

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

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

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

Our military families and the families of this Nation's public servants who are sent abroad do not deserve to be punished for their service. The laws of this Government and the agencies that execute them must not be allowed to separate families whose members stand up to answer the call of duty, and I would hope that all my colleagues could join me in protecting our Nation's families from this disgraceful practice.

I ask unanimous consent that the text of the Amendment be printed in the RECORD.

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

At the appropriate place, insert the following:

SEC. ____ . RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. FRIST. Mr. President, we are about to close in a few moments. We have some business to do. But I want to comment briefly on the events of today with respect to what I think is tragic in the sense that we are, in all likelihood, not going to be able to address a problem that directly affects the American people.

What the Senate does best is to identify a problem, to develop and take a solution through committee, and then bring that product to the floor of this body and allow 100 Senators—the body itself—to modify, to take away, or to add to that product and produce a bill. And it becomes especially important when you are addressing very complicated issues, tough issues, tough challenges that you produce a product that reflects the intent and the will of this entire body, the Senate.

In this particular case, when we are discussing immigration, the problem has been clearly identified. Our borders

are broken. Our immigration system does not work. Our laws that are on the books are not being enforced.

Again and again, we have heard over the last 2 weeks that we are a nation of laws, a proud nation, a rich nation because of our immigrants and our history of immigrants. But with those laws not enforced, our workplace is not protected, and with employers not having the tools available to enforce those laws, with too many people living in the shadows, we have a set of problems that have to be addressed.

This body has moved in the direction of addressing that in a comprehensive way. We developed a product in the committee, we took that product to the floor, but when we came to the point where the minority, using their rights, which I would argue is abusing those privileges, caused the system of deliberation and amendment to fail, that resulted in postponement, it resulted in blocking amendments, not having votes, obstruction.

They did not allow amendments to be offered—the substantive amendments, the really important amendments—or to be voted on.

Everybody watching this debate over the last week and a half asked—we all have that telephone call or that question in town meetings: How in the world could the Senate possibly operate that way? How can a handful of Senators or a minority of Senators—fewer than 50 in this body—actually stop progress on an important bill?

The American people are baffled by it, and appropriately so. The answer lies in that the rules of the Senate allow them to do that, and if those rules are used in that manner, then things can be stopped, postponed, and blocked.

People call it tyranny of a minority. Is that an overstatement? Not really, because the tyranny means that you have something bad happening, and the strength is of the minority, and that has actually taken place. We have seen it play out over the course of the last 12 hours, almost exactly 12 hours after a vote today to oppose a bill that gives illegal immigrants, undocumented people, a direct special path to citizenship. Many thought it would be a new day and, indeed, shortly thereafter, a large number, a bipartisan group of people, rallied in support of proceeding to an amendment put forth by Senators HAGEL and MARTINEZ, broadly supported with a number of cosponsors on both sides of the aisle.

That amendment, coupled with the work that the committee had done to date, that the Senate had done, did everything pretty much in terms of tightening the borders, worksite enforcement, looking at 12 million undocumented, illegal immigrants here and saying it is not a monolithic group and has to be addressed in a certain way and developing a temporary work-er program.

However, at that point, the minority, having said the amendments could be

offered, reversed course, and over the course of today we have not had any amendments offered. We have had them offered—in fact, 396 amendments are at the desk—but we are not allowed to take any of those amendments out and debate and vote on them. And we did not do any amendments today. We all know a lot of people say they will file amendments, and they do not ultimately even want to debate them, but 396 amendments reflect a lot of Members with interest, on both sides of the aisle, with an interest in modifying or attempting to modify or discussing how they might modify the underlying bill.

I have been consistent in my remarks over the last several days, actually at the end of last week, as well, that it is important we begin debate and we begin that amendment process and get votes on some of those amendments. People say, well, you had three votes. There are 396 amendments, and we did have three votes. They were fairly non-controversial. The problem is that we have a lot more substantial amendments.

The amendment that we talked about earlier tonight, the Kyl amendment, was offered Wednesday of last week; and another amendment, the Dorgan amendment, was offered last week; and the Isakson amendment was offered last week. These are amendments we have not been allowed to vote on.

Earlier tonight, a couple of hours ago, when the Democratic leader and I were both on the floor, I suggested we go ahead and take up the Kyl amendment. Even if we could not come to all the agreements about what will happen weeks or months from now, let's go ahead and take up an amendment and maybe we could capture the good will of the Senate, show progress, and after that take up the Dorgan amendment and the Isakson amendment, and hopefully at some point—maybe it even could have been now—we could see how we could proceed with other amendments.

That proposal was refused and, thus, we are here now a couple of hours later. A lot of other proposals have gone back and forth, and without talking too much about what the Democratic leader and I have talked about, we have tried to put together packages or groups of amendments that might be considered. I have been quite open. We would like to see about 20 amendments, out of 396, about 20 be considered at some point in the future, in a package, and ultimately have passage of the bill after those amendments. How they fall is important, but voting is important. And however they fall, if we can vote on the underlying bill, I think it would pass. But the response to that, again, was “no.”

