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Senate

The Senate met at 1 p.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

High and Holy God, we praise Your Name. Bless Your work in all the places of this world. Strengthen those who labor in distant mission fields and protect those who fight for our freedoms in foreign lands. Touch the lives of Third World victims of disease and destruction, of poverty and pathology, of tyranny and neglect.

Lord, remember our own land. Quickened the hearts of our lawmakers that they may be forces for good. Guide the efforts of those who work in our Government's executive and judicial branches, providing wisdom for the challenges they face. Redeem us from selfishness as You build into us a holy reverence for others and a desire to pursue Your purposes. We pray in Your blessed Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Today, following any time that will be used by the leaders, the Senate will resume consideration of the motion to proceed to S. 1348, the immigration bill.

When the Senate resumes the motion, Senator SESSIONS will be recognized for up to 3 hours. Following that time, the remaining time will be divided between the two leaders.

A cloture vote on the motion to proceed to the bill will occur at 5:30 today.

If cloture is invoked on the motion to proceed, by a previous order, the Senate would then adopt the motion and proceed to the bill.

As we know, all those who negotiated on this worked very hard over the weekend. I appreciate their work. The provisions of that agreement will be the form of a substitute agreement, which I understand will be laid down this evening.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS ALEJANDRO VARELA

Mr. REID. Mr. President, over the weekend, 7 U.S. soldiers were killed in Iraq—in 2 days—bringing the total this month to over 70 and the total since the war started to 3,422 American soldiers.

On Friday, the State of Nevada lost PFC Alejandro Varela, a 19-year-old

from Fernley, NV. As he traveled south from Baghdad, his vehicle was hit by a makeshift bomb, and he was killed.

Alejandro was known in high school and by his family as Alex. Serving in the military was his ambition, and he worked very hard to earn his GED so he could arrive at the goal of being able to join the military.

For lack of a better description, my heart and the hearts of Nevadans and all Americans ache with the loss of this 19-year-old man. Yet we have to be proud of his willingness to serve and his courage and we are certainly humbled by the sacrifice he made in giving his life.

EMERGENCY SUPPLEMENTAL

Mr. President, this week the Senate will continue the conference on the emergency supplemental bill. Negotiations have not been easy as President Bush continues to stand isolated to his commitment to this endless war. We will continue to negotiate in good faith and in the spirit of bipartisanship. We will send the President a bill that fully funds our troops. We stand firm in our commitment to change course and bring the war to a responsible end.

IMMIGRATION REFORM

While the supplemental conference committee continues to meet, we will begin addressing the complex, crucial issue of immigration reform, and we will do that today. We all agree the current system is broken.

Employers don't know whom they can hire and whom they can fire. Produce is dying on the vine because farmers cannot find enough workers to harvest crops. There are no winners under the current system, only losers.

The Senate will have an opportunity this afternoon to vote on whether to begin debate on comprehensive immigration reform.

The bill we debate and eventually pass will give us the chance to strengthen border security, put in place an effective and efficient employer verification system, design a

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



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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 country 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 Con-

gressional 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 por-

tion 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 prin-

ciple 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 bur-

den 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 30 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 proceeded 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 time-frame 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 com-

munities 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 fam-

ily, 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 antimuggling 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 co-operative 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 de-

terred, 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 process—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 mem-

bers, 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 thresh-

old 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 resolu-

tion. 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.

I hope that will be the beginning of the debate. We will talk to those Members to try to give the membership as much notice as possible to address those issues in a timely way. They have indicated their desire to start with those. We would expect that to be done.

MORNING BUSINESS

Mr. KENNEDY. I ask unanimous consent that until 7 p.m., there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Arizona.

IMMIGRATION

Mr. KYL. Mr. President, let me comment a little bit on the same points Senator KENNEDY made.

This is an extraordinarily important piece of legislation. The American people—certainly our colleagues in the Senate—need plenty of time to digest and debate and discuss it. It is certainly nobody's intention that this would be rushed. That is why the majority leader made comments earlier this evening that assures all of the Members of this body that not only will we have this week to debate and perhaps amend the legislation, but that upon our return from the Memorial Day recess, we will take up the bill again and, as he indicated, would have another week, if we needed it, to continue work on the legislation.

While it is true the legislation did not go through the committee process, I assure my colleagues it was never anyone's intent that there not be the fullest opportunity for discussion and debate. That will in fact occur. We are now on the bill formally. It is also my understanding that technical changes from the draft legislation will be completed tonight and the first amendment will be the amendment of that substitute version. If the distinguished chairman of the committee has any other point on that, perhaps he could make it. But that would then put before the body the exact language we would begin the debate and discussion on.

I have about another 5 minutes of comments unless Senator KENNEDY wants to say anything else.

It would be in order to thank Secretary Chertoff and Secretary Gutierrez for their work in helping us in the Senate to craft this bipartisan consensus legislation. So much of the enforcement of the legislation will depend upon action by the administration. They had to help us ensure this was a bill that could be enforced in the future.

I know during the last election so many of my constituents asked the question: Why should we create a new law for you to enforce when the current law is not being enforced? That is

a good question. So one of the things we tried to do in drafting this legislation was to put together a bill that actually would and could be enforced, and the administration has helped us by providing expertise in what it would take for Homeland Security and other departments to actually provide the enforcement the American people so desperately want.

There was general agreement that return to the rule of law was the central component of any bipartisan compromise, starting with securing the border, working right up to more enforcement in the interior of the country, and especially at the workplace, to make sure nobody in the future would be hired unless it could be established they were entitled to be hired. That is one of the critical changes in this legislation from the previous law which was not enforceable and, as virtually everybody who knows this subject appreciates, the law is not being assiduously enforced particularly at the workplace. So that is a critical component of what we have talked about doing.

There are a great many other things that will be discussed as we proceed with the legislation. Referring back to my recent campaign, the voters in my State of Arizona, which is being overrun by illegal immigration, had one message loudly and clearly: Do something about this problem of illegal immigration. So I was returned to the Senate by my constituents with an obligation to do my best to get in and do as much as we could to secure the border, return to the rule of law, ensure that only people who are eligible to work here are permitted to do so, deal with the people who are here illegally in a humane and just way, and try to set up a temporary worker program for temporary workers only, rather than to recreate the problem we have today with a great deal of foreign-born workforce that isn't legal in the United States and is now demanding to become legal.

In order to get engaged in that process and do something about it, it was important to sit down with people of the other side as well as the administration. Of all the criticism I have received for being one of the sponsors of this legislation, the one I don't quite understand from my constituents is, why would I sit down with Senator KENNEDY? What I have tried to tell them is, I understand your anxiety about sitting down with Senator KENNEDY, but on the other hand, in a body of 100 Senators who are supposed to try to work together to find solutions to problems, do you not at least acknowledge that every now and then you have to sit down and talk to each other, even when you are on the other side of the aisle? Senator KENNEDY right now happens to be in the majority, in addition.

As a result, it is, in my position, important to sit down, articulate what the people of Arizona have told me

they would like in any immigration reform, and do my best to try to see that those principles, as much as possible, are included in this legislation. If I didn't sit down with Senator KENNEDY, I doubt he would include very much of what I wanted in the legislation he could otherwise draft. So what we have done, in a bipartisan fashion, is to get Senators on both sides of the aisle, with many different views, agreeing to try to put together something that can pass this body, pass the House of Representatives, and be signed into law. I know every one of us will stand up here and say: This is not the bill I would have drafted if I were king of the world or queen of the world. There is a lot in this bill I don't like very much. But I know that in order to get something, you have to give something. At the end of the day, in order to do something about the problem of illegal immigration that is hurting my own State of Arizona in ways I can't begin to describe, we have to try our very best to work together to get something that will actually pass the Senate. That means an agreement with the administration, with Democrats, and with Republicans.

I hope as my colleagues consider what we have put together, they will acknowledge you have to start somewhere, but that if there are amendments that go to the heart of this agreement and that break the agreement apart in substantial ways—not ways at the periphery or tangentially but that go to the guts of this agreement—that they can fully expect it will no longer enjoy the support of those of us who worked hard to put the agreement together. If you want to try to kill this legislation, go right to the heart of it and change any of the major pieces of it, you will find it will quickly lose support, including mine.

We fully expect Members to have a lot of amendments that deal with different aspects of the bill. There are a million different details, and that is all fine. But if we go to the guts of the legislation and that basic agreement is destroyed, then I think we will see support for it evaporate quickly, including mine.

I am looking forward to working with my colleagues and debating and discussing this legislation. But at the end of the day, I conclude there is no option of doing nothing, that our only option is to do something. That means sitting down, working together, and trying to get a good bill passed.

I appreciate the spirit in which all of my colleagues who have joined in this effort have worked toward this end.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Arizona for his comments and for his general assessment of the circumstances we find ourselves with. I can certainly give the assurance to the people of Arizona that Senator KYL is a person of extremely strong views, who has felt very deeply

about the positions he has, but is a person who believes in comity and respect for other views. He understands you can fight for your views and still compromise without compromising your values. I respect Senator KYL for that position.

As has been pointed out at other times, this has been a long, complex, difficult process, but it is one for which I share with Senator KYL that failure is not an option. This country cannot tolerate a continued border system which is fractured, which it is today, and with all the uncertainty that exists, whether it is on the borders, or the exploitation of workers, or in terms of the lives of many of the people who are here. We have tried to fashion a program, and we are going to work together to try to see that it is successful.

I thank the Senator for his comments, and we are looking forward to getting good discussion and debates on these issues.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, first, I thank my colleague from Arizona. I do not know if there is a greater champion in this body on the rule of law on border security. I thank my colleague from Massachusetts for being the master at the art of figuring out how to get it done. As a former mayor, I have great appreciation for that. When I was mayor, if it snowed, and the snow wasn't plowed, the next day I heard about it. I think we are here to fix problems. The system we have today is broken and needs to be fixed.

I thank both my colleagues for their work on this issue. There will be a lot of conversations as time goes on, a lot of debates, but in the end the status quo is not acceptable and we have to fix it.

CLIMATE CHANGE

Mr. COLEMAN. Mr. President, I want to switch subjects.

I see my colleague from Connecticut in the Chamber.

I rise to engage in a colloquy with truly my friend, the Senator from Connecticut, about an issue facing every American and every citizen of this world—an issue on which he is a true leader in the Senate, and for which he has had great vision, great perseverance, and for which I applaud him. That is the issue of climate change.

There is now a preponderance of evidence from the scientific community that human activities, particularly the burning of fossil fuels, have increased the atmospheric concentrations of carbon dioxide by 36 percent from preindustrial levels, leading to a dangerous increase in global average temperatures.

The temperatures speak for themselves. According to NASA, 2005 was the warmest year globally on record since readings began in 1880, with 1998 a close second. And 8 of the last 10 years

are amongst the warmest years on record. The effects are increasingly tangible. Since 1979, more than 20 percent of the polar ice cap has melted.

So often in this Chamber we talk about the future. We talk about doing things for our kids. Well, if we care about our kids, and we care about our future, we better care about what will happen if we do not take action soon to reduce greenhouse gas emissions sufficiently to prevent the temperature increases forecasted for this century.

Thankfully, we are a nation of innovators, of entrepreneurs, of individuals with bold initiative. The technologies necessary to stabilize our atmospheric concentration of greenhouse gases in time to prevent a dangerous increase in temperature are right at our fingertips—from biofuels and plug-in hybrid vehicles to nuclear energy and carbon sequestration for coal plants, and many more. It is time for Congress to provide the strong market signals necessary to press these technologies forward, which is why I believe Congress should work for an economywide response to climate change with an idea I have championed: provide utilities incentives to increase the percentage of their electricity sales they generate using clean energy sources such as renewables, nuclear, and clean coal with carbon capture technology.

Yet it is not enough for the United States to act alone. China is projected to be the largest greenhouse gas emitter by the end of this year. Climate change legislation must not put America's workers at a competitive disadvantage with the Chinese, and it must not send manufacturing jobs overseas. A greenhouse gas reduction program must not put Americans out of work or drive more hard-working families into poverty.

When I drive on the streets, such as Grand Avenue in St. Paul, and it is minus 10 degrees, minus 15 degrees, and I see that mom sitting at a bus stop waiting to catch a bus, or see that senior, I care about the costs they have to pay for energy. So those are things we have to think about. I refuse to look at this, or any other issue, without considering the effect it will have on those who are trying to support their family or, as I said before, the effect it will have on the elderly, struggling to survive on a fixed income.

Accordingly, I have been working with Senator LIEBERMAN over the last several months on an agreement that allows us to work together on his Climate Stewardship and Innovation Act in a way that meets my concerns about what mandatory greenhouse gas reduction legislation should look like.

Today, we have arrived at that agreement, and I believe together we can work in a bipartisan way to address this very serious issue.

I earlier introduced a sense-of-the-Senate resolution stating that any comprehensive, mandatory greenhouse gas emissions reduction program en-

acted by Congress should include provisions requiring a process of review of the program if it is found that other countries are not taking comparable action and if the unemployment or the poverty rates are found to be increasing as a result of the program. This sense of the Senate also states such a program should include incentives for utilities that increase their portfolio of clean energy.

