamental so-called ''grand bargain,'' a term originated by Senator LINDSEY GRAHAM, we are going to run the risk of losing Senators.

The issues are enormous. This is an enormous issue facing the country. No domestic issue is of greater importance than this one, and we ought to do our utmost to find an answer to it because today, on immigration, we have anarchy. There are people complaining about amnesty, but the 12 million will be here no matter what we do. When we take a look at the specifics, it is not amnesty. There are fines to be paid, there are taxes to be paid, there is English to be learned, there is hard work to be done, and undocumented immigrants are going to have to earn their way to citizenship. They start at the end of the line with a minimum of 8 years and perhaps as long as 13 years.

Madam President, I am told Senator MCCONNELL is within sight. How much time remains, Madam President?

The PRESIDING OFFICER. There is 1½ minutes remaining.

Mr. SPECTER. Maybe we will head him off at the pass and tell him not to come.

Senator MCCONNELL is here, and he has 1½ minutes remaining, according to the timekeeper. He may have some leadership time, who knows.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, voting for cloture is a vote simply to begin the debate on this legislation. Normally, cloture is used to end debate, but here it is to begin.

This is an extremely complicated, comprehensive piece of legislation, worked at on a bipartisan basis over a period of time. It needs to be finalized. I understand there was a modification to the substitute this afternoon, agreed to, I believe, by Senator KENNEDY and Senator KYL. We need to make sure whatever substitute is offered is, in fact, reflective of exactly where this legislation is.

The other point I would make is we shouldn't be in a hurry to finish this bill. Last year, there were 35 immigration amendments. Twenty-three amendments were voted on before cloture and 12 after cloture. This is, by any standard, at least a 2-week bill, and I think any effort to finish up this bill, one way or the other, this particular week would be unsuccessful. This is clearly a 2-week bill.

This is an important subject. I think there is widespread discontent with the status quo in our country on the status of illegal immigration. It is time for the Senate to take this up and to give it adequate time for consideration. Hopefully, at the end of 2 weeks, we will be able to pass a bill on a broad bipartisan basis that improves the current situation.

With that, Madam President, I yield the floor.

CLOTURE MOTION

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

The legislative 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 144, S. 1348, Comprehensive Immigration Reform.

Barbara Boxer, Harry Reid, Patrick Leahy, Carl Levin, Jack Reed, Dick Durbin, Daniel K. Inouye, B.A. Mikulski, Robert Menendez, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, Jeff Bingaman, Ken Salazar, Dianne Feinstein, Christopher Dodd, Edward Kennedy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1348, a bill to provide for comprehensive immigration 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Florida (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 69, nays 23, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—69

Akaka	Feingold	McCaskill
Alexander	Feinstein	McConnell
Bayh	Graham	Menendez
Bennett	Grassley	Mikulski
Bingaman	Gregg	Murkowski
Bond	Hagel	Murray
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Pryor
Brownback	Inouye	Reed
Burr	Isakson	Reid
Cantwell	Kennedy	Rockefeller
Cardin	Klobuchar	Salazar
Carper	Kohl	Schumer
Casey	Kyl	Smith
Chambliss	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Voinovich
Craig	Lincoln	Warner
Domenici	Lott	Webb
Durbin	Lugar	Whitehouse
Ensign	Martinez	Wyden

NAYS—23

Allard	DeMint	Sessions
Baucus	Dole	Shelby
Bunning	Dorgan	Sununu
Byrd	Enzi	Tester
Coburn	Hutchison	Thomas
Corker	Inhofe	Thune
Cornyn	Roberts	Vitter
Crapo	Sanders	

NOT VOTING—8

Biden	Johnson	Nelson (FL)
Clinton	Kerry	Obama
Dodd	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, for all Senators, I have had a number of conversations with the distinguished Republican leader. I think it would be in the best interests of the Senate—I am confident that Senator MCCONNELL agrees because it was his suggestion—that we not try to finish this bill this week.

I think we could, but I am afraid that conclusion wouldn't be anything that anyone wanted. There simply is not enough time on this massive, massively important piece of legislation to do it all on Tuesday, Wednesday, Thursday, and Friday.

