United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, MAY 23, 2007 No. 85

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Our Father in Heaven, we thank You for the freedom we enjoy. Thank You for freedom of the press, speech, religion, assembly, and petition. Thank You also for a government of the people, by the people, and for the people.

Lord, today, bless the Senate and our Nation. Deliver us from internal and external forces that seek to destroy our liberty. Give the Senators strength and wisdom. Help them to remember Your promise to keep them from temptation and to deliver them from evil. Remind them that they face no test that You cannot help them pass. Let this Nation be a tool for the fulfillment of Your purposes on Earth. Lord, let Your kingdom come, let your will be done on Earth as it is in Heaven.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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 23, 2007.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN 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. Mr. President, this morning, following any time used by the leaders, there will be a 60-minute period of morning business. The majority will control the first half hour and the Republicans will control the second half hour.

Following this period of morning business, we will resume consideration of the immigration legislation. The next amendment to be offered this morning will come from the Republican side. Yesterday, I announced that the next Democratic amendment will be that of Senator BINGAMAN relating to the guest worker program.

Members can expect votes throughout the session today on the immigration bill.

Also, I had a meeting with Senator KENNEDY this morning. He indicated he would like to work into the evening on amendments. So Senators should plan to be here until at least 8 o'clock tonight with votes.

We are making progress on the supplemental. It is not done yet, but we are very close.

IRAQ

Mr. REID. Mr. President, I cannot let the day go by without at least acknowledging a conversation I had yesterday afternoon with the father of another fallen soldier from Nevada. We lost two in 1 week. His boy just turned 19. I talked to his dad who was very sad.

I listened to the news this morning, and nine American soldiers were killed yesterday in Iraq. So we are going to continue doing what we can to have the President change course in Iraq. The present course is not working. We need a plan to bring our soldiers home.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, the time to be equally divided, with the first half of the time under the control of the majority and second half of the time under the control of the Republicans.

The Senator from Rhode Island is recognized.

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, on Tuesday, I came to the Senate floor to present ideas on health care reform, particularly on the problem of fixing the internal operations of our broken health care system so that it runs better, at less cost, and with improved care.

I suggested that three fundamental things are wrong with our health care

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

Printed on recycled paper.

system: One, it doesn't adequately provide quality care or invest in prevention; two, the system doesn't have adequate information technology infrastructure; and, three, the way we pay for health care sends perverse price signals that misdirect market forces.

I am here today to speak about quality reform, about those areas in our health care system where improving the quality of care will lower the cost—let me repeat that—where improving the quality of care will lower the cost.

There is a lot at stake, in money and in lives. Up to 100,000 Americans die every year as a result of unnecessary and avoidable medical errors. By some measures these outcomes are even getting worse. A 2003 article published in the New England Journal of Medicine revealed that the rate of hospital-acquired infections has actually increased over 36 percent since 1999. This increase has occurred even though we have shortened the average length of stay in a hospital and decreased the number of inpatient surgeries. In other words, infection rates rose that much even though the opportunities for exposure decreased.

Pennsylvania has recently chronicled hospital-acquired infection data for its 168 general acute care hospitals. The numbers are staggering: 19,154 patients acquired an infection while in the hospital in 2005, resulting in average commercial insurance payments of $45,601 higher than for patients who did not contract infections. That is big money that could be saved.

Remember the example I gave on Tuesday from Michigan's intensive care unit reform. In a 15-month span between March 2004 and June 2005, the project saved 1,578 lives. It saved 81,020 days patients would otherwise have spent in the hospital, at great expense; and it saved over $165 million just in a 15-month period.

However, it is not easy to pursue these quality reform initiatives. Funding is scarce, collaboration is required in an environment where people are pretty mad at each other, and the economics are perilous. When doctors and hospitals go to the trouble to figure out quality reform and implement it and pay for it, the effect on them is lowered revenues. Investing time and effort and capital in projects that reduce your revenues is not a great business model, but that is our health care system.

Thankfully, efforts to pursue quality reform—in all these indicated States and locations on the chart—are flickering to life around the country, in local initiatives such as the Puget Sound Health Alliance in Washington, the Utah Health Information Network, the Indianapolis Network for Patient Care, and our own Rhode Island Quality Institute. These groups have gathered health care industry players together to seek the holy grail of improved care at lower cost.

The fact that this is happening is itself a small miracle. The health care system is acrid with soured, angry relationships. When I was attorney general of Rhode Island, negotiations took place between one of our major hospital chains and our major health insurer in my office. It was not because I was a great mediator or that there was a role for the attorney general in this, it was simply because they were so angry with each other that I needed to calm things down and keep them in the room so the negotiations could proceed. For a bunch of reasons, through our Government policy to shortchange providers, through the perverse reward structure of our health care system, and our HMO experiment, we have encouraged combat among hospitals, doctors, and insurers, each trying to push their costs onto somebody else rather than working together for the common good.

So these local health care quality initiatives from this toxic climate are as marvelous as that spontaneous Christmas truce in World War I, when the soldiers began singing Silent Night across the barbed-wire wasteland, as they came out from the cold, muddy trenches to share cigarettes and schnapps with the enemy, men they had just been mustard-gassing and machine-gunning.

Let me tell you about the Rhode Island Quality Institute. By the time I became attorney general, I was already deep into health care, having served as insurance regulator, hospital trust administrator, fraud prosecutor, and health care reformer. I had seen firsthand the anger and the vitriol in the system. I had been successful in reforming the workers' compensation system and was optimistic about what sensible reforms could do to repair a broken administrative system. I saw common ground on how quality could lower cost. In 2001, I began to pull doctors, nurses, insurers, regulators, pharmacists, academics, and hospital administrators together. Over many months, we developed a concept of a statewide collaboration that would focus on producing significant, measurable improvements in health care quality, safety, and value in Rhode Island. The Rhode Island Quality Institute was born.

Since then we have made significant progress in e-prescribing, electronic health records, ICU infection rates, and health information interoperability. This happened because the Quality Institute is a place where health care leaders can work through health care problems, despite economic signals that punish them for doing the right thing.

For example, in Rhode Island, our hospitals are pursuing a quality improvement project in every intensive care unit in the State, modeled on the Michigan program. The Rhode Island ICU program had a significant hurdle to overcome, however. The cost was expected to be $400,000 per year to be borne by the hospitals. The savings, estimated to be $8 million per year, went to the payers. For its $400,000 invested, a hospital actually stood to lose money from shorter intensive care unit stays and fewer procedures.