I say to Senator LIEBERMAN, I wish to ask to be added as a cosponsor to your Climate Stewardship and Innovation Act and thank you for your cosponsorship of this sense-of-the-Senate resolution, and finally your commitment to work on EPW to examine my clean energy portfolio proposal in a committee hearing, and to fight during EPW markup of climate change legislation for inclusion of: No. 1, congressional review of greenhouse gas caps, if other countries are not taking comparable climate change action; No. 2, congressional review of greenhouse gas caps, if the unemployment and poverty rates are increasing due to a U.S. greenhouse gas reduction program; and, No. 3, provisions to reward electric utilities that increase the percentage of their electricity sales generated with "clean energy" or energy for noncarbon-emitting sources such as nuclear and clean coal.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to thank my friend, the Senator from Minnesota, for his kind words. More importantly, I thank him for the commitment he has expressed to protecting all of our children and grandchildren from the impacts of unchecked global warming.

Senator COLEMAN, in stepping forward today, has put himself at the vanguard of the next crucial wave of bipartisan support in the Senate for climate stewardship legislation.

I am proud to cosponsor his resolution which, in a very thoughtful way—not an obstructionist way—recognizes two of the most significant reasons why people have hesitated to step forward and do something about climate change. One is the equities here: that no matter how much we do in the United States of America to curb the emission of greenhouse gases—and we must because we are the largest emitter of such gases; we must lead here; it is our responsibility, ultimately our moral responsibility—but no matter how much we assume that leadership role, if other developing nations such as China and India do not do their part, because we all live in the same global environment, the problem of global warming will continue to increase and be more serious for those who follow us here on Earth.

Second is his recognition of a thoughtful way to deal with the concerns people have—even those who desperately want to do something to impede the advance of global warming—as to the impact of what we do will have

on our economy. It is clear Senator COLEMAN has been a leader here, and that is why his cosponsorship of our legislation makes a critical point. There is no conflict between protecting our world and all who live in it from catastrophic climate change and also protecting America's economy, protecting America's consumers, and protecting America's workers. We can, must, and will do both. For those who may have had doubts about our capacity to do that, I think Senator COLEMAN's cosponsorship of the Climate Stewardship and Innovation Act is critically important. The fact is everyone who works with Senator COLEMAN knows he cares deeply about the well-being of low- and middle-income Americans and of America's workers, and he would not be cosponsoring the Climate Stewardship and Innovation Act—stepping forward to take a leadership role in the battle against global warming—if he felt the components of that act would adversely affect our economy.

I am very honored to have earned the support of my friend from Minnesota on this crucial issue. I promise him I will work to ensure he is not disappointed by the outcome of our efforts. In particular, it is my honor to chair a subcommittee on climate change in the Environment and Public Works Committee, and I will work to ensure that the bill we report from our subcommittee and full committee embraces the principles set forth in the resolution my friend from Minnesota has introduced today, and of which I am proud to be a cosponsor.

The good news is I will not be working alone. I believe a bipartisan majority of the Environment and Public Works Committee wants to report to the Senate floor this year comprehensive legislation that reduces greenhouse gas emissions substantially enough and quickly enough to forestall the disastrous climate change so many reputable scientists are warning us of, and that does so in a way that does not weaken the position of the United States economically or otherwise impose hardship on our citizens.

I further say to my friend from Minnesota that before we vote on that legislation in our subcommittee, we are going to be having additional hearings. Senator WARNER, my ranking member, is committed also to seeing that the subcommittee produces legislation this year that deals with the problem of global warming and the challenge of its impact on our world. I want to ensure my friend from Minnesota that one of those hearings will include a witness who can educate the committee and discuss the proposal of the Senator from Minnesota for a clean energy portfolio standard. Personally, I think his idea is a constructive one, a thoughtful one, a progressive one, and deserves serious consideration.

I am eager to explore ways to further encourage electric power producers to increase their use of advanced technologies that can provide reliable, af-

fordable baseload electricity without injecting more greenhouse gases into the atmosphere.

Mr. President, I conclude by again thanking my friend from Minnesota and asking unanimous consent—and I do so with great gratitude to him, as I believe his leadership here is significant—that the Senator from Minnesota, Mr. COLEMAN, be added as a cosponsor to S. 280, the Climate Stewardship and Innovation Act of 2007, which Senator MCCAIN and I introduced earlier this year.

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

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my dear friend from Connecticut for his remarks, his commitments. Let me say, first, I am proud to be working with him as cosponsor of S. 280, the Climate Stewardship and Innovation Act of 2007.

The Senator from Connecticut approaches this issue, which is an important issue—it is a real issue; we have to deal with it—in a way which he is known for in this Senate, which is in a thoughtful, constructive way, a way which takes into account the concerns and the impact upon employees, upon consumers, and, perhaps most importantly, upon our kids and grandkids in the next generation. For that I thank him and say it is a privilege to work with him—a man of great character and great dedication.

Mr. President, with that I yield the floor.

U.S. TRADE POLICY

Mr. BROWN. Mr. President, the trade policies set in Washington and negotiated across the globe have a direct impact on places such as Toledo and Steubenville, on Cleveland and Hamilton. That is why voters in my State of Ohio and across the country sent a message loudly and clearly in November demanding a new direction, a very different direction for our Nation's trade policy.

Working men and women in Ohio know that job loss doesn't just affect the worker or just the worker's family; job loss—especially the kind of job loss we have seen in the last 5 years, the kind of manufacturing job loss—when we see that kind of job loss in the thousands, that job loss devastates communities. It hurts the local business owner, the drugstore, the grocery store, the neighborhood restaurant. It hurts communities. It hurts schools. It hurts police forces. It hurts fire departments.

Two weeks ago, leadership in the House of Representatives and in the White House announced a new outline for trade policy, one that included labor and environmental standards. The fact that the Bush administration was willing to negotiate at all, the fact that they were willing to pay even lip service to labor and environmental standards, underscores the November elections' importance.

Every Member of Congress, in the Senate and in the other body, the House of Representatives, is now on notice that we will be held accountable for our trade votes—accountable to workers, accountable to business owners—accountable for our trade votes and accountable for American trade policy when we go home. However, since the announcement made by the Bush administration and some congressional leaders in the House about labor and environmental standards, backpedaling by the administration and sidestepping by supporters of the deal indicate that we may be in for another round of more of the same in our trade policy.

The administration already has hinted at side deals for labor standards instead of putting those standards in the central, core part of the agreement. They are talking now about not reopening negotiations with Peru and not reopening negotiations with Panama but instead adding a little sidebar, a little letter, a little statement of support for environmental labor standards but not actually putting them in the central core of the agreement. If that is the case, if these labor and environmental standards are not in the agreement but in a side letter of some sort, then really, frankly, nothing new is being offered. It is the same old jalopy with a new coat of paint.

Voters in my State demanded real change, not symbolic gestures.

What is even more disturbing about the new outline is it appears to rely in good faith on the administration to enforce standards. Given this administration's abysmal record on enforcement of labor standards and environmental standards, not just in trade agreements but enforcement of those standards in our domestic economy, we know what this administration—we know its failed environmental policies. Given this administration's abysmal record on enforcement, relying on blind trust isn't just foolish, it is downright irresponsible.

The Jordan Free Trade Agreement passed by the House—I supported it and many others did; it passed in both Houses overwhelmingly—the Jordan Free Trade Agreement was once held up as a standard in labor provisions. It had strong labor and environmental standards in it. It passed in the year 2000, but come 2001, with a new President of the United States, George Bush, and a new U.S. Trade Representative, Bob Zoellick, the Bush administration simply turned the other way while rampant human-trafficking plagues that nation of Jordan. Shortly after the Jordan agreement was enacted, the new USTR, Bob Zoellick, sent a letter to Jordan's Trade Minister saying the United States simply wouldn't enforce the labor provisions. So even though we passed a trade agreement with labor standards inside the core agreement, this administration, this same crowd who now says they will enforce labor standards and

they now will enforce environmental standards, this same crowd sent a letter to the Jordan Trade Minister saying: We are not enforcing, we are not going to push you, we are not going to push you on dispute resolution to enforce those labor standards.

Today, as a result, Bangladeshi workers enter Jordan—from one of the poorest countries in the world—they have their passports confiscated, and work in some cases up to 20 hours a day without breaks. Then Jordan exports those goods to the United States. There is no enforcement of labor standards, no enforcement of environmental standards. There is simply the continuation of the exploitation of some of the poorest workers in the world in order to reap more profits and backdoor those products into the United States.

If that is the plan, if that is the Bush administration plan—forget what they talk about on labor standards, forget what they promise on environmental standards—if that is the plan for Peru, if that is the plan for Panama, if that is the plan for Colombia, if that is the plan for South Korea, then they will simply not get the support for these trade agreements. They will not get the support from those who talked about fair trade in their campaigns, not from small business owners, not from small manufacturers such as the local tool and die shop in Akron, the local machine shop in Dayton, not from workers across the country who say: We don't want more of the same.

That is what the elections last fall were all about. I believe every single new Democratic Member of the Senate—there are nine of us—every single one of us has talked about fair trade, not free trade. If this administration thinks by simply saying: We are for labor standards, we are for environmental standards, we will put it in a little side letter here, and then a wink and a nod to their friends in the National Association of Manufacturers, a wink and a nod to the large corporations that benefit from slave labor and child labor, simply giving them a wink and a nod, if they think this Senate and the other body are going to pass this kind of legislation, they are wrong. We know our trade policies have failed. As I said, if they bring back this kind of trade agreement for Peru, for Panama, for Colombia, for Korea without labor and environmental standards in the core agreement and without real commitments to enforce those labor and environmental standards, then those trade agreements aren't going to fly here.

We know our trade policies have failed. When I first ran for Congress, our trade deficit in 1992 was \$38 billion. Even in those days, President Bush—the first President Bush—said a \$1 billion trade deficit represented about 13,000 jobs, mostly manufacturing—many manufacturing jobs. So if you had a \$1 billion trade deficit, it meant it was costing your country a net loss of 13,000 jobs. If you had a trade sur-

plus, it was a gain of 13,000 jobs. That was then a \$38 billion trade deficit in 1992. In 2006, our trade deficit was in the vicinity of \$800 billion—\$800 billion. That means the trade deficit has grown by a factor of 20. If it is 13,000 jobs for every \$1 billion trade deficit, you do the math. It is clear this trade policy has failed. It has failed our workers. It has failed our small manufacturers. It has failed our restaurants and our drugstores in those communities that suffer devastating job loss. It has failed our families. It has failed our country.

The current system is not sustainable. Senator DORGAN has said: We want trade, and plenty of it, but under new rules. That means benchmarks. When we pass trade agreements, we have to show how much this has done for America's wages, how much it has done for American job creation, and we want accountability, something we have never brought to the table on these trade agreements. That does not mean trying to pass off more of the same kind of trade policy, packaging it in a different way, speaking of all the platitudes of the administration and that some others in the House and Senate have spoken about, just simply saying it is new and improved.

Now is not the time for more bad trade deals. We need to pause. We need to have a national conversation about a new direction for trade in the 21st century, a conversation that includes everybody.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IMMIGRATION

Mr. SESSIONS. Mr. President, I wish to express some thoughts about the earlier statement of the Democratic leader, Senator REID, that he was not going to attempt to bring this bill up for a vote this week. I think that is the only right choice that could have been made. He has been talking about bringing it up this week and actually getting a vote on Friday on a bill that we only got the paperwork on Saturday morning at 2 a.m. It hasn't been substituted yet, to my knowledge.

This is a piece of legislation of enormous complexity which has not gone through the proper committee—the Judiciary Committee. It was written by a group of people who claim they have reached an agreement. The agreement is that on both sides, they are saying nobody can offer an amendment that goes to what they consider the core of it because they will all band together and vote against it. So I guess that means if anybody has a different view about how immigration should be han-

dled, the people I really love and respect, whom I affectionately call “masters of the universe,” are just going to all get together and vote no. So I am not sure what the purpose of having votes is. But presumably, the rest of us, now that we have had a chance to read it, will be able to at least nibble around the edges and offer a few amendments that might make it a little better, and I look forward to that opportunity.

I think it is very important that this bill was not rammed through this week and no attempt was made to do that. I think it would have poisoned the atmosphere. It would have been a very bad scene had that occurred. So now we are talking about 2 weeks of debate. There is no doubt in my mind that this Senate could spend a month easily on this bill—maybe more. It is a critically important piece of legislation. It has much impact on our whole economy, our culture, and our rule of law. We could do better with it if we spend time on it. So I hope we are not in a situation where the leadership—the conferee group which has been meeting—is going to lock together and just vote down anything that displeases them or one side or the other says this is important and shouldn't be amended. So I am worried about that. We will see how it goes.