So, reluctantly; I kind of guard this schedule like my best friend, I think I am going to have to give my best friend 1 less week to do other things. When we come back the week after the Memorial Day break, we will spend that on immigration. I think the country deserves it. I think the Senate deserves it. We can come up with a better piece of legislation in that period of time.

I do appreciate the suggestion of my distinguished Republican counterpart. Also, Mr. President, as I have said, this is an imperfect piece of legislation. But what in the world would anyone expect? This is a tremendously important piece of legislation. The immigration system in our country is broken. It needs fixing. We have an obligation to fix it, as hard as it is, because it is required that we take positions on issues we would rather not.

So I would hope, during the next couple of weeks as we are working on this matter, that people will legislate in a bipartisan manner. No one is trying to get an advantage over anyone else with this piece of legislation. We have blame for both Democrats and Republicans.

But whatever we do in the Senate is not the last word. After we complete the legislation, the House will have to do something on that. They will come up with what they feel is the best way to handle immigration. We will then go to conference.

During these entire three steps, we will be working with the White House to try to come up with something to fix a broken system. Now, are we going fix it perfectly? Probably not. But it is something that is badly in need of fixing. We are going to make it much better at the end of the process than it is now.

I yield the floor

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I appreciate the remarks of the majority leader. It reflects the conversation he and I had earlier this afternoon, where I indicated there was a strong feeling on this side of the aisle that this was a 2-week bill.

Last year when we took up this matter, there were 35 amendments voted on. Twenty-three amendments were voted on before cloture, 12 were voted on after cloture. Clearly, this is an extraordinarily complex and challenging piece of legislation.

So I wish to thank my friend, the majority leader, for realizing this is not going to go anywhere unless we have a full and thorough debate of at least 2 weeks.

I yield the floor.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order the motion to proceed is agreed to.

The Senate will proceed to the consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the chair for the effort he has taken. I hesitate very much to impose on the time of the Senate. But there ought to be a time now and then when one might impose on the time of the Senate.

Let me read from the Standing Orders of the Senate, Standing Order 105.

Hear this: ''Resolved, That it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator.''

I always try to do that, Mr. President. That was by S. Res. 480, 90th Congress, second session. October 11, 1984. I will tell you who authored that resolution. That was my former colleague, my former late colleague Jennings Randolph. I have never forgotten it. Once in a while, I vote from the well of the Senate, and sometimes I cast my vote from here. But that is what this book says: ''Resolved, that it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator.''

There was a reason for that. I won't take the time of the Senate this evening to talk about this further, but I will have something to say one day about that. ''[E]ach Senator shall vote from the assigned desk of the Senator. S. Res. 480, 90th Congress, second session, October 11, 1984.

May God bless his name, Jennings Randolph.

I thank the Senate, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as always, we thank the Senator from West Virginia for insisting that Senate decorum be enforced. All of us understand his devotion to this institution and to its ability to function in an effective and efficient way. He reminds us, and we need to be reminded at times. We thank him. I remember Jennings Randolph making those points time and time again about standing at one's desk. That was back at another time, but I certainly remember his service to the country.

So we have some idea of the way we are going to proceed, I have been notified, although I haven't had an opportunity to talk either to Senator SPECTER or Senator KYL or others on the other side, that we have two amendments at least that are going to deal with the temporary worker provision, one which would effectively strike all of the temporary worker provisions that will be probably offered by the Senator from North Dakota, and another amendment which will be the amendment to reduce the number of temporary workers from 400,000 to 200,000. Those were amendments similar to the ones we had the last time we had the immigration bill. We had a good discussion, and we will have that debate, but we don't expect, obviously, that we will be voting this evening. We are prepared to involve or engage in the debate or discussion, if those Members want to, but it will be our hope that those amendments would be done in a timely way for tomorrow. It is a good way to get the debate started because it is an issue that is broad enough in scope that certainly those of us who were here during the last debate remember it quite clearly. Others can understand it quite well because it is a fairly obvious issue. It is about what is going to be the number, whether we are going to have a temporary worker program and whether we are going to have temporary workers at this dimension, 400,000 reduced to 200,000.