For hospitals, truly pushing that quality envelope and striving for zero tolerance in infections in errors was economically self-abusive behavior. It took the Christmas truce relationships developed within the Rhode Island Quality Institute to overcome that obstacle.

Now similar things are happening all over the country, in little flickering beginnings of reform. The easiest and best way to promote quality reform that lowers cost is to feed, with Federal grants, a little kindling into these flickering flames; to tend them gently with Federal encouragement and support, to network them together to share energy and information and ideas, to have Federal officials clear away regulatory obstacles to their initiatives, and to report on the best and brightest ideas and successes that emerge—in a nutshell, to create a MacArthur genius grant program to encourage these efforts and to clear the way for them through the bureaucracy.

My legislation proposes a Federal grants program to do just that. A little money will go a long way. The CVS/Caremark charitable trust just guaranteed the Rhode Island Quality Institute $500,000 per year for the next 5 years, a great expression of business support and confidence, and it has made a world of difference. Compare that half-million-dollar yearly investment to the savings from the Keystone project in Michigan over a little more than a year, 15 months—$165 million. What if every Quality Institute-type organization got a half million dollars? There are somewhere in the neighborhood of 50 such organizations around the country now. The total savings they can generate could be hundreds of millions, billions of dollars perhaps, based on a yearly investment of perhaps $25 million.

Don't forget, it is not just money. The Keystone project saved over 1,500 lives. Quality reform is already on the march in local communities. To make a significant difference, we need do no more on the Federal level than support these initiatives, encourage new ones, transmit best practices and ideas, and, when necessary, secure waivers for them to help realize the promise of quality reform in both lives saved and dollars saved.

I will close today by noting that if we can do three things together—quality reform, health IT investments, and reimbursement alignment—they will reinforce each other and compound the beneficial effects. Remember, health care is a dynamic system and cannot just be told what to do. We have to identify the problems, find their causes, and repair them. That is not a partisan or even a political effort; it is a repair job, and it has no more a Democratic or a Republican nature to it than an engine tune-up or a plumbing repair. We should work together on

this issue to get it right. Hundreds of billions of dollars are at stake, and terrible consequences await American families and businesses as health care costs mount if we fail in our duty. While we still have the time before the economic, fiscal, and health consequences become too urgent for deliberate action, let us not fail in our duty. Let us grasp the controls of change.

I yield the floor.

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

ENERGY PRICES

Ms. CANTWELL. Mr. President, I rise this morning to talk about the high gas prices we are seeing all over America and certainly on the west coast, where Washington State is paying some of the highest gas prices in the Nation.

My point this morning is that we are approaching the Memorial Day weekend in which Americans will be remembering loved one and wanting to spend time with their families, but this Memorial Day might go on record as having the highest gas prices in our Nation's history. That means we in the Senate need to act on energy legislation that not only diversifies us off fossil fuels into more renewables and alternative fuels, as well as pass energy conservation measures, it also means we need to protect consumers with a strong bill that makes price gouging and market manipulation of energy markets illegal. We need to assure that there are tough Federal penalties on the books so that any kind of market manipulations will be met with fines and penalties.

I know many people think this is all just about supply and demand. It is pretty hard to tell the people of Washington State it is just about supply and demand when we have five refineries in the State of Washington and most of our oil comes from Alaska. And people say we are an isolated market. In fact, there are schools in our State that are feeling the brunt. One of the school districts in the Yakima Valley, where buses travel more than 2,200 miles each day, will have to spend about $125,000 more this year on fuel. That is revenue which could go to books or hiring teachers or other needs for the school. In Spokane, the volunteers for Meals on Wheels, which usually delivers 350 meals a day to homebound elderly and disabled residents, are having to cut back on their routes. Another constituent called the office to say he was having trouble paying for gas he needed to make the 80-mile round trip to the Tri-Cities to get kidney dialysis for his wife. That loving husband said he was either going to have to quit his job or move closer to the facility so they could avoid paying high prices of gasoline. So while the pundits are talking about just supply and demand, my constituents and many constituents across this country are feeling the pain at the pump.

It is time that we act and pass the Cantwell-Smith bill, which we will have a chance to do when we return after the Memorial Day recess. This legislation is based on a New York law that has been held up in the courts and gives the Federal Trade Commission the ability to do the job that is needed to investigate potential market manipulation and price gouging. Many of the statutes that are on our books today are inadequate for looking at markets when there is a tight supply.

I heard a great deal about supply and demand during the Western energy crisis. For probably my entire first year in office, that is all we heard about from various people who wanted to say that the Enron problems were nothing more than supply and demand and the failure to build more capacity. In fact, when it came down to it, there was a lot more to this question than lack of supply in California. It turned out that there were elaborate schemes to manipulate energy markets, with names such as Death Star, Get Shorty, Fat Boy, schemes in which people deliberately took supply off line or manipulated it just to drive up prices by suppressing supply.

My colleagues have worked hard in the last several years to put into statute protections for consumers to make sure electricity and natural gas markets are not manipulated. This law is based on the same protections the Commodity Futures Trading Commission and the SEC use to make sure there is not manipulation in those markets. Why not have the same protection for consumers as it relates to oil and gasoline markets?

I hope that when we return, we will give great attention to this issue and not be swayed by those who think this is a simple market-demand issue. If we want to protect the consumers of this country, we will pass a strong law that gives the ability for Federal regulators to do their job. I believe there are real U.S. jobs, pensions, and businesses on the line if we do not act and act aggressively. The American people want to know that the Senate is going to stand up and do something about these record gas prices. They want to know that they are paying a fair and market-based rate for fuel and that they will continue to have the transparency in oil markets to make sure prices are reasonable and affordable, and they want to be sure we are empowering the right people to make sure an investigation takes place.

As I said, there is much that we need to do in the near term and the long term for our energy markets to diversify and to give consumers real choice at the pump, to make sure we are investing in conservation and fuel efficiency. But in the meantime, with tight energy markets, we need to make sure we are giving consumers the protection they need and to pass this legislation when we return after the recess.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator is recognized.

IMMIGRATION

Mr. GRASSLEY. Mr. President, I am going to use time in morning business to discuss the very important bill that is before us that we will be going on in about 20 minutes, and that is the immigration bill. This sometimes is referred to as the ''grand compromise.''

It is no secret that I have had concern about the immigration issue, and now specifically this bill, and in my opinion it contains an amnesty program. I know around here those who are backing this ''grand compromise'' don't want us to use the word ''amnesty,'' but I think if it walks like a duck and quacks like a duck, it is a duck. So I am going to refer to it as the amnesty program for illegal aliens already in the United States.