I mention that because we have seen this flow over the course of the day, a lot of optimism earlier today, but now, since we have had no amendments over the course of today, I don't see how cloture can be invoked tomorrow

morning. We will have to wait and see how the votes go, but I would think all of the people who have been denied the opportunity to offer their amendments are not going to want to proceed where, in a process, they are being shut out, totally shut out. But we have to wait and see how that vote goes tomorrow morning.

Now, where do we go from here? I always say that tomorrow is a new day, and we do not know what exactly will happen tomorrow morning. I do see little progress on this bill possible tomorrow because of the obstruction that we have run up against.

What is disheartening to me is that we do have a huge problem along our borders today. As I have said many times before, when I was last at the Rio Grande border, 400 people were caught that night. That means 400 people will probably be caught tonight in that one little sector. But in addition to those 400 people being gone, there are probably about 800 or 1,200 people who are going to get through that border tonight—just that little sector tonight—and tomorrow night and the next night and the next night because we did not act and because we are not acting and not moving forward. I think that is a disservice to the people living along those borders. It is a disservice to the people who are going in those hospitals along the borders in the border States, who have to wait hours, sometimes several hours, maybe even a whole day, because these waiting rooms are crowded with people who have come illegally across the border over the preceding days.

But we will have to see how the vote goes tomorrow morning. If cloture is not invoked—and I don't see how it can be, the way the process has proceeded—we will have a cloture vote on a strong border security bill, a bill that does deserve to be passed. If we cannot pass the comprehensive bill, because of obstruction, we will have the opportunity after that to vote on a strong border security bill that also has interior enforcement and worksite enforcement tomorrow morning as well.

I do hope we can turn the corner here at some point and address these problems which do affect the American people. We have to stay above partisanship. We have to work together and be able to debate in a civil way. I stressed that initially when we began the debate, saying we have to be civil and dignified, but then I found that we were not even really able to debate because we have not been allowed to vote on these amendments.

Mr. President, does the Democratic leader want to have any comment? If not, I will proceed on with business. I do not want to cut off anything.

Mr. REID. Mr. President, I will say a few words. I wasn't planning on saying anything, but I think I must say something.

Mr. President, no matter how many times I call this lectern a car, it does not matter, this is not a car. This is a

lectern, used here in the Senate for us to put our papers on and deliver a speech. This is not a car. If I come to the Senate floor and, day after day, hour after hour, call this a car, it is not a car. It is a lectern.

If I come to this Senate floor day after day and say what the Democrats have done is unusual, unwarranted, unbelievable, it is wrong, it is as wrong as this lectern being called a car.

Now, we are in a unique situation. The distinguished majority leader and I have really tried to work something out. I indicated that I thought it would be appropriate that we agree on who would be on the conference—the Judiciary Committee. It sounds reasonable.

I also thought we should have—not that I was rushing forward with this, but I would agree, on behalf of my caucus, to a reasonable number of amendments. Mr. President, 20 or so is not a reasonable number of amendments. That is filibuster by amendment. It appears here what they want is to filibuster. They, the Republicans, want to filibuster the Martinez bill.

So I do not know how much more reasonable we could be. We are united. We have produced votes this morning to show we are serious about legislation. We will continue to fight for strong border enforcement, comprehensive immigration reform.

What we have suggested is reasonable. It is fair. And the distinguished majority leader said we will see how the vote goes. I think that is really important, that we see how these votes go. I would hope that the night will bring the confidence that we can move forward and invoke cloture on the Martinez bill and finish this legislation. There are still votes that would be valid postcloture on that.

I also make this commitment: If cloture is not invoked—and I think that would be a terrible disservice to this country—I will continue to work on immigration reform. This is something that has to be done. It has to be done. The leader and I have gone back and forth so many times today that we are beating paths to our offices.

I hope this legislation will move forward tomorrow. I know people feel that this lectern is a chair, but it is not. This is the Senate. This is how it works. The way to bring all this to a close is to invoke cloture. And then we can all walk out and declare victory for the American people. This isn't a question of who filed a cloture motion or who allowed amendments or didn't allow amendments. This is the Senate. That is how it has worked for almost 220 years.

I hope the night will bring what I think is common sense and we can resolve this matter. It would sure be something I would like very much.

Mr. FRIST. Mr. President, I want to, one more time, make it clear that we have tried to move to take up the Kyl amendment tonight, but the other side refused that opportunity, and the Dorgan amendment and the Isakson

amendment, to proceed with debate. The Democratic leader and I have had the discussion. I want to make it clear that not supporting cloture tomorrow is the only way we can support our right to be able to offer amendments and to debate them. It is important for everybody to understand that because it comes on the heels of broad support for the underlying amendment.

Mr. REID. If I could ask a question—pardon the interruption—that would be in addition to at least 17 other amendments at some time in the future; is that right?