I hope the American people will take the opportunity to study the legislation. It does have some good things in it. It does have provisions in it that are quite superior to the bill I referred to as fatally flawed last year. But the cloture vote we just took was to move to last year's bill, and unless I am mistaken, we have not seen the new bill that is supposed to be substituted. We haven't seen anything other than a draft of the former bill. It has not been put in legislative language, even in the smaller print in the draft version that has been floated since Saturday. It is 326 pages, but in normal bill language, it will turn out to be probably 800, maybe 1,000 pages with each one of the clauses and phrases. Based on our history of dealing with immigration, it has to be read carefully because experts seem to have the ability—some of these lawyers, particularly—to slip in phrases that can have significance far beyond what might appear to be the case when you first read it. So it needs to be studied carefully.

A lot of people wanted to ram this through before the Memorial Day recess.

I am glad Senator REID has abandoned that and will allow the American people the opportunity to have an extra week to look at it.

I thank my colleagues who have worked on the bill. They are good people. They have it in their heads that they want to fix immigration, and it is time for a comprehensive fix of immigration. There are tough decisions to be made. But I get a little bit worried when time after time I hear people say: Well, there is a lot in it I don't like,

but you know, you just have to live with it. I am not sure we ought to live with anything that doesn't make sense. I am not sure we ought to live with anything that is bad policy. Why do we have to do that? Because this group has met and they said no serious amendments can be changed—adopted that would alter the core of the bill, the basic philosophy of it, I worry about that. We are troubled that a number of things don't quite reach the promised principles that have been floated as part of this discussion.

The trigger is in the bill, but I think it is far too weak. The temporary guest worker program is preferable to last year's, but it is very unsettling to me. I have an odd feeling that this temporary worker program that is in the bill is not going to work. We should not pass anything that won't work. It needs to be done in a better way.

The hoped-for move to a more merit-based system, a point system like Canada does, is troubling because no significant move in that direction appears to be on the horizon for 8 years. It is 8 years before the point system will really take effect. So I am worried about that.

These are fundamental. Will the workplace system be effective? We need to study that language because if it is not done right, it won't work. I will have an opportunity to talk more about this.

I thank my staff and a lot of other staff who have worked their hearts out Saturday, Sunday, and into the night last night and all morning today, trying to read and digest this bill to see what it really means so we can do a better job of serving our constituents.

Finally, the guiding principle, the overarching goal of an immigration bill, must be to serve the national interest. It is not to serve special interests, groups of special interests, businesses, or immigration advocacy groups. It is to serve the national interests, and that means a principled approach that creates a lawful system that serves our economy and our society.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

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

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

TRIBUTE TO DEAN RICHARD MORGAN

Mr. REID. Mr. President, I rise today to recognize the founding dean of the William S. Boyd School of Law at the University of Nevada Las Vegas, Richard "Dick" Morgan. Dick came to Nevada to take on the daunting task of

starting Nevada's first law school. When given the timeframe for starting the school, Dick said it could not be done; then he went out and proved himself wrong many times over. Dick's outstanding success with Boyd School of Law now serves as the model on how to create a new law school of exceptional quality.

Under the Dean's steady hand, Boyd Law School has achieved both provisional and full accreditation with the American Bar Association in record time. The school has received special recognition for its work with the Saltman Center for Conflict Resolution, the Nevada Law Journal, client counseling training, Society of Advocates, and legal writing programs. With amazing rapidity, the school has earned an outstanding reputation for scholarship and high-quality graduates. Already, the school's alumnae are having a tremendous impact on the legal profession in Nevada. They serve as judicial clerks, pro bono attorneys, respected members of law firms throughout the State, legal counsel in Federal and State agencies, and even on my own staff.

On June 30, 2007, Dean Morgan is stepping down as the head of the law school. Although he will be sorely missed, his legacy is tremendous. UNLV's law school dean is leaving us with an outstanding institution that will continue to train the minds of many of our best and brightest students. I am confident that the attorneys trained by the school will be instrumental in guiding the future growth and progress of our State.

When he came to Nevada, he had served as a law professor and as dean of both the Wyoming and Arizona State Colleges of Law. Reflecting on his experience in legal education, Dean Morgan recently honored Nevada by characterizing his 10 years with Boyd School of Law as "the best" of his 27 years in legal education. I am grateful he spent his best years with us. He has certainly been invaluable to the Nevada legal community.

Going forward, Dean Morgan plans a community-service semiretirement. Based on his dedication to UNLV, I am confident that he will be a tremendous asset to any organization he is associated with. I offer Dean Morgan my sincere thanks for all he has done for Nevada and wish him the best on his retirement.

TRIBUTE TO SENATOR TED STEVENS

Mr. GRASSLEY. Mr. President, look up Senator STEVENS' name in media reports and you will find a long list of adjectives: tenacious, temperamental, scrappy, gruff, hot-tempered, tireless. And you will come across a long list of nicknames: one of the Senate's "old bulls" for his institutional knowledge, "Uncle Ted" to the people of Alaska who are grateful for his aggressive advocacy for their interests, pioneer for

flying Army Air Corps missions during World War II and migrating to our rugged 49th State after law school, a mentor to up-and-coming elected officials, reportedly by his wife, a nutrition enthusiast for his devoted consumption of greens and whole grains, in the case of his longtime friend, Senator INOUE of Hawaii, "my brother."

I would like to add a few adjectives of my own.

First, TED STEVENS is an Alaskan. It is impossible to think of Alaska without thinking of its senior Senator. Alaska and TED STEVENS are inseparable. Anyone who knows Senator STEVENS knows he wakes up every morning fighting for the people of Alaska and doesn't stop until he sleeps, which apparently isn't much. Their commercial industry, health care, electricity, water, transportation—even the cost of rural mail delivery—all earn his scrutiny. He has delivered again and again on policy to improve Alaskans' quality of life.

Second, and just as important, TED STEVENS is loyal. He is loyal to the institution of the United States Senate. Bipartisanship is natural for him. He understands that the art of compromise is critical to getting things done. For example, he is known to have helped reach a bipartisan deal on how to conduct the impeachment trial of President Clinton to minimize the partisan bickering that would have sullied the Senate and made a tense time even more tense.

He is more than willing to look across the aisle and find kinship with people of like interests. His friendship with Senator INOUE, a Democrat, is steadfast and legendary. They have found plenty of common ground in delivering good policy to the people of their uniquely situated States. Despite what seems like a gruff exterior sometimes, Senator STEVENS has a reputation for extending generous kindness to his colleagues, such as flying across country to attend the funeral of a former Senator whose vote had once been helpful.

Senator STEVENS' approach to policymaking is guided by Rotary International's "Four-Way Test," a copy of which is framed on his desk in the Senate Chamber. The test reads: "Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?"

That four-way test was written in 1932, but like Senator STEVENS—and here are more adjectives—it is common sense, inspirational, and timeless.

IDAHO COURTHOUSE AND CHURCH SHOOTINGS

Mr. LEAHY. Mr. President, this weekend we witnessed an act of senseless violence in Moscow, ID, the home of the University of Idaho, where someone reportedly laid siege to a courthouse, killing a police officer and

wounding a sheriff's deputy and another person. The gunman then retreated into a church, where he apparently killed a church sexton and then took his own life.

The attack at the courthouse in Idaho is another reminder of the need to provide resources and protections crucial to our Federal and State courts. It was 2 years ago when the mother and husband of Judge Joan Lefkow of Chicago were murdered in their home. Judge Lefkow's courageous testimony in our committee hearing in May 2005 is something none of us will forget. Later that year a Georgia State court judge was killed at a courthouse in Atlanta and there was an attack on a State judge in Nevada.

Last month, by a vote of 97-0, the Senate passed S. 378, the bipartisan Court Security Improvement Act of 2007. I introduced this measure in January along with Senator SPECTER, the majority leader, Senator DURBIN, Senator CORNYN and others. House Judiciary chairman JOHN CONYERS introduced an identical measure in the House also with bipartisan support.

Among the bill's many protections are provisions expanding the access of State courts to grant programs for their security. The additional resources provided by this bill may not have prevented what occurred this weekend, but we must do what we can. I wish this legislation had been enacted last year. Despite our efforts, despite Senate passage of this measure twice last year, the House last Congress did not take up and pass these measures to improve court security. I expect that the new House soon will take up and pass S. 378 in this Congress. It should not be a struggle to enact these measures to improve court security.

Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. The courts are the ultimate check and balance in our system. We need to do our part to ensure that the dedicated women and men of the Federal and State judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities. This weekend serves as another tragic reminder that we owe it to our judges and those protecting our courthouses to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs.

VOTE EXPLANATION

Mr. BROWNBAC. Mr. President, I regret that I was unable to vote the afternoon of May 9 on the confirmation of the nomination of Debra Ann Livingston, of New York, to be U.S. circuit judge for the Second Circuit of New York. I wish to address this confirmation so that the people of the great State of Kansas, who elected me to

serve them as U.S. Senator, may know my position.

Regarding vote No. 158, I support the confirmation of Debra Ann Livingston. My vote would not have altered the outcome of this confirmation.

Mr. BROWNBAC. Mr. President, I regret that on May 2, 3, 7, and 9 I was unable to vote on certain provisions and passage of S. 1082, the prescription drug user fee amendments of 2007. I wish to address these votes, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 148, on amendment No. 982, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 149, on amendment No. 1022, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 150, on amendment No. 990, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 151, on amendment No. 1010, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 152, on the motion to invoke cloture on the committee substitute as modified and amended to S. 1082, I would have voted in favor of this motion. My vote would not have altered the result of this motion.

Regarding vote No. 154, on amendment No. 1039, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 155 on amendment No. 998, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 156 on amendment No. 1034, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 157, on passage of S. 1082, the prescription drug user fee amendments of 2007, I would have voted in favor of passage of this bill. My vote would not have altered the final result of this vote.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CIVIL RIGHTS ACT

• Mr. OBAMA. Mr. President, the struggle to protect the civil rights of all Americans remains an unfinished project, but we have come a long way. I am proud of our country's progress, and I am proud to be an original co-sponsor of the Civil Rights Act of 1964

Commemorative Coin Act, which marks the 50th anniversary of one of the most significant civil rights victories in American history.

The Civil Rights Act of 1964 provided affirmation to Americans who knew this country could do better. This legislation outlawed discrimination based on sex, national origin, color, race, and religion. Access to offices, schools, housing, the voting booth, and public spaces would no longer depend on the color of one's skin or the country of one's birth. Heeding President Kennedy's call for "the kind of equality of treatment which we would want for ourselves," this historic legislation affirmed that all Americans were equal under before law. Years passed before the Civil Rights Act was enforced fully, but its passage represented a necessary step in the advancement of civil rights.

Passage of the Civil Rights Act was possible because of the persistent, non-violent efforts of countless Americans. Heroes like Dr. Martin Luther King, Rosa Parks, and JOHN LEWIS inspired a generation, and the marches, sit-ins, freedom rides, and individual acts of civil disobedience reminded our country's leaders that the time to act had arrived. All Americans are indebted to these patriots for their courage and success, and we honor them with this legislation.

In addition to marking the Civil Rights Act in word, this bill also commemorates the act in deed. Proceeds from the sale of these coins will go to the United Negro College Fund, UNCF, an organization that embodies the spirit of the Civil Rights Act. The United Negro College Fund works to uproot the core causes of discrimination by providing minorities with opportunities that discrimination stole from them. Education provides students the opportunity to fulfill their potential and overcome stereotypes and, indeed, discrimination. Frederick Douglass described education as "the pathway from slavery to freedom." The days of slavery have passed, but education still enables young people to take advantage of their faculties and their freedom.

The United Negro College Fund achieves this aim by providing support to more minority students and higher institutions than any other organization in the country. Since its founding in 1944, UNCF has helped hundreds of thousands of students attend college. It includes in its alumni some of the foremost leaders in American history, including Dr. King and Congressman LEWIS. Today, the United Negro College Fund raises money for operating funds for member colleges and universities, provides access to new technology to historically Black colleges and universities, and provides assistance to young people who hope to further their careers and their lives by going to college.

This legislation commemorates historic sacrifices and victories and reminds us that we must continue to work for a more equal America.●

SAFETY OF AVANDIA

Mr. GRASSLEY. Mr. President, I am here today to talk about another potential failure by the FDA that may have endangered the lives of millions of Americans. Avandia is a drug that was approved by the FDA in 1999. It is a diabetes drug and is used to lower blood sugar. This is important because lowering a diabetic's blood sugar can help prevent or at least postpone two of the biggest killers among diabetics: heart attacks and strokes.

But today, Dr. Steven Nissen, the chairman of Cardiovascular Medicine at the Cleveland Clinic and the immediate past president of the American College of Cardiology, and his colleague, Ms. Kathy Wolski, reported in the *New England Journal of Medicine* that there is a serious problem with Avandia. Avandia, according to Dr. Nissen and Ms. Wolski is increasing the likelihood that a diabetic will have a heart attack and maybe even die. I want everyone to pay attention to the fact that the *New England Journal of Medicine* accepted this analysis of Avandia on a "fast track" review. The *New England Journal of Medicine* did that because it was requested by the authors and because in its opinion, the analysis of adverse effects related to Avandia suggests serious patient health risks.