Not too many Senators today can say they voted for the 1986 amnesty bill. That was the Simpson-Mazzoli Act, the present law we are amending. I did vote for that amnesty bill, so, in a sense, I voted for amnesty. I am here to tell you that I felt at that time as though I were doing the right thing. I can also tell you that now, looking at history, it was the wrong thing to do. I thought then that taking care of 3 million people illegally in the country would solve the problem once and for all. I found out, however, if you reward illegality, you get more of it. Today, as everybody has generally agreed, we have 12 million people here illegally.

I did believe that bill would solve our problems, but it was not only shortsighted, the one we passed 20 years ago, it turned out to be unworkable. It was soft on enforcement and weak on legal reforms. We believed a legalization component was in the best interest of the country.

The American people, myself included, thought that illegal immigration would decline with an amnesty program. We were wrong. The 1986 legislation failed us, as well intended as it was. That was not a bill that went through very quickly. That bill was worked on over a period of 6 years, as we have been working on other immigration legislation at least over a 3- or 4-year period of time.

Today we are back as a body we call the Senate to put another bandaid on this issue. I don't blame the American people for being angry or rejecting the promises some are making that we will enforce our laws from now forward because I heard that same thing in 1986—from now forward. I think it is fair to say the people of this country are cynical on this issue. They don't have any

faith that the law is going to be enforced.

One specific aspect of this bill that is so concentrated on enforcement, first, before we do anything else, is called the trigger mechanism. I am going to talk about that trigger mechanism. Before I get to the amnesty program and trigger, I want to point out that the trigger that is included in this substitute, the trigger says the Y and the Z visa program would be subject to a trigger. I wish to point to the famous Trigger, Roy Rogers' Trigger. I think everybody knows about that Trigger. I point to that because I think, if Roy Rogers were here today—and he has been dead about 20 years—he would say: Boys, saddle up. There is going to be a rough ride ahead for us.

The ''Trigger'' is coming in handy today. He first galloped into this Chamber when I used ''Trigger'' during a budget resolution because there is a trigger in the budget resolution just adopted. Now ''Trigger'' is back for the immigration debate because there is a trigger mechanism in this bill.

You can see from the chart that Trigger is a very impressive-looking horse. He looks big and strong and probably can help do some of the chores around the farm. I am sure my grandkids would like to ride Trigger, if they knew he was safe to ride. This horse and its rider look very safe and confident. But I wish to make the point, in this bill, with a trigger mechanism, we can't trust the trigger in this bill. It is false and it is misleading and that is what I wish to point out.

I have heard Members of this body talk about how amnesty would not start until the trigger is pulled. It says on page 2, ''with the exception of the probationary benefits,'' the Y and Z visa programs cannot start until certain actions and certain items are completed. So 12 million illegal aliens will apply and likely get a probationary card. This card gives the illegal alien a work authorization, a Social Security number, and protection from removal. That is problem No. 1. Amnesty is given away before we even get to the trigger.

I wish to talk about four of the key actions that the trigger requires. First, it requires the establishment of an electronic employer verification system. I am a champion for that concept—make the employer responsible for making sure the person is legally in the country. In fact, I wrote title III last year. It could be a very solid enforcement tool. But the trigger only says it needs to be established. It says nothing about requiring all businesses to use it. Under the compromise, employers would not be forced to use it until up to 3 years after the date of enactment.

Second, the trigger says that 18,000 Border Patrol agents have to be hired. According to the Department of Homeland Security, we already have 14,000 agents, so the trigger requires that 4,000 more are hired. Sure, we can hire these agents. But the trigger doesn't require that the agents be trained and stationed and doing their job.

Third, the trigger says we have to construct 370 miles of real fence along the border. I understand this construction is currently underway. Congress authorized 700 miles of fencing in the Secure Fence Act of last year. We also provided billions of dollars for fencing and infrastructure last year. Why doesn't the trigger require that all 700 miles has to be constructed?

The trigger also says the Department of Homeland Security needs resources to detain up to 27,500 aliens per day on an annual basis. If they are caught, you have to have someplace to secure them. The problem is these spaces are full this very day.

How do these trigger actions, then, add to our present day enforcement? The impression is left by the author of the trigger—and I think it is the intent of that author and the ''grand compromise''—that all these security provisions are going to be in place before any of the other provisions of the law, such as allowing legality of people here illegally—before those provisions can go into effect.

Fourth, the trigger requires the United States to end what we call the catch-and-release practice. Maybe it is late-breaking news to some around here, but we ended that practice already. Secretary Chertoff was on TV, telling the world on August 23, last year, that he ended catch and release.

However, further along in the bill it says—and it is referred to as OTMS, ''other than Mexicans''—can be released into our community on a $5,000 bond. The policy of catch and release will not end. This part of the trigger in my judgment is false and misleading.

There is a lot missing from the trigger. For example, title I of the compromise has border security requirements, but they are not in the trigger. The bill requires the Department to have a national border security strategy and surveillance plan. One would think a plan is necessary right away in order to secure the borders, not after the trigger is pulled.

The trigger does not include authorizations for a number of Homeland Security personnel. While the bill requires the Department to hire more investigators for alien smuggling and more interior enforcement personnel, these requirements are not part of the trigger.

I think, before an amnesty starts, we should require interior enforcement measures to be met. Our national security is not just a border issue.

Finally, I think the trigger should include something we have been trying to do since 1996, after the first attacks on the World Trade Center. Congress enacted a law that requires an entry and exit system to track all foreign travelers. That is known as the US-VISIT Program. We had to endure another attack in 2001 before people took the entry and exit system seriously. We got it partly implemented, but the administration decided on their own that the exit portion was not worth the cost, so that 1996 mandate still remains ignored.

After 10 years, for us in Congress it is still like pulling teeth, trying to get an implementation schedule out of the agency bureaucrats. I think we should be ashamed that is not done yet. This trigger is not legitimate or worthy of the tradition of Roy Rogers. It is only a coverup for amnesty.

I wish to address the flaws that I found in title 6, the part of the bill that gives probationary status and Z visas to illegal aliens currently in the United States. I am simply going to list my top 15 flaws. I don't have time to go into them in great detail. I will be glad to supply more detail if people want it.

No. 1, probationary benefits are not subject to the trigger. Probationary benefits, including work authorization, protection from removal, and a Social Security number are granted to illegal aliens immediately, even if the alien's background check is not complete. I wish to emphasize that point—even if the alien's background check is not complete.

No. 2, many criminal provisions may be waived. Numerous criminal provisions are waived for eligibility purposes. For example, an alien who falsely claimed U.S. citizenship would be considered eligible for amnesty, even though it is a crime.