Mr. FRIST. Mr. President, the intent is to start down the path of amendments and allow the debate and then to allow the votes. We have stopped short because I have said that our side, since 396 amendments have been offered, needs about 20 amendments—and this doesn't have to be right now; this could be at some point in the future—that we could put into a package and then debate the bill. With that, we have not been able to reach agreement. That is where we are. But this willingness to debate and vote, I want to make it crystal clear we have attempted again to do that. I keep mentioning it because with cloture in all likelihood not being invoked tomorrow, it is solely because we have not been given that opportunity to offer amendments to improve the bill. Some of them would win; some would lose.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. FRIST. I am happy to.

Mr. DURBIN. If we fail to invoke cloture tomorrow, is the majority leader saying we then cannot amend the Martinez substitute that is before us?

Mr. FRIST. I believe that following the cloture, if cloture is not invoked on the Martinez amendment tomorrow, we will follow that immediately with a cloture vote on the bill itself, the border security bill.

Mr. DURBIN. If I might ask the majority leader, if I understand it, it is a cloture vote on the motion to commit which would make the Martinez substitute the bill before us. If that cloture vote prevails, there is ample opportunity then to amend that substitute that is before us. Why does the majority leader argue that Republicans would withhold their votes and stop the process? The process can still go forward. Amendments can still be offered at that point. We have not filed cloture on the underlying substitute. It is only on the motion to commit.

Mr. FRIST. Mr. President, the problem with tomorrow is, we will be in the exact same situation. If cloture is not invoked, we will have one amendment up. We will be exactly where we are now, with your ability to do what you have done, what the Democratic side has done, for the last week and a half, and that is not to allow amendments to come forward and continue to block and obstruct. That is the problem, that we can't come to an agreement on a package. And we have tried to bring it

up with a group of amendments, say 20 amendments. We have tried to say let's take one amendment at a time. And the problem is that process is being thwarted, whatever technique we try.

I will not support cloture tomorrow and I don't think our side of the aisle will support cloture tomorrow because it denies our Members the right to offer their amendments and debate them.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. If cloture is invoked tomorrow, there would still be an opportunity to offer amendments postcloture, germane amendments?

The PRESIDING OFFICER. If a slot were available on the amendment tree, they could be offered. Currently, there are no slots. The tree is full.

Mr. REID. Mr. President, I ask the distinguished Chair, those slots were not filled by the minority, were they?

I think the point is made.

The PRESIDING OFFICER. On the motion to commit, the amendments were offered by the majority leader.

Mr. REID. I have no further questions.

Mr. FRIST. Mr. President, the leader is aware that one amendment could be pending during that entire 30 hours. The minority could deny Members the right for votes on their germane amendments.

I guess I would ask, would the minority leader agree to allow amendments be given 30 minutes of debate, equally divided, so we can be assured that we can debate and vote on that and other important amendments?

Mr. REID. Is that postcloture?

Mr. FRIST. Yes.

Mr. REID. I would be happy to consider that. I think we would have to see what amendments were offered. But I think something such as that is within reason. I am happy to see what we can do. I cannot say until I know what the amendments are, which ones are germane or not.

My point is that there is a way we can have amendments offered postcloture. All we have to do is have cloture invoked tomorrow.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to votes in relation to the following amendments: The Kyl amendment, the Dorgan amendment, and the Isakson amendment.

I further ask that before each vote there be 30 minutes of debate equally divided in the usual form.

Before the Chair rules, I note that two Republican amendments in this agreement have been pending for over a week.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, of course, Mr. President, until we have an agreement, as has been indicated, on what is going to happen postcloture, and we have talked about

this, and a conference—these things sound very procedural in nature, but they are important to what this body does. So I object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support a bill which I will introduce, entitled, "Reverse the Raid on Student Aid Act of 2006."

Forty years ago, our country made a promise to the young men and women to make college more affordable for those who have the determination to pursue higher education regardless of their financial background. This promise was made through the enactment of the Higher Education Act of 1965.

Even before the enactment of that legislation, the National Defense Education Act in the 1950s marked the first time that Congress made a Federal commitment to help young people complete their education.

Most people do not remember the circumstances. We started giving student loans across America because we were afraid. Our fear was based on the fact that the Russians in the 1950s launched a satellite known as Sputnik. We knew they had nuclear capacity and now they were launching a satellite in the heavens. It frightened us.

In the midst of the world war, we did not know if we had a new vulnerability, but we knew where to start in America. We started in the classroom. We decided we needed a new generation of Americans with a college education—specialists, scientists, engineers—people who could prepare America to defend itself and to be competitive in years to come. And we also realized that college education in the 1950s and 1960s was not what it is today. It was really the province of the lucky few, those who were the Senators and daughters of alumni across America and those fortunate enough to be discovered and given a chance to go on to higher education.

We changed everything in the 1960s. We democratized college education in America. College education became an opportunity for many in families that had never produced a college graduate. How did these kids get to school and finish? The National Defense Education Act said: We will loan you the money.

I know a little bit about this story because I was one of those students. After graduating from high school, I borrowed money from the National Defense Education Act and went on to complete a college degree and a law degree. I never could have done it without borrowing that money. The terms now seem so simple and so easy. I was supposed to pay that money back over the next 10 years, after 1 year of grace period, but for the next 10 years after graduation, 10 percent a year at the outrageous interest rate of 3 percent. Of course, I did pay it back and look