Dr. Nissen and Ms. Wolski based their finding on an analysis of 42 clinical trials.

FDA also decided to say something to the American people today in response to Dr. Nissen's analysis. Around 1 p.m. today, the FDA told the American people that they intend to call for an advisory board meeting to discuss Avandia and that they could not yet reach a "firm conclusion" on what to recommend to people taking Avandia. It was interesting to listen to the call because Dr. Dal Pan, who is the head of the Office of Surveillance and Epidemiology, didn't say a word, although he is in charge of postmarketing surveillance. I guess the FDA thinks that the decision to go to an advisory committee meeting takes the heat off what looks like another failed decision-making process. We will see.

Avandia has a long history. It has been on the market for about 8 years. Tens of millions of prescriptions have been written for Avandia, and Medicare and Medicaid have paid hundreds of millions of dollars for this drug.

There have been many clinical trials involving Avandia over the years and there have been numerous postmarketing changes to Avandia's label. I also understand that FDA has known about the possibility of problems with this drug since about October 2005. That is about 19 months ago.

The article appearing today in the *New England Journal of Medicine* raises a lot of serious questions for me about the real story behind the safety of Avandia. When I couple that article with the FDA conference call that ducked lots of questions I become very suspicious.

Over the last 3 years, my investigations into the FDA showed that the agency was too cozy with the drug industry and did not always put safety of the American people first. The FDA is supposed to regulate the drug industry, but in the case of Vioxx, just to name one debacle, American lives were endangered unnecessarily.

My question today is, Do we have another Vioxx on our hands with Avandia? I am not sure, but I intend to find out. In fact, today Senator BAUCUS and I sent out several document requests including one to the FDA and one to the drug sponsor. We want to understand what did FDA know about this drug, when did it know it, and what did it do about it?

The authors of the *New England Journal of Medicine* article report a 43 percent increase in the risk of myocardial infarction/heart attack and potentially a 64 percent increase in the risk of cardiovascular death. I need the FDA to tell me why a diabetic would take a drug that may increase the risk of the very thing they are trying to avoid—a heart attack. I also want to know why the FDA did not require the drug sponsor to conduct long-term safety studies instead of small, short-term trials that resulted in few adverse cardiovascular events or death. I want to know what the FDA has been doing for the last 18 months. We want to know the same from the drug sponsor.

Interestingly, in an editorial that accompanied the study, two other veterans of the Vioxx controversy—Dr. Bruce Psaty of the University of Washington and Dr. Furberg of Wake Forest University—write that: "... the rationale for prescribing rosiglitazone at this time is unclear." Additionally they call for the FDA to take regulatory action and note that bigger and better long-term studies of long-term treatments for conditions such as diabetes should be completed as soon as possible after a drug is approved.

Let me also say something else to all those FDA employees trying to do their job who probably know the answers to many of my questions: Please feel free to call the Finance Committee if you have any information about this drug and how the FDA handled the situation. You can also call or contact us anonymously if you want. If you want to fax information to me, here is my fax number: 202-228-2131. We welcome your help and insight because I know that many of you want to protect the American public first and foremost and sometimes that is not as easy as it should be at the FDA.

You will also remember that just a few weeks ago I came before the Senate several times to talk about drug safety. I told everyone then—as we were discussing S. 1082, a bill that was intended to dramatically improve postmarketing drug safety, that I was concerned that the bill would not do that. In my mind and in light of all the work I have done over the past 3 years on the FDA, I told everyone that the litmus

test for me was whether or not the new drug safety bill would prevent another Vioxx.

My position has consistently been that S. 1082 did not go far enough and would not prevent another Vioxx. That was why I proposed and insisted on a vote giving joint authority between the office that approves new drugs for the market and the office that is responsible for postmarket safety. Forty-six Senators listened to what I had to say, but I was one vote short and the amendment did not pass.

Drs. Psaty and Furberg also said in their editorial, and I quote, "On May 10, 2007, the Senate passed the Food and Drug Administration Revitalization Act. Although the Senate bill has many strengths, including the allocation of new authority to the FDA, none of its provisions would necessarily have identified the cardiovascular risks of rofecoxib or rosiglitazone in a timely fashion."

The drug industry has brought us miracle drugs. These drugs have vastly improved the lives of millions throughout the world. At the same time, we all know that drugs have risks and benefits. Each of us tries to consider those risks and benefits when we consult with our doctors to make the best decision for ourselves or our family members as to whether we will take a particular drug. But we can't do what is best for ourselves or our family members if we don't know all the relevant information in a timely manner.

ISLANDER AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, during the month of May we celebrate Asian Pacific Islander American Heritage Month. I would like to join the Nation in honoring the many contributions of Americans of Asian Pacific Islander descent and pay tribute to their efforts in strengthening and nourishing our history, commerce, cultural identity, and resolve.

This month-long tribute would not be complete without recognizing the visionaries who founded Asian Pacific Islander American Heritage Month: U.S. Senator DANIEL INOUE, former U.S. Senator Spark Matsunaga, former Secretary of Transportation Norman Y. Mineta, and former U.S. Representative Frank Horton. As a result of their steadfast leadership, a joint resolution established Asian Pacific American Heritage Week in 1978, and the celebration was later expanded to an entire month in 1992.

This celebration takes place in May to mark the first Japanese immigrants' arrival in America in 1843, as well as the completion of the Transcontinental Railroad in 1869 which would not have been finished without the hard work and dedication of Chinese laborers.

This month is also a time to honor the Japanese-American survivors of the forced internment camps established during World War II. The internment of Japanese Americans during

World War II was a grim chapter in America's history. But by sustaining this history, we can hope to prevent a similar travesty from occurring.

That is why it was so important to designate Tule Lake as a National Historic Landmark within the lifetimes of the few surviving Japanese-American internees, before many of their stories were lost. And thanks to the efforts of Interior Secretary Gale Norton, the Tule Lake Segregation Center will help future generations understand the pain and suffering that Japanese Americans endured during World War II.

Despite these hardships, members of the Asian Pacific Islander community have continued to take positions of leadership and have worked hard to secure a brighter future for all.

Today, California boasts 20 elected officials of Asian Pacific Islander heritage. There are now nine Asian Pacific Islander Americans in the State legislature; four on the State board of equalization, including John Chiang as the State controller; and a number of others in local government. A new generation of leaders has emerged with a vision of a politically empowered Asian Pacific Islander American electorate.

Additionally, over 62,000 Asian Pacific Islander Americans are on active duty in the military, and nearly 8,000 are deployed across the world to fight terrorism. And Asian Pacific Islander Americans are among the thousands of Americans who have sacrificed their lives for our country.

The United States draws great strength from the diversity of this population. At present, Asian Pacific Islander Americans constitute one of the fastest growing minority communities in the United States. And California is home to the greatest number of Asian Pacific Islander Americans. In fact, there are over 13 million Asian Pacific Islander Americans in the Nation, with more than 4.5 million living in California.

As the second largest ethnic minority group in California, Asian Pacific Islander heritage continues to enrich our State with famous enclaves such as San Francisco's Chinatown, Los Angeles' Koreatown, Westminster's Little Saigon, and the city of Artesia's Little India.

We must recognize that the Asian Pacific Islander American community is diverse, not only in language, culture, and foods but in education and socioeconomic levels as well. That is why it is so important to provide talented students who have clearly embraced the American dream the incentive to take the path toward being a responsible, contributing member in our civic society.

I have cosponsored the DREAM Act of 2007 to give undocumented high school students who wish to attend college or serve in the Armed Forces an opportunity to adjust to a lawful status and pursue these goals. If it becomes law, the DREAM Act would help Asian Pacific Islander Americans and others triumph over adversity.

As future generations of Asian Pacific Islander Americans continue to strive for excellence in our educational system, economy, and communities, I am pleased to honor and distinguish the many triumphs and accomplishments of the Asian Pacific Islander American community and their role in shaping our Nation's identity.

VA HEALTH INFORMATION TECHNOLOGY

Mr. AKAKA. Mr. President, last week the Senate passed a resolution designating May 14 to 18, 2007, as National Health Information Technology Week. In connection with this resolution, it is important to recognize the leadership and progress that the Department of Veterans Affairs has shown in the area of health information technology.

By passing this resolution, the Senate has recognized the tremendous importance of information technology in improving health care for all Americans. RAND Corporation has estimated that by improving health information technology and practices more than \$81 billion can be saved annually in the United States.

Such savings are only one aspect of the promised impact of better health information technology. The other, more important aspect is that improved health information technology can help save lives by providing health care providers with more accurate and timely patient information.

As an increasing number of veterans return from the current conflicts in Iraq and Afghanistan with complicated injuries, they must receive the quality care earned through their service. Information technology helps VA provide that care.

Over the past decade, VA has become a leader in the use of electronic health records. Through VA's veterans health information system and technology architecture, commonly referred to as VISTA, clinicians can access and update electronic health records throughout the Nation's largest health care system. Clinicians can also view medical images, such as x rays, pathology slides, and other critical records that can be placed immediately into a patient's record. In addition to their electronic records system, VA is reducing medication and prescription errors through a point-of-care system to verify that patients receive correct dosage at correct times, visually alerting staff when errors are made. For its development and employment of this system, VA was awarded the 2006 Innovations in Government Award, sponsored by Harvard University.

While VA's health care system is by no means perfect, its use of health information technology has improved the quality of care received by veterans, while reducing the costs to our taxpayers. I hope the Department will continue on their path of progress, and I commend VA for its work thus far.

ADDITIONAL STATEMENTS

IN RECOGNITION OF STAFF SERGEANT HAROLD GEORGE DANLEY

● Mr. NELSON of Nebraska. Mr. President, I wish to recognize a man who died in the service of his country 64 years ago, but never received the proper recognition he was due.

Harold George Danley was one of four brothers from Lincoln, NE, who joined the armed services during World War II. Three of those brothers returned home to their families; Sergeant Danley, who was 22 years old, did not.

Sergeant Danley was serving in the 18th Army/Air Force Anti-Submarine Squadron aboard a B-24D Bomber, which crashed while patrolling the East Coast of the United States somewhere near the Virginia/North Carolina shoreline on April 21, 1943. Despite the efforts of search parties, his body was never recovered; therefore, no memorial service was ever performed on his behalf. It was some time later that the family was notified that Sergeant Danley was officially listed as FOD, "Finding of Death."

Sergeant Danley left behind his wife Thelma; his daughter Merriam, who was born several months after her father's death; his father Harrison and stepmother Anna; three brothers, LTC Earl E. Danley, SGT Bob E. Danley, and SGT Lloyd K. Danley, now deceased; and three half-siblings, Marvin, Delores, and Betty. His mother Ella preceded him in death.

On May 18, 2007, a memorial service was held at Arlington National Cemetery to honor Harold G. Danley as a son, brother, husband, and father, as well as a man who made the ultimate sacrifice in the service of his country. My thoughts are with the Danley family as they honor the memory of Staff Sergeant Danley, a Nebraska hero from the Second World War.●

RECOGNIZING HEIDI WENTZLAFF

● Mr. THUNE. Mr. President, today I recognize Heidi Wentzloff, an intern in my Sioux Falls, SD office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Heidi is a graduate of Centerville Public High School in Centerville, SD. Currently she is attending Augustana College, where she is majoring in government and international affairs. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Heidi for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO KEN CROCKETT

● Mr. ROCKEFELLER. Mr. President, I wish to recognize the decade-plus of

service that Ken Crockett has dedicated to the State of West Virginia. For the last 11 years, Ken has served as the director of the West Virginia Japan Office in Nagoya, which sits in the Aichi Prefecture of Japan.

West Virginia has opened trade offices throughout the world in order to encourage economic relationships with our State. The Japan Office has helped draw a number of Japanese businesses to open new locations in West Virginia, as well as helped the businesses already in West Virginia export their products to Japan. In addition to the economic benefits of this relationship, the Japan office has facilitated a number of cultural and educational exchanges—all under Ken's leadership.

In Ken's years as director of the West Virginia Japan Office, our State and Japan have seen a dramatic, if not astronomical, rise in their economic relations. West Virginia is currently home to 19 Japanese companies that have created thousands of direct and indirect jobs for our State's citizens. Japanese investors have been, and continue to be, outstanding corporate citizens of West Virginia—contributing economically and culturally to the quality of the State.

I have seen Ken's work firsthand on a number of occasions in Japan on trade missions with various Governors. Ken's relationships and his presence in Nagoya have been very valuable for our development efforts. He operated with a strong dedication to our collective goals and an understanding of both Japan and West Virginia.

Very soon, Ken will be embarking on a new career with NGK Spark Plugs—West Virginia's first major Japanese investor—and a trailblazer for our State's Japanese automotive industry. Ken will bring to that job the same determination, commitment, and hard work ethic he brought to the State's economic development efforts. We look forward to working with him in his new position as we continue to strengthen our ties with our State's existing Japanese investors.