No. 3, background checks are taken too lightly. An illegal alien can apply for probationary status and a Z visa without thorough background checks. Immediately after the bill passes, the alien can apply for probationary legal status and receive a card, even if the alien's background check is not complete.

No. 4, illegal aliens are protected from removal. If an alien is in removal proceedings or being detained at the time of enactment, the alien can still apply for amnesty. Aliens who apply for amnesty cannot be detained or deported while their application is being processed, essentially giving them immunity from justice.

No. 5, terrorists and criminals can apply for amnesty. The Secretary of Homeland Security is allowed to waive the grounds of ineligibility for those who have an outstanding final administrative order of removal, deportation or exclusion. Currently, there are more than 637,000 alien absconders in the United States who have defied orders to leave.

No. 6, taxes. Illegal aliens are required to provide the Internal Revenue Service information about tax payments only when applying for legal permanent residence if that avenue is pursued. Illegal aliens can skirt the Federal, State and local tax laws because it is not a requirement to prove one has paid outstanding tax liabilities to get probationary or Z status.

No. 7 limits eligibility to illegal aliens. It creates a Z nonimmigrant

visa program for illegal aliens and illegal aliens only. No one else is eligible for this program, particularly those waiting their turn in line. Also, there is no cap on the number of eligible participants.

No. 8, indefinite renewal of the Z nonimmigration visas. Z nonimmigrant visas are valid for 4 years and may be renewed indefinitely. This is a disincentive for illegal aliens to pay the $4,000 penalty, touch back to their own country, and prove that they paid their taxes or receive a very important medical exam.

No. 9, health standards are ignored. No medical exam or immunizations are needed to get a Z visa.

No. 10, there is no incentive to learn English. There is no English requirement to get a Z visa. Each Z nonimmigrant must only demonstrate ''an attempt to gain an understanding of the English language'' upon the first renewal of the Z visa. There are waivers even for that requirement.

No. 11, green card applicants are not required to return to their home country. Green card applicants, only for the principal alien, must be filed in person outside the United States but not necessarily in the alien's country of origin.

The alien can then reenter, likely on the same day, under a Z nonimmigrant visa because it serves as a valid travel document. Again, there are exceptions for the requirement.

No. 12: Fault with these provisions. Fines are, quite frankly, false and misleading. Not everyone is required to pay the $5,000 penalty. The principal alien pays some fines and fees, and the dependents only have to pay a processing and State-impact fund fee. To get a green card, if an alien intends to pursue this route, a Z–1 nonimmigrant must pay a $4,000 penalty. Z–2 and Z–3 aliens are only required to pay application fees.

No. 13: Fines will not adequately pay for the cost of amnesty. The bulk of the monetary fines are required at the end of the program. All fines may be paid in installments, and waivers are available in extraordinary circumstances.

No. 14: Impact on State and local government. State impact money will be granted to States to provide services for noncitizens only, instead of providing services to all citizens impacted by the large number of illegal immigrants. Examples would be school systems and health care services.

No. 15 and last: Revocations of terrorist visas. You know that visas revoked on terrorism grounds—I am talking about terrorists—if a visa is revoked on terrorism grounds, it would allow Z visa holders to remain in the United States and use the U.S. court system to appeal those terrorism charges.

The bill, including the amnesty program, does not address visa revocation for any visa holder.

I would like someone to tell me that this is the last time we will do an amnesty because I heard that 20 years ago. I will not hold my breath. Nobody is making any promises that this is the last amnesty, and that is because we all know amnesties will continue. We are on a path to make what I consider a mistake that I made in 1986. We ought to get it right and focus on the long-term solutions to this problem.

So I am going to be offering some amendments to fix some of these 15 flaws, but I am not sure it can be repaired at the end of the day. It is my plan, when we go into the bill, to offer an amendment, to lay an amendment before the body.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. McCASKILL.) Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

AMENDMENT NO. 1166 TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I have an amendment at the desk that I would like to call up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, and Mr. DEMINT, proposes an amendment numbered 1166.

Mr. GRASSLEY. 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 is as follows:

(Purpose: To clarify that the revocation of an alien's visa or other documentation is not subject to judicial review)

At the appropriate place, insert the following:

SEC. _____. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

Mr. GRASSLEY. Madam President, the amendment I have before you is dealing with an issue I just described in morning business as one of 15 flaws in a very important part of this legislation. This amendment is going to revise current law related to visa revocation for visa holders who are on U.S. soil.

Now, we have this situation which does not make sense. My amendment is meant to bring common sense to this. Under current law, visas approved or denied by a consular officer in some of our embassies overseas would be nonreviewable. In other words, what that consular office said would be final. That person being denied a visa to come to this country would not have access to courts because consular officers have the final say when it comes to granting visas and allowing people to enter a country. So if you are a consular officer and you believe somebody is a terrorist or a terrorist threat, you can deny the visa, no review.

However, if that person gets a visa and they come to this country and we find out later on that they are a potential terrorist and should not have come here in the first place and you want to get them out of the country as fast as you can—because that is surely what we would have done with the 19 pilots who created the terror we had on September 11—then that decision made when the person comes to this country, that decision by the consular officer is reviewable in the U.S. courts.

Now, everybody is going to say: Well, that just does not make sense. You know, the same person over in some foreign country wants to come here, and the consular officer says: We can't let that person come here because he is a potential terrorist threat. Well, then they do not get to come here and nobody can review that. But if that very same person came here and we decided they shouldn't have been here in the first place, then they have access to our court system before they can be removed. Thanks to a small provision inserted during conference negotiations on the Intelligence Reform and Terrorism Prevention Act of 2004, the visa holder at that point has more rights than he or she should have. I think that is very obvious.

Now, the ability to deport an alien on U.S. soil with a revoked visa is nearly impossible if the alien is given the opportunity to appeal the revocation. This section has made the visa revocation ineffective as an antiterrorism tool.

My amendment would treat visa revocations similar to visa denials because the right of that person to be in the United States is no longer valid. In other words, if it was not valid for him to come here in the first place and it

was not reviewable by the courts, and then they get here and for the same reasons they should not be here—because they are a terrorist threat—they should not have access to our courts.

So this exception has made the visa revocation ineffective as an antiterror tool. My amendment would treat visa revocations similar to visa denials because the right of that person to be in the United States is no longer valid. If they were originally denied a visa by the consular officer, there would be no right to dispute; they would not be here in the first place.

I asked Secretary Chertoff about the problem with our current law on the visa revocation, and I want to quote from what he told the Judiciary Committee in March because I have been working on this problem for a while. To quote Secretary Chertoff:

> The fact is that we can prevent someone who's coming in as a guest. We can say ''You can't come in overseas,'' but once they come in, if they abuse their terms and conditions of their coming in, we have to go through a cumbersome process. That strikes me as not particularly sensible. People who are admitted as guests, like guests in my house, if the guest misbehaves, I just tell them to leave; they don't get to go to court over it.

We can equate the role of homeowner to that of a consular officer. Currently and historically, all decisions by consular officers with regard to the granting, the initial granting of visas are final and not subject to review. Revocations shouldn't be treated differently in the case of terrorists.

Why is this important to do? Consider visa revocations related to terrorism. Consider the 2003 Government Accountability Office report revealing that suspected terrorists could stay in the country after their visas had been revoked on the grounds of terrorism because of a legal loophole in the wording of revocation papers. This loophole came to light after the Government Accountability Office found that individuals were granted visas that were later revoked because there was evidence the persons had terrorism links and associations.

The FBI and the intelligence community suspected ties of terrorism in hundreds of applications. The FBI did not share this information with our consular officers in time, so the consular officers granted the visas. So I suppose at that point you cannot blame the consular officers when they did not have the information the FBI should have given to them. So then when they got the derogatory information about these individuals from the FBI, then it was too late. They had already been granted visas. They were already here. The consular officers then had to go through the process of revoking the visas. What the Government Accountability Office found was that even though the visas were revoked, immigration officials could not do a thing about it. They were handicapped from locating the visa holders and deporting them.

I wish to give you an example of how this hurts us today. A consular officer grants a visa to a person, and that person makes his or her way where they were intended to come, to this great country of the United States. After arriving in the United States, a consular office finds out that the foreign individual has ties to terrorism. Maybe the consular officer found out that visa holder attended a terrorist training camp or maybe the intelligence community just informed the consular officer that the visa holder was linked to the Taliban or maybe our Government just learned that visa holder gave millions of dollars to a terrorist organization before they applied for a visa. These are all very good reasons for revocation of a visa. If a person should not have received a visa in the first place, then the consular officer has to revoke it. Well, I mean if they had the visa then, you have to go to the trouble of getting it revoked.

Three key points to consider: First, the decisions to revoke a visa are not taken lightly. If a consular officer needs to revoke a visa, the case is thoroughly vetted. In fact, the case is decided back here in Washington, DC, at the highest levels. Second, consular officers do not have the authority to revoke a visa based on suspicion. A revocation must be based on actual finding that an alien is ineligible for the visa. Third, consular officers give the visa holder an opportunity to explain their case. They may ask them to come to the embassy and defend themselves. So when a visa is revoked, it is very serious business. But the current law handicaps law enforcement and makes it nearly impossible to deport the alien if they already made it to the United States.

Current law allows aliens to run to the steps of our country's courthouses and take advantage of our system. Allowing review of a revoked visa, especially on terrorism grounds, jeopardizes the classified intelligence that led to the revocation. It can force agencies such as the FBI and the CIA to be hesitant to share any information. Current law could be reversing our progress on information sharing, the very major thing we did to make sure September 11 didn't happen again. Prior to September 11, the FBI and the CIA could not share information. Now they can, in hopes that we will stop September 11 from happening again. But if all this information is going to get out through the court system, one of two things will occur: It isn't going to be given to the State Department in the first place, or, secondly, if it is given and it gets into the court system and gets out, we are going to have a damper put on the sharing of information.

We ought to be able to make sure a terrorist doesn't get into this country without exposing the source of our information and, once here, get them out. We need to secure this country, and we need the ability to revoke visas without terrorists or criminals seeking relief from deportation. I remind my colleagues of our poor visa policy contributing to the attacks on September 11. Nineteen hijackers used 364 aliases. Those people who killed 3,000 people in New York and 300 people here at the Pentagon knew how to play the system. They had 364 aliases. Two of the hijackers may have obtained passports from family members working in the Saudi passport ministry. Nineteen hijackers applied for 23 visas and obtained 22. The hijackers lied on the visa application in detectable ways. The hijackers violated the terms of their visas. They came and went at their convenience.

The 9/11 Commission pointed out the obvious by stating:

> Terrorists cannot plan and carry out attacks in this country if they are unable to enter the country.

In the Midwest we call that common sense.

The 9/11 Commission recommended that we intercept terrorists and constrain their mobility. This amendment would do that. Allowing aliens to remain on U.S. soil with a revoked visa or petition is a national security concern and something the 9/11 Commission would suggest is needed. We should not allow potential terrorists and others who act counter to our laws to remain on U.S. soil and get the protection of our courts, stay in this country for years through the appeals process of seeking relief from deportation.

Terrorists took advantage of our system before 9/11. We cannot let that happen again. This amendment will be helpful in making sure that doesn't happen again.

I hope my colleagues will support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the Senator from Iowa.

I see the Senator from Georgia and I know the Senator from New Jersey wishes to speak on this issue. I will speak briefly. Will the Senator agree to an hour of time on the amendment?

Mr. GRASSLEY. Yes. Will the Senator let me check with our leadership?

Mr. KENNEDY. That is fine. We don't expect to vote at that time. I have been informed by the leader we are going to try to do this amendment, then the Bingaman amendment, and then vote on both at 2 o'clock. I won't propose that as a time, but if the Senator would think in those terms, we will go ahead with other Senators and then come back to the Senator from Iowa.

Mr. GRASSLEY. Madam President, may I say to the Senator that it is not my idea to take a long time, but I was asked to offer my amendment now by the leadership. I want to check with them.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, in deference to the distinguished Senator from New Jersey, I will only be a minute.

To the distinguished Senator and my ranking member on the Finance Committee and my dear friend, I commend him on his words and his effort. I do want to correct or at least amplify on a simile he used in his remarks where he had the picture of a stuffed horse named Trigger and made an analogy to the triggers in this bill.

I have worked for 18 months on these triggers. They actually are a complement to what he wants to do in terms of deporting people who are in this country on expired visas. One of the triggers in the bill that is a prerequisite to any of the rest of the bill going into effect is a biometrically secure ID which will prohibit exactly what happened with the hijackers on 9/11, because every business, school, employer, university, training center, and the like will be able to swipe that mag tape, and if they have an expired visa, they will know it. Secondly, because of the biometrics of a fingerprint, you cannot have a forged ID, nor can you have a stolen ID, because the holder of the stolen ID's print will not match.