Mr. President, I thank the Senate and ask that my colleagues join me in recognizing Ken's service to my State and wish him the best in his future endeavors.●

TRIBUTE TO CHARLES WOFFORD

● Mr. SESSIONS. Mr. President, I wish to recognize Charles Wofford. Mr. Wofford is retiring from the position of Alabama area director of the Social Security Administration after over 45 years of dedicated service. He has served as the Area Director in Alabama since September 1979.

Mr. Wofford graduated from the University of Alabama in 1961 with a B.S. degree in biology. He began work with Social Security that same year as a claims representative trainee. He held additional increasingly responsible jobs as a claims authorizer, field representative, operations supervisor,

branch manager, assistant district manager, district manager, and has been an area director since April 1977 and came to Alabama in 1979 to serve as the Alabama area director at that time.

He is the senior area director in the United States, and has received numerous awards throughout his career for superior performance. He received a service award for spearheading an intense direct deposit campaign and a cash award in recognition of exemplary achievement in the area of DDS and field office relations. He has strived to build a strong management team and has worked to ensure that all employees are fully trained to perform to the best of their ability. He received the Deputy Commissioner's Citation for Outstanding Contributions as a member of the National Training Vision Workgroup.

I congratulate Mr. Wofford on his retirement. He has been a valued employee and wise mentor to many other employees. He enjoys traveling, and we wish him well in the future as he has more time to enjoy this favored pastime.●

HONORING DR. DAVID TAWEI LEE

● Mr. ROCKEFELLER. Mr. President, I wish to honor Dr. David Tawei Lee, who has been Taiwan's chief representative to the United States. Dr. Lee will be assuming his new post as Taiwan's top envoy in Canada this month, leaving his post in Washington to take on this new role in Ottawa.

I have known David for decades, and he has been a staunch ally and strong advocate for West Virginia. He has helped me, and our State, to make inroads in the Taiwanese economy and has been instrumental in the continuing success of businesses with roots in both Taiwan and West Virginia. This ongoing economic relationship is enormously important for both sides and has allowed West Virginia to continue to grow its burgeoning aviation industry and to explore business opportunities we never thought possible.

As a result of the hard work of Representative LEE and others, Sino Swearingen Aircraft Company continues its push toward mass production of one of the most impressive business jets in the world. In addition, in my personal interactions with David, he has always been straightforward, honest, compassionate, and well-informed. I knew he would level with me during any difficult time and that I could count on him to fairly and accurately relay the results of our meetings to his people.

Representative LEE has worked hard during the last 2½ years to renew and strengthen the political, economic, and social ties that bind the United States and Taiwan. On many difficult occasions, David Lee has risen to the challenge, and as Taiwan's Chief Representative to the United States he has given

countless hours assisting lawmakers, administration officials, and the private sector in understanding the complex relationship between our people and ensuring that our longstanding friendship continues.

Representative LEE was educated at the National Taiwan University and received his Ph.D. in foreign affairs from the University of Virginia. David is a true democrat, firmly committed to the principles of democracy and capitalism. He has been an asset for both Taiwan and the United States, and he has served Taiwan with honor, integrity, and distinction.

Dr. Lee's record of distinguished public service to his people spans more than two decades. He began his career at the Coordination Council for North American Affairs, Office in Washington, DC, in 1982 as a staff consultant and soon rose to various important posts in Taiwan's foreign ministry. From 1997 to 1998, he was Director-General, Government Information Office, and Government spokesman for Taiwan. From 1998 to 2001, he served as Deputy Foreign Minister; from 2001 to 2004, he was Taiwan's Representative to the European Union, stationed in Belgium. Since the summer of 2004, he has served as the Republic of China's chief representative in the United States.

Our loss here in Washington will be Canada's gain. In his new role as Taiwan's representative to Canada, David will continue to be a strong advocate for policies that will encourage expanded trade and a continuing good relationship between Taiwan and the rest of the world. Again, I would like to take this opportunity to wish Representative and Madame Lee the very best of luck. They are our good friends, and we will miss them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ AS DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, AS RECEIVED DURING THE RECESS OF THE SENATE ON MAY 18, 2007—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004, is to continue in effect beyond May 22, 2007.

The threats of attachment or other judicial process against (i) the Development Fund for Iraq, (ii) Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, or (iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by, on behalf of, or otherwise for the Central Bank of Iraq obstruct the orderly reconstruction of Iraq. These threats also impede the restoration and maintenance of peace and security and the development of political, administrative, and economic institutions in Iraq. These threats continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency protecting the Development Fund for Iraq, certain other property in which Iraq has an interest, and the Central Bank of Iraq and maintain in force the measures to respond to this threat.

GEORGE W. BUSH,
THE WHITE HOUSE, May 18, 2007.

MESSAGE FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which

it requests the concurrence of the Senate:

H.J. Res. 43. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 43. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1962. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36 on Pistachio; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8129-4) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1963. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Coumaphos; Pesticide Tolerance" (FRL No. 8131-4) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1964. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Famoxadone; Pesticide Tolerance" (FRL No. 8128-6) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1965. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propanil, Phenmedipham, Triallate, and MCPA; Tolerance Actions" (FRL No. 8126-6) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1966. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Addition of Quarantined Area" (Docket No. APHIS-2007-0051) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1967. A communication from the Secretary of Agriculture, transmitting, a legislative proposal that would shift funding for the research, development, and maintenance of information technology functions of the Federal Crop Insurance Corporation from the Government to the insurance companies participating in the program; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1968. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the National Guard Counterdrug Schools; to the Committee on Armed Services.

EC-1969. A communication from the Associate Director, Office of Foreign Assets Con-

trol, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Former Liberian Regime of Charles Taylor Sanctions Regulations" (31 C.F.R. Part 593) received on May 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1970. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, the report of a draft bill intended to "amend the Mineral Leasing Act to provide for Net Receipts Sharing and for other purposes"; to the Committee on Energy and Natural Resources.

EC-1971. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference" (FRL No. 8313-2) received on May 18, 2007; to the Committee on Environment and Public Works.

EC-1972. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Removal of Douglas County Transportation Control Measure; Correcting Amendment" (FRL No. 8317-3) received on May 18, 2007; to the Committee on Environment and Public Works.

EC-1973. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule on the Treatment of Data Influenced by Exceptional Events; Correction" (FRL No. 8316-5) received on May 18, 2007; to the Committee on Environment and Public Works.

EC-1974. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances-n-Propyl Bromide in Solvent Cleaning" ((RIN2060-A010)(FRL No. 8316-8)) received on May 18, 2007; to the Committee on Environment and Public Works.

EC-1975. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Report to Congress on Abnormal Occurrences: Fiscal Year 2006"; to the Committee on Environment and Public Works.

EC-1976. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Statistical Sampling for Purposes of Section 199" (Rev. Proc. 2007-35) received on May 17, 2007; to the Committee on Finance.

EC-1977. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying In-Kind Partnerships Involving Mining" (Rev. Rul. 2007-30) received on May 17, 2007; to the Committee on Finance.

EC-1978. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Universal Service Support" (Rev. Rul. 2007-31) received on May 17, 2007; to the Committee on Finance.

EC-1979. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of a legislative proposal entitled "Student Loan Fairness Act of 2007"; to the Committee on Health, Education, Labor, and Pensions.

EC-1980. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-41, "Verizon Center Sales Tax Revenue Bond Approval Act of 2007" received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-1981. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-39, "Human Papillomavirus Vaccination and Reporting Act of 2007" received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-1982. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-40, "Lorraine H. Whitlock Memorial Bridge Designation Act of 2007" received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-1983. A communication from the Acting Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the report of a vacancy in the position of Director, received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1079. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of a nomination was submitted on May 21, 2007:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.

The following executive reports of nominations were submitted on May 17, 2007:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury.

Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration.

Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development.

Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

David George Nason, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI:

S. 1433. A bill to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. PRYOR (for himself and Mr. BINGAMAN):

S. 1434. A bill to amend the National Energy Conservation Policy Act to promote the use of energy and water efficiency measures in Federal buildings, to promote energy savings performance contracts and utility energy service contracts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 1435. A bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1436. A bill to amend the Agricultural Adjustment Act to add clementines to the list of fruits and vegetables subject to minimum quality import requirements issued by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. STABENOW (for herself, Mr. OBAMA, Mr. BROWN, Mr. REID, Mrs. BOXER, Mr. LIEBERMAN, Mr. KERRY, Mr. CARDIN, Mr. DURBIN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 1437. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1438. A bill to improve railroad safety; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Mr. SALAZAR):

S. 1439. A bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. CASEY):

S. 1440. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 1441. A bill to amend title 38, United States Code, to modify authorities for the Secretary of Veterans Affairs to accept new applications for grants for State home construction projects to authorize the Secretary

to award grants for construction of facilities used in non-institutional care programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMAS:

S. 1442. A bill to authorize the Secretary of Homeland Security to establish new units of Customs Patrol Officers; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS (for himself and Mr. BUNNING):

S. 1443. A bill to provide standards for renewable fuels and coal-derived fuels; to the Committee on Energy and Natural Resources.

By Mr. LEAHY:

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. DODD):

S. Res. 211. A resolution expressing the profound concerns of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself and Mr. LIEBERMAN):

S. Res. 212. A resolution to express the sense of the Senate relating to legislation to curb global warming; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. WYDEN), the Senator from Nebraska (Mr. NELSON), the Senator from Montana (Mr. TESTER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grants Program at fiscal year 2006 levels through 2012.

S. 280

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from trading in such allowances, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 615, a bill to provide the non-immigrant spouses and children of non-immigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. DODD) and the Senator from Georgia (Mr. CHAMBLISS) were

added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 700

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 764

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (CHIP).

S. 773

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 893

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 893, a bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arkansas (Mr. PRYOR) and the Senator

from Idaho (Mr. CRAIG) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 969

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1013

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1013, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant

women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1027

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1027, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1257

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1340, a bill to amend title

XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1363

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS), the Senator from Idaho (Mr. CRAIG) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. CON. RES. 26

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. RES. 205

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 205, a resolution designating June 2007 as "National Internet Safety Month".

S. RES. 210

At the request of Mr. LIEBERMAN, the names of the Senator from Nevada (Mr. REID) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Res. 210, a resolution honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, D.C., in recognition of his upcoming retirement in July 2007.

AMENDMENT NO. 1139

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1139 intended to be proposed to H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 1433. A bill to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, last year, as we approached the beginning of National Police Week 2006, our Nation was saddened by the tragic loss of two Fairfax County, VA, police officers, Detective Vicki Arnel and Master Police Officer Michael Gambarino, in an ambush at the Sully District Police Station. Once again, as National Police Week 2007 drew to a close, the Nation found itself in mourning at the loss of an officer who was ambushed over the weekend. I am referring to Moscow, ID, Police Officer Lee Newbill, a husband and a father of three who was fatally shot on Saturday night. We do not remember our fallen law enforcement officers for the way they gave their lives but for the way they lived them. The people of the State of Alaska extend our condolences to Officer Newbill's wife and three children. We are also thinking about Brannon Jordan, a Latah County sheriff's deputy who was shot in the incident, but who is expected to recover, according to media reports.

I would like to take this opportunity once again to speak about the life and accomplishments of the late Thomas P. O'Hara, a National Park Service protection ranger and pilot who gave his life in the line of duty, an Alaskan hero.

Thomas P. O'Hara was assigned to the Katmai National Park and Preserve in the Bristol Bay region of western Alaska. On December 19, 2002, Ranger O'Hara and his passenger, a Fish and Wildlife Service employee, were on a mission in the Alaska Peninsula National Wildlife Refuge. Their plane went down on the tundra.

When the plane was reported overdue, a rescue effort consisting of 14 single-engine aircraft, an Alaska Air National Guard plane, and a Coast Guard helicopter quickly mobilized. Many of the single-engine aircraft were piloted by Torn's friends. The wreckage was located late in the afternoon of December 20. The passenger survived the crash, but Ranger Torn did not.

Tom O'Hara was an experienced pilot with 11,000 hours as a pilot-in-command. He was active in the communities of Naknek and King Salmon where he grew up, flying children to Bible camp and coaching young wrestlers. Tom provided a strong link between the residents of Bristol Bay and the National Park Service.

Although Tom O'Hara was a most valued employee of the National Park Service, he did not enjoy the same status as National Park Service employees with competitive career status. Tom was hired under a special hiring authority established under the Alaska National Interest Lands Conservation Act, ANILCA, which permits land management agencies like the National Park Service to hire, on a noncompetitive basis, Alaskans who by reason of having lived or worked in or near public lands in Alaska, have special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof.

Tom O'Hara possessed this knowledge and offered it freely to the National Park Service. But because he was hired under this special authority, his opportunities for transfer and promotion within the Park Service were limited, even though his service was exemplary.

As a lasting memorial to Tom O'Hara's exemplary career, I am introducing legislation today that will grant competitive status to ANILCA local hire employees who hold permanent appointments with the Federal land management agencies after the completion of 2 years of satisfactory service. In Tom's honor, the short title of this legislation is the Thomas P. O'Hara Public Land Career Opportunity Act of 2007.