With regard to the other triggers—and I appreciate the time of the Senator from New Jersey to amplify on the remarks I made yesterday—the triggers in this bill provide 2,700 redundant miles of barriers and visual security on the border, more miles than there are on the common border; 18,000 Border Patrol agents; 27,500 beds to detain anyone who is caught until their hearing date comes forward; 375 miles of barriers; 1,640 miles of ground positioning radar; 600 miles of constant surveillance in the air, plus all the ground sensors and the cameras that allow those 18,000 agents, when they are on duty, to immediately intercept the people who are violating the border, immediately put them in one of the 27,500 beds, and hold them until their case comes up and they are deported. I have no qualm with the Senator's amendment whatsoever, but I don't think it is exactly correct to make the reference to Roy Rogers' horse as an analogy to the triggers in this bill because, in fact, these triggers are meaningful. In their absence and in the absence of the President seeing that they are done, Homeland Security executing, and the Congress appropriating, this bill self-destructs. It is the predicate upon which complementary things such as the Senator is trying to do actually are made more meaningful and more helpful.

I appreciate the Senator letting me amplify on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I have two purposes for rising at this point. One is to speak to the amendment offered by the distinguished Senator from Iowa and then to speak substantively, as we get into a full debate of comprehensive immigration reform, to lay out some parameters I hope all of our colleagues will consider.

Let me start off with the Grassley amendment. I rise in strong opposition to the amendment. It abolishes the last—underlined—remnant of judicial review on visa revocations. During the course of this week and the week when we come back, we are often going to hear terrorism invoked as the reason we must act in certain ways. Some of those ways ultimately undermine the essence of the Constitution of the United States and the equal protection clause. I think it is a false choice to be put in a position between the suggestion of terrorism and the suggestion that we should undermine the Constitution. I raise that as a warning flag now, as we look at all other amendments that are going to be coming. We are going to hear a wide range of reasons why we should dramatically change judicial reviews, the essence of protection under the Constitution. I hope our colleagues will understand that is a slippery slope to go down.

I hope we are not going to undermine due process, rule of law, and judicial review, because they are not just limited to suggestions on terrorism. Maybe if they were limited only on that, we could consider supporting such amendments. But it is eliminating judicial review totally, as it relates to visa revocation.

Right now what is the law? Right now judicial review of a visa revocation is already severely restricted. In fact, visa revocations are insulated from any judicial review when the visa holder is outside of the United States and the consular officers—these are our representatives abroad—have exceptionally broad authority to make revocation decisions. If you are outside the United States, you are not even coming. You don't even get a chance at judicial review. Let's make that clear.

The only area where limited judicial review of visa revocation remains available is with respect to individuals who are in the United States and then are placed in removal proceedings as a result of the revocation. Then judicial review is permitted in the context of those removal proceedings, if revocation is the only ground for that removal.

This is a critical check on Government authority to make arbitrary decisions. It is vitally important to allow the court review of removal proceedings because a person's ability to remain in the United States is at stake. We know immigration authorities have on more than one occasion made a mistake in the person's case or the person may have compelling circumstances that warranted consideration by a judge. We have seen cases time and time again that have so dictated and have said the Government is wrong, the individual is right. This would nullify that opportunity totally. This amendment would eliminate the last remaining remnant of judicial review.

Mr. KENNEDY. Will the Senator yield on that point for a question?

Mr. MENENDEZ. I am happy to yield.

Mr. KENNEDY. I listened with great interest—I hope our colleagues are—to the point the Senator from New Jersey is making. I wish to ask his comment on a situation. Some months ago we had a raid in New Bedford, MA. The people were picked up. They were sent up to Fort Devons and flown out of there, and many of them were transported to El Paso. Then some of them were deported. I have in my hand a May 3 article from the Boston Globe. The headline is ''U.S. Deports Wrong Raid Detainee In Case of Mistaken Identity.''

A man arrested in the March 6 raid of the Michael Bianco leather factory in New Bedford was deported by mistake, Federal officials said yesterday. Juan Sam-Castro, a native of Guatemala, was taken for a man of the same name, said the spokesman for the U.S. Immigration and Customs Service. As soon as the Customs Service became aware, we took immediate steps to bring Castro back to the United States. We are trying to locate him.

Here is an American citizen who has been deported and they are trying to locate him. Is the Senator not saying that in the situation where last year we deported 187,000 individuals and even in the last few weeks where we have this kind of mistake, at least some opportunity for an expedited kind of a review that effectively is not slowing the process down with this individual, between the time he was arrested and the time he was deported, was very few weeks, let alone the time he had the hearing, does this illustrate at least part of the points the Senator is trying to make with regard to the immigration service and the need for at least permitting the kind of review that currently exists? I do not believe we have had testimony to the contrary that this is an undue burden on the system.

Mr. MENENDEZ. Madam President, I appreciate the question and description from the Senator from Massachusetts. In fact, it is clearly one element—one very dramatic element—of the Government acting wrongly: deporting someone who had every legal right to be here in this country—making that mistake, and then, realizing they made a mistake, are now trying to find that individual whose life has been turned upside down.

In the process of doing that, under the amendment of the Senator from Iowa, they do not even have a chance to go to court. So the human faces we are talking about here are real. That is not about terrorism.

Now, let me give you another example. The Senator from Massachusetts gave a very vivid one. Let me give you another example of what happens when we do not permit basic due process as a part of our law.

This amendment would eliminate judicial review for all visa revocations unnecessarily, and it unduly expands the already broad discretionary authority of the executive branch. Let me

give you an example—a different case. A foreign government that wants to rein in one of their dissidents provides false information to the U.S. consulate that leads the consul to revoke the visa. This is someone who is speaking against maybe a totalitarian regime, a dictatorship, people who are oppressing people's human rights, but they are here in the United States. They got a visa, and they are here speaking out. That government wants to make sure that person can no longer speak out, so they give false information to the consul, and the consul reviews it and makes a factual determination: Do you know what. This looks right. Let's revoke the visa.

That person, that dissident, struggling to make a difference in the lives of people in that country—we want to see people like that challenging their own systems; we want to see people like that fighting in their own countries so we never have to send our people abroad—that person does not even have one chance to make the case in a court of law that what is being said is false.

Exposing individuals in this country to such arbitrary and capricious action is un-American. We should be striving for more balance and more transparency, not less.

Let me say there is another case, a case decided here in the United States in June of last year, where a U.S. Federal judge issued an order soundly rejecting the Government's contentions against an individual—the same type of case that would not, under this amendment, have access to this type of judicial review where this Federal judge determined that the Government was wrong, the individual was right.

What was the individual saying? He was saying his point of view, which separated him from the administration's point of view. Because it separated him from the administration's point of view, they revoked his visa. The judge held the decision was not a due authority, a use for the revocation of the visa, and that person was allowed to stay simply because they were expressing their points of view different from this administration.

Is that what we want to do? Eliminate the possibility for someone to be able to go to court and say: ''I am being hushed because I have a different point of view. My visa is being revoked with not one chance to go to court''?

By the way, finally, if we are going to talk about terrorism, if I have a terrorist in my possession, under other provisions of law I do not want to deport them. I want to arrest them. I want to throw them in jail. I want to make sure they do not get out of the country to do harm back to this country. Why would I want to deport them? I want to arrest them. I want to jail them under other provisions of law. I want to prosecute them. I do not want to let them go free so they can try to do harm again to the United States.

This amendment actually works to the opposite of our national security interests. I urge my colleagues to oppose it.

Now, let me speak more broadly about the overall immigration effort. Since I have already heard some of the commentaries on the floor, I think it is important for us to have a framework of where this discussion, I hope, will go in a civilized fashion that understands the better angels within us.

From the congressional district I had the honor of representing for over 13 years in the House of Representatives, one can see the Statue of Liberty. You can almost touch it. Ellis Island has been a gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success.

As Americans listen to this debate, I hope they understand and are honest with themselves—whether their family was part of the men and women who made the voyage on the Mayflower or part of the millions who stepped off of Ellis Island or part of those who were brought to this Nation against their will or, if like my own parents, they came to this country fleeing tyranny and searching for freedom—we all have a connection to immigration.

America has a proud tradition as a nation of immigrants and a nation of laws. History is replete with examples of the United States of America being a welcoming Nation. But, unfortunately, very often the public dialog through the years has been less than welcoming. Over the decades, the influx of immigrants of various ethnicities has caused concerns and, in many cases, heated comments against such immigrants to our Nation. In some cases, there were even laws enacted to limit or ban certain ethnic groups from being able to come to the land of opportunity. Let's remember some of this history so we do not repeat it again in these debates.

Before the American Revolution, Founding Father Benjamin Franklin wrote of the influx of German immigrants to Philadelphia:

> Those who come hither are generally the most stupid of their own nation.

Henry J. Gardner, the Governor of Massachusetts in the middle of the 19th century, saw the Irish as a ''horde of foreign barbarians.''

In 1882, Congress enacted the Chinese Exclusion Act, which made it nearly impossible for additional Chinese to enter America. The law was not repealed until 1943, in the middle of World War II, when the United States and China were allies against Japan.

In the early 1900s, H.G. Wells, a British novelist, stated that the arrival of Eastern Europeans, Jews, and Italians would cause a ''huge dilution of the American people with profoundly ignorant foreign peasants.''

Congressman Albert Johnson, coauthor of the Johnson-Reed Immigration Act of 1924, which severely restricted immigrants from Southern and Eastern Europe, and entirely prohibited East Asians and Asian Indians, stated that:

> Our capacity to maintain our cherished institutions stands diluted by a stream of alien blood, with all its inherited misconceptions respecting the relationships of the governing power to governed. . . . The day of unalloyed welcome to all peoples, the day of indiscriminate acceptance of all races, has definitely ended.

Finally—to give you a sense of some of these things that have been part of our past—a 1925 report of the Los Angeles Chamber of Commerce stated that Mexicans are suitable for agricultural work ''due to their crouching and bending habits . . . , while the white is physically unable to adapt himself to them.''

That was in 1925.

These are just a few statements from the past that have taken issue with and criticized the relatives and forefathers of various segments of our Nation's population today.

We must all remember that just in the last Congress the House of Representatives passed H.R. 4437, better known as the Sensenbrenner bill. Beyond the heated rhetoric that existed during the debate on that legislation, the bill itself was shortsighted and even more mean spirited and would have made felons out of anyone who was here in an undocumented status. That bill would have also criminalized citizens of the United States through a much broader definition of smuggling that would have allowed the Government to prosecute almost any American who had regular contact with undocumented immigrants. Luckily, that did not pass.

But today we continue to hear across the landscape of the country hateful rhetoric used to polarize and divide our country on this issue. But we must never allow ourselves to buy into the rhetoric. We must never subscribe to the policies of fear and division, driven by xenophobia, nativism, and racism.

The responsibility is on all of us—not just on Members of Congress, but everyone in this Nation. We must reject the rhetoric of hatred, division, and polarization. We must demand a comprehensive immigration policy that does not denigrate or demonize, but is tough, smart, fair, and humane.

However, on this issue, we must be completely honest with ourselves. Our country's immigration system is unarguably broken. In light of these failures, we must enact tough, smart, and comprehensive immigration reform that reflects current economic and social realities, respects the core values, I hope, of family unity and fundamental fairness, and upholds our tradition as a nation of immigrants.

In the absence of Federal legislation, what is happening is many local governments in my State of New Jersey and, for that matter, across the Nation are passing ordinances to address issues surrounding undocumented immigration in their communities. Unfortunately, many of these ordinances

violate constitutional equal protection guarantees and create divisions in communities that did not exist.

In addition to the moral imperative, our society would greatly benefit economically if we enacted comprehensive immigration reform. Such reform would allow undocumented immigrants to come out of the shadows and fully pay their taxes, ensuring accurate census counts, which translates into equitable funding levels for programs and schools. Additionally, we can reduce law enforcement demands since the need for day laborers, forged documents, and driver's licenses, along with the use of exploitation and human trafficking would largely be shut down.

As to those who don't come forward when such an opportunity is presented, we would be focused on asking: Why are they not coming forward? We would be able to determine who is here to pursue the American dream versus who is here to destroy it.

We need to aggressively curtail unauthorized crossings at the border, protect both undocumented immigrants and American workers from corporations exploiting undocumented labor, and provide a pathway for immigrants to earn—and I repeat: earn—permanent residency in order to ensure our immigration system is safe, legal, orderly, and fair to all.

Our goal should be neither open borders nor closed borders but smart borders. The specter of terrorism in a post-September 11 world creates an even greater imperative for us to succeed in this endeavor. The underlying bill has a whole host of triggers that go to the very heart of those elements.

We have all seen some of the consequences. We have seen lawlessness along the borders. Crime in our border communities is increasing and overwhelming local law enforcement's ability to address these challenges. So-called coyotes, or human smugglers, charge thousands of dollars to bring people into this country, creating a multimillion dollar industry for organized criminal organizations to exploit and fuel their other illegal activities. In fact, several reports have indicated there is more money in smuggling these undocumented immigrants into our Nation than smuggling drugs.