It is my sincere hope that the enactment of this legislation will encourage other Alaskans, particularly Alaska Natives, to follow in Tom O'Hara's footsteps and seek lifelong careers with the Federal land management agencies.

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

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

S. 1440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas P. O'Hara Public Land Career Opportunity Act of 2007".

SEC. 2. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) COMPETITIVE STATUS.—An individual appointed to a permanent position under subsection (a) shall be converted to competitive status after—

“(1) if the appointment is full time, the completion of 2 years of competitive and satisfactory full time service; or

“(2) if the appointment is less than full time, the period that is equivalent to 2 years of competitive and satisfactory full time service.”.

By Mr. COCHRAN:

S. 1435. A bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. COCHRAN. Mr. President, in 1975, the Strategic Petroleum Reserve was established, after the Arab oil embargo, to lessen the impact of future severe energy supply disruptions. Since 1975, the Strategic Petroleum Reserve, SPR, has served as our Nation's energy insurance policy.

The legislation I offer today expands the capacity of the SPR from 1 billion barrels, as authorized in the Energy Policy and Conservation Act, to 1.5 billion barrels.

Memorial day marks the beginning of the summer vacation season, and this summer all of our constituents are facing escalating gasoline prices. Expanding our domestic supplies of oil, gas, and petroleum has become crucial.

Increasingly, internationally traded oil originates from unstable regions of the world. The United States' economic security is threatened by vulnerability to disruptions in world oil supply and volatile oil prices. The Nation's transportation sector, major industries, and military are dependent upon petroleum, and so it is crucial that we do what we can to minimize disruptions in the world oil supply.

The existing inventory in the SPR represents only 56 days of net imports. The United States' obligation to the member countries of the International Energy Agency requires it to maintain the equivalent of 90 days of net petroleum imports. Though the inclusion of private inventories allows the U.S. to satisfy the IEA obligation, increasing the authorized capacity of the SPR to 1.5 billion barrels will help ensure the United States meets its international obligations, regardless of commercial inventory trends.

In December of 2006, the Department of Energy chose the salt domes in Richton, Mississippi as their preferred site for the construction of a new Strategic Petroleum Reserve facility to lead the expansion efforts. I am proud that Mississippi was chosen to lead the efforts of such an important program,

and I know that the community of Richton, which suffered in the wake of Hurricane Katrina, is thrilled to begin construction on a project that will strengthen its economic development. Current SPR sites in Texas and Louisiana will also gain reserves.

I urge the Senate to support this bill. The entire country's energy security and stability depends on a combination of efforts to increase domestic supplies of oil, gas, and petroleum. I am pleased that my colleagues in the Senate are promoting new renewable energy technologies through legislation, and it is through a combination of these efforts that we might finally reduce our dependence upon foreign oil.

By Ms. STABENOW (for herself, Mr. OBAMA, Mr. BROWN, Mr. REID, Mrs. BOXER, Mr. LIEBERMAN, Mr. KERRY, Mr. CARDIN, Mr. DURBIN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 1437. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Banking, Housing, and Urban Affairs.

Ms. STABENOW. Mr. President, I rise today in strong support of a bill that directs the Treasury Department to mint 350,000 \$1 coins marking the semi-centennial of the passage of the Civil Rights Act of 1964.

The Civil Rights Act of 1964 greatly expanded civil rights protections by outlawing racial discrimination and segregation in public places and places of public accommodation, in federally funded programs and employment, and encouraging desegregation in public schools, and has served as a model for subsequent antidiscrimination laws.

This landmark legislation once implemented, had effects that were far reaching and that, clearly from its inception to today, fundamentally changed the course of our Nation.

Equality and access to education were two of the hallmarks of the civil rights movement.

The United Negro College Fund, UNCF, is the Nation's largest, oldest, most successful and comprehensive minority higher education assistance organization. UNCF provides operating funds and technology enhancement services for 39 member historically black colleges and universities, HBCUs, scholarships and internships for students at about 900 institutions and faculty and administrative professional training.

Since its inception in 1943, the UNCF has raised more than \$2 billion to help a total of more than 350,000 students attend college and has distributed more funds to help minorities attend school than any entity outside of the government.

Besides being a noble tribute, this commemorative coin will assist the UNCF provide scholarships and internships for minority students and assist

with technology enhancement services for historically black colleges and universities.

In Michigan, the on-time graduation rate for African American students is less than half that of the overall rate for high school students. Moreover, the percentage of Michigan high school freshmen enrolling in college within 4 years is just 38 percent, the rate for the top States is 53 percent. These statistics are astounding. Michigan currently is working to invest more State dollars into improving high school education and reforming graduation requirements to some of the most rigorous in the Nation. If we make scholarships like this one available to students, and organizations like the UNCF helping African Americans get into colleges and stay in colleges, not just historically black colleges and universities, these statistics will improve. I am confident this coin bill is a step toward improving the state of college attendance and graduation rates for African American students.

I urge my colleagues to support this legislation.

By Mr. SPECTER (for himself,
Mr. ROCKEFELLER, and Mr.
CASEY):

S. 1440. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Unfair Foreign Competition Act of 2007, legislation providing a private right of action for domestic manufacturers injured by the illegal subsidization and dumping of foreign products into U.S. markets. These unfair, and illegal, trade practices steal jobs from our workers, profits from our companies, and economic growth from our economy.

Dumping occurs when a foreign producer sells a product in the United States at a price that is below that producer's sales price in its home market, or at a price that is lower than its cost of production. Subsidizing occurs when a foreign government provides financial assistance to benefit the production, manufacture, or exportation of a good. Under current law, the International Trade Commission, ITC, and the Department of Commerce conduct antidumping and countervailing duty investigations and 5-year reviews under title VII of the Tariff Act of 1930. U.S. industries may petition the ITC and Commerce for relief from dumped and subsidized imports. If Commerce finds that an imported product is dumped or subsidized and the ITC finds that the petitioning U.S. industry is materially injured or threatened with material injury, an antidumping duty order or countervailing duty order will be imposed to offset the dumping or subsidies.

However, since current administrative remedies are not consistently and

effectively enforced, I am introducing private right of action legislation to enforce the law. My legislation allows petitioners to choose between the ITC and their local U.S. district court for the injury determination phase of their investigation. Doing so gives our injured domestic producers the opportunity to display their vigor as private plaintiffs in seeking enforcement of our trade laws. If injury is found, U.S. Customs and Border Protection would then assess duties on future importation of the article in question. The legal standard for determining dumping margins which is established by the Commerce Department would remain unchanged.

I believe that introduction of this legislation will have an important deterrent effect on the practices of China and our other trading partners. Aggressive policy measures such as this legislation are necessary to prevent China, in particular, from causing a major crisis in the near future for our domestic steel industry. China has a well-documented history of engaging in unfair trade practices, as evidenced by the 61 antidumping orders in place with respect to various products as of October 23, 2006. The statistics on China's steel output are staggering. In 2005, China made more steel than the next four largest producers combined and data show that China continues to become more export-oriented. Through the first 10 months of 2006, China's steel tonnage exports to the U.S. market more than doubled over 2005. In total, Chinese steel output grew 26 percent or more than 71 million metric tons in 2005. The explosive growth of Chinese steel over the past decade would not have been possible without the support of the Chinese Government.

This legislation is similar to legislation which I have introduced as far back as 1982 where I originally sought injunctive relief. Since its last introduction in the 106th Congress, several relevant statutes have been challenged at the World Trade Organization, WTO, prompting further modification to its current form. In each case, the United States has taken action to comply and avoid retaliatory actions by protesting WTO member countries. The United States took action in December 2004 to comply with WTO rulings on the Anti-dumping Act of 1916, which provided a private cause of action and criminal penalties for dumping, by prospectively repealing the act. Also, the United States took action in February 2006 to comply with WTO rulings on the Continued Dumping and Subsidy Offset Act, CDSOA, which required the distribution of collected antidumping and countervailing duties to petitioners and interested parties in the underlying trade proceedings. In both cases, the WTO panel found that U.S. law allowed an impermissible specific action against dumping and subsidization. The legislation I introduce today adapts to these changes in law and allows for a determination of injury in

accordance with our international obligations.

We have too long sacrificed American industry and American jobs because the executive branch, whether it is a Democratic administration or a Republican administration, has made concessions for foreign policy and defense interests. For many years, foreign policy and defense policy have superseded basic fairness on trade policy. I received a comprehensive education on this subject back in 1984 when there was a favorable ruling by the ITC for the American steel industry, but it was subject to review by the President. At that time my colleague Senator Heinz and I visited every one of the Cabinet officers in an effort to get support to see to it that the International Trade Commission ruling in favor of the American steel industry was upheld. Then-Secretary of Commerce Malcolm Baldrige was favorable, and International Trade Representative Bill Brock was favorable. We received a favorable hearing in all quarters until we spoke with then-Secretary of State Shultz and then-Secretary of Defense Weinberger who were absolutely opposed to the ITC ruling. President Reagan decided to overrule the ITC, and U.S. trade policy and workers again took second place to foreign policy concerns.

I was reminded of this reality again in 2005 when I testified on behalf of the domestic pipe and tube industry in a section 421 safeguard case against China. This safeguard provision was inserted as a protective measure when unique and permanent trade status was granted to China, a measure which I opposed. It seemed to me that based upon the record that China had, that normal relations could not exist because they have a record of not observing the law. With these concerns in mind, Congress inserted the section 421 safeguard provision. The ITC agreed with the overwhelming evidence supporting the claim that a surge of imports from China were creating a market disruption. However, President Bush decided not to uphold the ITC's ruling. Since that time, jobs in my state have been lost. The Section 421 provision was included to provide protection for our domestic manufacturing base. Yet, none of the five petitions previously filed had been granted either. It is difficult to understand how safeguards for situations where China's conduct is excessive and unfair could be ignored, especially after giving special consideration by way of trade.

While it is my hope that the administration, whether Democrat or Republican, would take a more objective look at trade remedies for our injured domestic manufacturers, I introduce this legislation today to provide a valuable tool for domestic industry. Strict enforcement of our trade laws is critical to ensuring that our domestic manufacturers have a fair shot at competing with foreign steel. In the current environment, I believe that it is necessary

for an injured industry to have an opportunity to go into Federal court and seek reliable enforcement of America's trade laws, which are currently not being enforced adequately.

I ask my colleagues to join me now in supporting this legislation. I believe in free trade. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. Where you have dumping or subsidization, it is the antithesis of free trade. The significant advances made by our manufacturers are insufficient to compete in the face of illegal trade practices such as dumping and subsidies. Our steel industry is made up of some of the most innovative, skilled, and efficient producers in the world. Our industry can compete if the playing field is level, but if foreign exporters are not held accountable, and can freely undercut American producers with dumped goods and government subsidies, the future of our steel industry will be at risk.

By Mr. CRAIG:

S. 1441. A bill to amend title 38, United States Code, to modify authorities for the Secretary of Veterans Affairs to accept new applications for grants for State home construction projects to authorize the Secretary to award grants for construction of facilities used in non-institutional care programs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I rise today to introduce legislation to make, what I believe to be, vital and necessary changes to one of the most successful Federal-State partnership programs in the Nation today. I am speaking of the State Veterans Home Program at the Department of Veterans Affairs.

For those of my colleagues who do not know very much about this great program, the Federal-State partnership known as the State Home Program dates back nearly 120 years. It was August 7, 1888, when a \$100 check from the Federal government helped the State of Connecticut offset the financial burden of caring for aging Civil War veterans. Since that time, of course, the program has greatly matured. And it has grown into the largest institutional provider of long-term care services for our Nation's aging veterans.

Today, the grant part of the program receives an annual appropriation of about \$100 million. VA uses the money to pay for two-thirds of the costs of constructing State home beds pursuant to applications submitted by the States. After a home is built, the State operates the nursing facility and maintains the property for the benefit of veterans. VA, in turn, pays a daily stipend to the State of approximately \$60 for each veteran in the home. The States then support the rest of the cost of care either by collecting some money from the veterans or through direct appropriation from the State legislature.

I realize that my description of this program may have some of my colleagues scratching their heads trying to find out why I believe the program needs to change and modernize. Let me explain.

As many of you know, during the 107th Congress, I served as chairman of the Senate Special Committee on Aging. I did a lot of work on long-term care issues and held many hearings on the topic. What I learned is that there is a big shift across the country from the traditional institutional care to a less restrictive, family oriented, home and community based approach to care.

When I became chairman of the Senate Committee on Veterans' Affairs, I found that VA's system is strongly biased toward institutional care. We spend most of our long-term care budget on institutional beds.

I realize that nursing homes are sometimes the best place for a sick, aging person to be properly cared for. Therefore, clearly VA needs to provide that service. But, let's face it. All of us would prefer that we never end up in a nursing home. We would do everything within our power to remain in the comfort and safety of our homes and with our families.

The interesting thing about our human desire to remain in our own homes and out of nursing homes is that our human desire is also a positive financial desire. Noninstitutional long-term care services are much more cost-effective than care provided in an institutional setting. Providing people with long-term care options and the opportunity to remain in their homes for as long as possible is exactly what my legislation is about.

There is an old saying that goes "when all you have is a hammer, the whole world looks like nails." Essentially what that means is, we use the tools we have to solve whatever problem arises, even if a different tool might be more appropriate.

For nearly 120 years, with little exception, the only tool available through the State Veterans Home Program has been a bed: an institutional nursing home bed. So, whenever a veteran in a local community has independent living challenges, the State home program has a tool to help them: it has a bed. My Legislation would give the State homes additional tools to offer our veterans.

My bill would establish a noninstitutional care State home grant program. The premise of the new program would be the same as the current institutional program. States would submit an application to construct a building or renovate part of an existing state home to offer noninstitutional services to veterans. The State would have to provide one-third of the cost for construction and then take ownership and operational responsibility for the building and the care after the facility opens.

Similar to the payment structure today, VA would provide a daily pay-

ment for each veteran who receives services from the facility.

My legislation would also make some changes in the state home grant program that would help it transition into a more modern care delivery system.

As my colleagues may be aware, under the current program, States submit applications to VA to receive construction assistance. If the State can demonstrate that the project meets VA's requirements for quality; that its use will be primarily for veterans; and that the State has its one-third matching funds, then VA approves the project and places it on list according to a statutory priority.

My bill would create a 2-year window, starting with the date of enactment, for States to submit their new bed applications. Similarly, it would create a 2-year window for any State to come up with matching funds for any approved application that currently lacks the required match. After the 2-year window, VA would be prohibited from accepting any new applications for new bed construction.

I believe the reason we need this change is simple. For fiscal year 2007, there are \$808 million in grant proposals on VA's approved list. Approximately \$490 million in project proposals are in priority one status, meaning that the States have provided the required one-third matching funds.

At the rate of \$100 million per year provided by Congress to fund these grants, it will take nearly 9 more years for Congress to fund all of the current projects on the list. That, of course, is assuming that no new projects will be added to it. And construction of all of those projects would probably not be completed until about 15 years from now.

All of that may sound like long-term planning for future care needs. However, as I mentioned earlier, the Nation as a whole is moving away from institutionalizing the elderly.

Our aging years are supposed to be our golden years. We conjure up images of sitting on a porch, sipping tea with our spouse of 50 plus years watching the sun set. The reality, unfortunately, is that in many cases those years are spent separated from one another as one spouse is no longer able to fully care for the other. And the only option available for assistance is institutionalization. We can do better. And this bill will move us in that direction for our veterans.

I ask all of us to consider why we have a policy at VA that encourages spending nearly \$1 billion building 5,300 more new beds in a system that already has about 20,000 beds when we as a nation are trying to move in a direction that provides home and community based care programs that keep the elderly in their homes and out of long-term care institutions. I think VA and the States should change course for the betterment of our Nation's heroes.

I believe that by phasing out the current institutional bias and focusing the

energy and finances of the program on noninstitutional alternatives, VA and the States will serve more veterans and keep those veterans in their homes, where they want to be, for a much longer time.

I realize that we will still probably fund 5 or 6 thousand more new beds in the State home program just because of the 2-year window. But I recognize that Senators and Representatives will strongly support the institutional grants so long as their State has an application pending. I do not blame the Members. I would do the same thing if Idaho had submitted an application. So, I want to give everyone's State a fair chance to participate in the program.

But, I also believe that we need to transition beyond beds. And if we fail to set out the transition soon, I believe we will find ourselves 20 years from now undertaking a painful study on what to do with 15,000 empty nursing home beds in all of our States. Non-institutional service is simply the direction of long-term care and health care today because families want to be together and home is where they want to be.

VA's partnership with the States to provide long-term care to our Nation's veterans is an unmitigated success. We must continue to support the 20,000 beds we currently have. And we will. They provide the most compassionate, cost-effective institutional care in the Nation. But, we also must modernize the program.

We must keep up with the trends in health care that are pointing us in the direction of home and community-based services and away from institutions. We must change to find a way to serve more veterans with the same amount of resources. But, most importantly, we must modernize because it is the humane and right thing to do in responding to the wishes of our constituents to stay home in their later years and grow old with the people they love.

I urge all of my colleagues to join in this effort by cosponsoring this legislation.

By Mr. LEAHY:

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a joint resolution that would grant the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding, IEMAMOU compact. This joint resolution would formally approve of the IEMAMOU compact, a mutual emergency assistance agreement entered into by the New England States, including my home State of Vermont and several Canadian Provinces, who are our neighbors to the north. This mutual assistance com-

compact, which has been agreed to and operating in principle for more than 5 years, allows for cooperation between emergency responders in the United States and Canada during natural disasters and other serious emergencies. This compact is an extraordinary example of the international cooperation and good will which makes our countries more secure and our citizens safer. Congress should pass this joint resolution to give this vital compact the full force of law.

We must all do our best to prepare for the most serious emergencies that can harm our communities. These crises may arise from natural or man-made disasters, or from technological hazards or civil emergencies. As those who live in the Northeast know, extreme weather is not uncommon in New England, or in the eastern Provinces of Canada. Together with our Canadian neighbors, we have endured catastrophic blizzards and ice storms over the years that have closed roads and highways, shut down power for extended periods, and stranded travelers and rural residents for days, or longer. At times, we have also suffered the misfortune of responding to serious accidents, such as train or plane crashes. Of course, our concerns for safety surrounding nuclear powerplants and other industrial sites warrants extensive planning and preparedness for even the possibility of technological disasters. During these events, we turn to our first responders and our emergency management professionals to provide assistance and secure public safety no matter how grave the danger, and no matter how challenging the task.

The IEMMOU compact was created in response to the devastating ice storm of 1998. In January of that year, an unprecedented 3-day ice storm paralyzed portions of the northern New England States and the adjacent Canadian Provinces causing massive damage to the electrical and transportation infrastructure. Millions were left in the dark for days and even weeks, leaving more than 30 dead and shutting down normal activities in large cities like Montreal and Ottawa. Following this devastation, the governors and premiers of those regions affected recognized the need for greater cross-border emergency cooperation, and they directed their emergency management leaders to develop and create a memorandum of understanding on these issues that benefit all parties north and south of the border. The IEMAMOU compact was the result of this collaborative, international process, and now stands as a model compact for cross-border mutual emergency assistance.

The compact allows for international sharing of resources and expertise in times of extreme emergency or disaster. For example, rural States, such as my own, may need to call upon specialized resources found in other larger States or neighboring Provinces to respond immediately to events, such as

chemical disasters or mass transit accidents. With natural disasters, such as prolonged, severe winter storms, the areas affected may be so vast, stretching across several States or Provinces that no single jurisdiction alone could respond fully to the crisis. There are also events that occur along or near our border with Canada which require the immediate response and full cooperation of States and Provinces in both nations. The IEMAMOU compact meets these needs with a thoughtful and forward-looking outline of how to address issues that face first responders and their managers in times of cross-border emergency.

This international compact provides a legal framework for cooperation and mutual assistance between the States of Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut, and the Canadian Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador. The compact requires each participating member, whether State or Province, to formulate plans and programs to facilitate international and interstate or provincial cooperation in case of natural or manmade disaster, technological hazard, or civil emergency. The compact also provides for the temporary suspension of statutes or ordinances in each jurisdiction that may impede the implementation of these plans. For example, under the compact, government officials and law enforcement authorities from one member State or Province can officially work in other jurisdictions during times of emergency, a circumstance that would not be permitted otherwise.

The compact also creates a formal mechanism for making assistance requests from one state or province to another, and encourages frequent consultation between the emergency management leaders to develop free exchange of information and resources across borders. In addition, the compact provides a Good Samaritan provision, which gives liability protection for emergency responders who act in good faith in providing assistance in a legal jurisdiction outside their own, and creates reciprocal workers compensation and other benefits to emergency responders who may get injured in responding to an emergency under the compact. Finally, the compact allows for reimbursement between members States or Provinces for losses or damages incurred in responding under the agreement.

All members of this compact have agreed to its terms and join in requesting Congress's consent for the agreement. Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut have joined the IEMAMOU compact, and many of these States have passed legislation adopting the compact under State law. The Premiers of Quebec, Prince Edward Island, Labrador, Nova Scotia, and New Brunswick have similarly approved of the

compact. The IEMAMOU compact has been functioning in principle for more than 5 years, as the emergency management leaders from each member State and Province meet twice a year. Planning among the constituent members of the compact is also ongoing. This compact works well and should be supported by Congress.

The IEMAMOU compact is an international agreement between States and a foreign power, and it cannot have the full force of law without the formal approval of Congress. The U.S. Constitution requires that “[n]o state shall . . . enter into any Agreement or Compact with another State, or with a foreign Power” unless with the “consent of Congress.” U.S. Const. Art. 1, § 10, cl. 3. The joint resolution introduced today provides this necessary consent, and would give legal force to the compact. Congressional approval of this compact would also provide jurisdiction for Federal courts to resolve any disputes under the agreement.

This joint resolution is vitally important to the New England States and our Canadian Provinces to the north. Congress should support their cooperative, international leadership in creating and implementing this unique emergency management compact. The Governor of Vermont supports this joint resolution as do the leaders of the North East States Emergency Consortium, which represents each of the New England States in the compact.

This is not the first time I have supported this joint resolution. In 2001, this joint resolution was introduced by my colleague from New Hampshire, Senator ROBERT SMITH, and I joined him as a cosponsor along with Senators LIEBERMAN, JEFFORDS, CHAFEE, and GREGG. As Chairman of the Judiciary Committee, I moved the joint resolution through Committee where it passed by unanimous consent on October 31, 2001. With my support and that of other Senators, the joint resolution passed the Senate by unanimous consent on December 20, 2001, in the last month of the Democratic majority in the 107 Congress. Unfortunately, the House never came to consider the joint resolution, and it failed to become law. Since then, under the Republican leadership of the 108 and 109 Congresses, the joint resolution has only been introduced once and has not moved beyond referral to committee.

It is time to take action and pass this joint resolution without further delay. The IEMAMOU compact provides invaluable international cooperation and mutual assistance in times of natural disaster and extreme emergency. This compact works well for New England and the eastern Canadian provinces, and it stands as a model for emergency management planning and cooperation across this country. It is a crucial element of the security and safety planning for all communities in New England and eastern Canada, and we can wait no longer for it to become law.

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

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

S.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

“Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

“The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the ‘compact,’ is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as ‘party jurisdictions.’ For the purposes of this agreement, the term ‘jurisdictions’ may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

“The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

“This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

“Article II—General Implementation

“Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

“The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

“On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

“Article III—Party Jurisdiction Responsibilities

“(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

“(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

“(2) initiate a process to review party jurisdictions’ individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

“(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

“(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

“(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

“(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

“(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

“(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

“(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

“(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

“(3) The specific place and time for staging of the assisting party’s response and a point of contact at the location.

“(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

“Article IV—Limitation

“Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

“Article V—Licenses and Permits

“Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

“Article VI—Liability

“Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

“Article VII—Supplementary Agreements

“Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into

supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

“Article VIII—Workers’ Compensation and Death Benefits

“Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers’ compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

“Article IX—Reimbursement

“Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

“Article X—Evacuation

“Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

“Article XI—Implementation

“(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

“(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

“(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

“Article XII—Severability

“This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitu-

tional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

“Article XIII—Consistency of Language

“The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

“Article XIV—Amendment

“This compact may be amended by agreement of the party jurisdictions.”.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—EXPRESSING THE PROFOUND CONCERNS OF THE SENATE REGARDING THE TRANSGRESSION AGAINST FREEDOM OF THOUGHT AND EXPRESSION THAT IS BEING CARRIED OUT IN VENEZUELA, AND FOR OTHER PURPOSES

Mr. LUGAR (for himself and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 211

Whereas, for several months, the President of Venezuela, Hugo Chávez, has been announcing over various media that he will not renew the current concession of the television station “Radio Caracas Televisión”, also known as RCTV, which is set to expire on May 27, 2007, because of its adherence to an editorial stance different from his way of thinking;

Whereas President Chávez justifies this measure based on the alleged role RCTV played in the unsuccessful unconstitutional attempts in April 2002 to unseat President Chávez, under circumstances where there exists no filed complaint or judicial sentence that would sustain such a charge, nor any legal sanction against RCTV that would prevent the renewal of its concession, as provided for under Venezuelan law;

Whereas the refusal to renew the concession of any television or radio broadcasting station that complies with legal regulations in the matter of telecommunications constitutes a transgression against the freedom of thought and expression, which is prohibited by Article 13 of the American Convention on Human Rights, signed at San Jose, Costa Rica, July 18, 1978, which has been signed by the United States;

Whereas that convention establishes that “the right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions”;

Whereas the Inter-American Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission on Human Rights, states in Principle 13,

"The exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans; the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law. The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression."

Whereas, according to the principles of the American Convention on Human Rights and the Inter-American Declaration of Principles on Freedom of Expression, to both of which Venezuela is a party, the decision not to renew the concession of the television station RCTV is an assault against freedom of thought and expression and cannot be accepted by democratic countries, especially by those in North America who are signatories to the American Convention on Human Rights;

Whereas the most paradoxical aspect of the decision by President Chávez is that it strongly conflicts with two principles from the Liberator Simón Bolívar's thinking, principles President Chávez says inspire him, which state that "[p]ublic opinion is the most sacred of objects, it needs the protection of an enlightened government which knows that opinion is the fountain of the most important of events," and that "[t]he right to express one's thoughts and opinions, by word, by writing or by any other means, is the first and most worthy asset mankind has in society. The law itself will never be able to prohibit it."; and

Whereas the United States should raise its concerns about these and other serious restrictions on freedoms of thought and expression being imposed by the Government of Venezuela before the Organization of American States; Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern about the transgression against freedom of thought and expression that is being attempted and committed in Venezuela by the refusal of the President of Venezuela, Hugo Chávez, to renew the concession of the television station "Radio Caracas Televisión" (RCTV) merely because of its adherence to an editorial and informational stance distinct from the thinking of the Government of Venezuela; and

(2) strongly encourages the Organization of American States to respond appropriately, with full consideration of the necessary institutional instruments, to such transgression.

SENATE RESOLUTION 212—TO EXPRESS THE SENSE OF THE SENATE RELATING TO LEGISLATION TO CURB GLOBAL WARMING

Mr. COLEMAN (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 212

Resolved, That it is the sense of the Senate that any comprehensive, mandatory greenhouse gas emissions reduction program enacted by Congress should include—

(1) periodic determinations of the extent to which other countries that are major con-

tributors of atmospheric greenhouse gas concentrations have established for those countries emissions reduction programs that are comparable in effectiveness to the program established by the United States;

(2) in the event of an authoritative determination that the emissions reduction programs established by other countries that are major contributors of atmospheric greenhouse gas concentrations are substantially less effective than the program established by the United States, consequences in the form of—

(A) a review of provisions of the emissions reduction program established by the United States; or

(B) 1 or more changes to other policies of the United States;

(3) periodic determinations relating to whether the emissions reduction program established by the United States is increasing the rate of poverty or unemployment in the United States;

(4) in the event of an authoritative determination that the emissions reduction program established by the United States is increasing the rate of poverty or unemployment in the United States, a process of review of provisions of the emissions reduction program established by the United States; and

(5) in addition to the imposition of limits relating to the emission of greenhouse gases, effective incentives for private entities that sell electricity to increase the percentage of sales by the entities of electricity that is generated by clean energy sources.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1146. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1147. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; which was ordered to lie on the table.

SA 1148. Mrs. MCCASKILL (for herself and Mr. DODD) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1149. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1150. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1348, supra.

TEXT OF AMENDMENTS

SA 1146. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE

SEC. 01. SHORT TITLE.

This title may be cited as the "Unaccompanied Alien Child Protection Act of 2007".

SEC. 02. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) COMPETENT.—The term "competent", in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this title;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting the attorney in the practice of law.

(2) DIRECTOR.—The term "Director" means the Director of the Office.

(3) OFFICE.—The term "Office" means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(4) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(5) VOLUNTARY AGENCY.—The term "voluntary agency" means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained 18 years of age; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

"(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained 18 years of age; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody."

(c) RULE OF CONSTRUCTION.—

(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this title, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

Subtitle A—Custody, Release, Family Reunification, and Detention

SEC. 11. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or

(ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 15; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this title.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 12(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title, a determination of whether or not such alien meets such age requirements shall be made in accordance with section 15, unless otherwise specified in subsection (b)(2)(B).

(d) ACCESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of

the age of such alien, if necessary under subsection (b)(2)(B).

SEC. 12. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 13(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABILITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, sus-

pension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 13. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 12(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licensed family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 12(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incor-

porating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 14. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 15. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this title or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

SEC. 16. EFFECTIVE DATE.

This subtitle shall take effect on the date which is 90 days after the date of the enactment of this Act.

Subtitle B—Access by Unaccompanied Alien Children to Child Advocates and Counsel

SEC. 21. CHILD ADVOCATES.

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) PURPOSE.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 22. COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section 11(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 12(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Director shall develop the necessary mechanisms to

identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, non-profit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this title, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of

at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) ACCESS TO RECOMMENDATIONS OF CHILD ADVOCATE.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—Nothing in this title may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

SEC. 23. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this subtitle.

Subtitle C—Strengthening Policies for Permanent Protection of Alien Children

SEC. 31. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.

(a) J CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(27)(J) (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

“(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

“(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

“(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

“(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

“(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

“(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.”

(2) RULE OF CONSTRUCTION.—Nothing in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by virtue of such parent-

age, any right, privilege, or status under such Act.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

“(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and”

(c) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) STATE REIMBURSEMENT.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(d) TRANSITION RULE.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of the enactment of this Act.

SEC. 32. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) CURRICULUM.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) VIDEO CONFERENCING.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) TRAINING OF DEPARTMENT PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel

of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 11(a)(2)(A).

SEC. 33. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this title;

(3) data regarding the provision of child advocate and counsel services under this title; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

Subtitle D—Children Refugee and Asylum Seekers

SEC. 41. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress—

(1) commends the former Immigration and Naturalization Service for its "Guidelines for Children's Asylum Claims", issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children", issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) TRAINING.—

(1) IMMIGRATION OFFICERS.—The Secretary shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) IMMIGRATION JUDGES.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children" and the "Guidelines for Children's Asylum Claims" to immigration judges and members of the Board of Immigration Appeals; and

(B) redistribute the "Guidelines for Children's Asylum Claims" to all immigration courts as part of its training of immigration judges.

(3) USE OF VOLUNTARY AGENCIES.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) STATISTICS AND REPORTING.—

(1) STATISTICS.—

(A) DEPARTMENT OF JUSTICE.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

SEC. 42. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

"(A) the number of unaccompanied refugee children;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible."

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking "and" after "countries,"; and

(2) by inserting "and instruction on the needs of unaccompanied refugee children" before the period at the end.

SEC. 43. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section 11(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 (8 U.S.C. 1158(a)(2)) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child."; and

(2) in subsection (b)(3), by adding at the end the following:

"(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child."

Subtitle E—Amendments to the Homeland Security Act of 2002

SEC. 51. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking "and" at the end;

(2) in subparagraph (L), by striking the period at the end and inserting "including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and"; and

(3) by adding at the end the following:

"(M) ensuring minimum standards of care for all unaccompanied alien children—

"(i) for whom detention is necessary; and

"(ii) who reside in settings that are alternative to detention."

(b) ADDITIONAL AUTHORITY OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

"(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director may—

"(A) contract with service providers to perform the services described in sections 12, 13, 21, and 22 of the Unaccompanied Alien Child Protection Act of 2007; and

"(B) compel compliance with the terms and conditions set forth in section 13 of such Act, by—

"(i) declaring providers to be in breach and seek damages for noncompliance;

"(ii) terminating the contracts of providers that are not in compliance with such conditions; or

"(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section."

SEC. 52. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 51, is further amended—

(1) in paragraph (3), by striking "paragraph (1)(G)" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(5) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor."

SEC. 53. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

Subtitle F—Prison Sexual Abuse Prevention**SEC. 61. SHORT TITLE.**

This subtitle may be cited as the "Prison Sexual Abuse Prevention Act of 2007".

SEC. 62. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking "the Attorney General" each place that term appears and inserting "the head of any Federal department or agency".

Subtitle G—Authorization of Appropriations**SEC. 71. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SA 1147. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6 and insert the following:

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.**(a) TIME LIMITS.—**

(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking "determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request" and inserting "within the 20-day period commencing on the date on which the request is first received by the agency (excepting Saturdays, Sundays, and legal public holidays), which shall not be tolled without the consent of the party filing the request, determine".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) APPLICABILITY OF AGENCY FEES.—

(1) LIMITATION.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

"(viii) An agency shall refund any fees collected under this subparagraph if the agency fails to comply with any time limit that applies under paragraph (6). Such refunds shall be paid from annual appropriations provided to that agency."

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and shall apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SA 1148. Mrs. MCCASKILL (for herself and Mr. DODD) submitted an amendment intended to be proposed by her to the bill S. 1348, to promote for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 123, strike line 5 and all that follows through page 124, line 6, and insert the following:

"(1) EMPLOYERS.—Whenever an employer who does not hold Federal contracts, grants,

or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

"(2) CONTRACTORS AND RECIPIENTS.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years."

SA 1149. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, to promote for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 281, between lines 40 and 41, insert the following:

(vi) MISDEMEANOR OFFENSE.—The alien shall admit to a misdemeanor offense for being in the United States illegally, and such offense shall be punishable by at least 416 hours of community service.

SA 1150. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

(The amendment will be printed in a future edition of the RECORD.)

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session of the Senate on Monday, May 21, 2007, at 5:30 p.m., in S-216 of the Capitol, to consider pending committee business.

Agenda**Nomination**

Howard C. Weizmann to be Deputy Director, Office of Personnel Management.

Post Office naming bills

(1) S. 1352, a bill to designate the facility of the U.S. Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building";

(2) H.R. 1402, a bill to designate the facility of the U.S. Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building";

(3) H.R. 625, a bill to designate the facility of the U.S. Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office";

(4) H.R. 988, a bill to designate the facility of the U.S. Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office";

(5) H.R. 437, a bill to designate the facility of the U.S. Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez Jr. Post Office";

(6) H.R. 414, a bill to designate the facility of the U.S. Postal Service located at 60 Calle McKinley West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building."

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

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Madam President, I ask unanimous consent that Ellen Gallagher, a detailee to my staff from the Department of Homeland Security, be given floor privileges for the duration of debate on the comprehensive immigration reform bill.

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

POSTHUMOUSLY AWARDING A CONGRESSIONAL GOLD MEDAL TO CONSTANTINO BRUMIDI

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 150, S. 254.

The PRESIDING OFFICER (Mr. KLOBUCHAR). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 254) to award posthumously a Congressional gold medal to Constantino Brumidi.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment on page 5, line 13 to strike "Unites" and insert in lieu thereof "United".

Mr. REID. Madam President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The committee amendment was agreed to.

The bill (S. 254), as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to Calendar No. 153, S. Res. 130.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 130) designating July 28, 2007, as the "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res 130) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 130

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse the Nation with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in the culture and economy of the United States;

Whereas approximately 800,000 ranchers in all 50 States are conducting business and contributing to the economic well-being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in the United States;

Whereas membership in rodeo and other organizations encompassing the livelihood of a cowboy transcends race and sex and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge the ongoing commitment of the United States to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 28, 2007, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

AMENDMENT NO. 1150

Mr. REID. Madam President, on behalf of Senators KENNEDY and SPECTER, I call up an amendment that is now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada [Mr. REID], for Mr. KENNEDY, for himself, and Mr. SPECTER, proposes an amendment No. 1150.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment will be printed in a future edition of the RECORD.)

ORDERS FOR TUESDAY, MAY 22, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Tuesday at 10 a.m.; that on Tuesday, May 22, following the prayer and pledge, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half; that at the close of morning business, the Senate resume consideration of S. 1348, the immigration bill, and Senator SESSIONS be recognized to speak until 12:30 p.m., at which time the Senate stand in recess until 2:15 p.m. in order to accommodate the respective party conference meetings; that at 2:15 p.m., if Senator SESSIONS has not concluded his remarks, he then be recognized to conclude those remarks, with no amendments in order during the time of his remarks. He will complete his remarks to the extent of 2 hours for tomorrow. Under the order we previously entered, he has 2 hours tomorrow. So at 2:15, whatever time he didn't use prior to 12:30, he would have that time.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, I ask unanimous consent that the Senate now stand in adjournment.

There being no objection, the Senate, at 8:14 p.m., adjourned until Tuesday, May 22, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 21, 2007:

DEPARTMENT OF ENERGY

THOMAS P. D'AGOSTINO, OF MARYLAND, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY, VICE LINTON F. BROOKS, RESIGNED.

DEPARTMENT OF STATE

ERIC G. JOHN, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES W. GRIM, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JASON D. RIMINGTON, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JEFFERY J. RASNAKE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD P. ZAHNER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH MAGUIRE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KENNETH C. SIMPKISS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY G. HOFFMAN, 0000
PATRICIA L. WOOD, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROY V. MCCARTY, 0000
PETER C. VANAMBURGH, 0000
HUNG Q. VU, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ERIC M. ARBOGAST, 0000
DAVID A. BECKER, 0000
MEREDITH E. BROWN, 0000
MICHAEL R. BUNTING, 0000
LOUIS D. CAPORALE, JR., 0000
ANDREW J. FOREMAN, 0000
CHRISTOPHER W. HAMPTON, 0000
MATTHEW J. LANDRY, 0000
CHRISTOPHER B. LOGAN, 0000
PATRICK W. MCCUEN, 0000
WILLIAM G. MITCHELL, 0000
KEITH A. PARRY, 0000
MICHAEL J. PEITZ, 0000
JAMES L. WETZEL IV, 0000