However, history proves it is not enough to rely on enforcement alone, even though I am totally for the enforcement. Over the past two decades, the Federal Government has tripled—tripled—the number of Border Patrol agents and increased the enforcement budget tenfold—tenfold. Yet, despite tripling the Border Patrol and increasing the budget tenfold, these efforts have yet to stop those who have either crossed the border or overstayed their visas. So it is about border protection, but it is also about a more comprehensive effort to make sure you deal with the push-and-pull factors of immigration.

Securing our borders is the first step to ensure an orderly, fair, and smart immigration system, but by no means is it adequate in isolation. We must also crack down on companies that illegally hire undocumented workers—something that is long overdue. I know under the Clinton administration, employers were held accountable for hiring undocumented workers, as 417 businesses were cited for immigration violations in 1999 alone. In contrast, a mere three—three—employers were issued notices of intent to fine by the Bush administration in 2004 for similar violations, making it 22 times more likely for an American to be killed by a strike of lightning in an average year than prosecuted for such labor violations.

So much for enforcing the existing law.

What happened in the span of those 5 years? What happened? Did companies suddenly decide to start abiding by the law by not hiring undocumented immigrants? No. The truth of the matter is, similar to border enforcement, this administration made a conscious decision to look the other way in order to once again serve the interests of corporate America to the detriment of average American citizens.

That is why I support stronger immigration enforcement not only at the borders but at the workplace. Unscrupulous companies that intentionally hire undocumented immigrants do so because they know they can exploit these people without fear of retribution. They know this because undocumented immigrants are forced to hide in the shadows of society and subsequently have no avenues to report labor abuses. Not only does this hurt the immigrant being exploited, it also directly impacts American citizens who must compete in the market with exploited labor. We must immediately end these abuses and in doing so create an equal playing field to ensure that the wages, benefits and health and labor standards of the American worker are not undercut.

While securing our borders and enforcing strengthened workplace employment laws will enable us to regulate the influx of new immigrants, it does nothing to solve our current dilemma of an estimated 12 million undocumented immigrants who currently reside in the United States. That is why our immigration policy must be about more than simply enforcement. It must be about providing a safe, orderly, timely, and legal process that deals with the economic realities of our time.

So in order to make our immigration system overall workable, we must be practical, fair, and humane in dealing with the estimated 12 million undocumented immigrants living in the United States. To do otherwise would require the most massive roundup and deportation of people in the history of the world—in the history of the world. I believe this is both highly unlikely and impractical on many levels, including due to both budgetary and economic impacts on the Nation and its economy.

Such a mass deportation of the undocumented population, even assuming 20 percent could leave voluntarily if such a policy was enacted, would cost us over $200 billion over a 5-year period, according to the Center for American Progress. That is not going to happen. So fully securing our borders is impossible unless efforts to include a temporary guest worker program and a path to earn residence for undocumented immigrants is part of the overall reform.

This solution will encourage immigrants to come out of the shadows and legalize their status. By doing so, we will learn who is here to seek the American dream versus who is here to destroy it through criminal or terrorist acts. Most of the people who cross our borders come looking for work, as many of our ancestors did. These immigrants contribute to our economy, provide for their families, and want a better life for their children.

Let me say I am, first and foremost, in favor of hiring any American—any American—who is willing to do any job that is available in this country today or tomorrow, but let's remember the jobs we are talking about. The fruit you had for breakfast was picked by the hands and bent back of an immigrant laborer. The hotel room and bathroom you use in travels through the country is likely cleaned with bended knee by an immigrant worker. The chicken you had for dinner yesterday was likely plucked by the cut-up hands of an immigrant laborer. If you have an infirmed loved one, their daily necessities are probably being tended to by the steady hands and warm hearts of an immigrant aide. Let us remember that.

So we have to create an equal playing field to ensure that the wages, benefits, health, and labor standards of the American worker are not undercut. But it is also in our best interests to have these workers participate and contribute to our society, especially when we had a 4.5-percent unemployment rate in April of this year and a declining ratio of American workers to retirees.

By coupling enhanced enforcement efforts with new immigration and labor laws, we will not only regulate how workers come into the country but finally give our border and law enforcement agencies a fighting chance to fulfill their duty.

Now, much of what the underlying bill does meets some of these challenges, and I respect those elements. But I wish to talk about one very compelling issue that I believe it does not meet: the importance of family. I said throughout the negotiations that were had, with a massive, complex bill such as this one, the devil is in the details. There are a number of details in this deal that would create an unfair and, in my mind, impractical immigration system, undercutting the more sensible provisions.

This is especially true when it comes to the issue of family. The deal struck virtually does away with a provision for family reunification which has been the bedrock of our immigration policy throughout our history. This idea not only changes the spirit of our immigration policy; it also emphasizes family structure, and all without a single hearing on the issue of family and our immigration system by the Senate Judiciary Committee, either in the 109th or the 110th Congress.

Under this bill, they change the fundamental values of our immigration policy by making an advanced degree or skill in a highly technical profession the most important criteria—the most important criteria—for a visa. This Nation has been built by immigrants who came here to achieve success, but the deal tilts toward immigrants whose success stories are already written. They are already written.

Family reunification will be deemphasized under this deal, serving to tear families apart. From a moral perspective, this undermines the family values I hear so many—in different contexts—so many of my colleagues talk about all the time.

As the late Pope John Paul II said:

> The church in America must be a vigilant advocate, defending against any unjust restriction of the natural right of individual persons to move freely within their own Nation and from one Nation to another. Attention must be called to the rights of migrants and their families and to respect for their human dignity.

Practically speaking, a breakdown of family structure often leads to a breakdown of social stability. I took it to heart when President Bush said: ''Family values don't end at the Rio Grande,'' but this agreement, similar to his proposal before it, belies those words.

Yet here we are with a piece of legislation which the White House promoted that undermines the very essence of that. Even under a new point structure that is envisioned under the bill, it seems to me that the essence of family should be given more weight and points within the context of a whole new process of how we are going to move our immigration system forward. Family, I would hope, even under a new system, is a critical value, in our country.

I would like to take a little time to get into some of the details of this agreement and how they would impact families.

Under current law, foreign-born parents of U.S. citizens are exempt from green card caps when applying for legal permanent residency as they fall in the immediate relatives category. Now, remember, this is someone—a U.S. citizen already—a U.S. citizen or a U.S. permanent resident who has a right—who has a right—to claim their relative. In this case, I wish to talk about parents. Unfortunately, the agreement removes these individuals from the immediate relative category and sets an annual cap for green cards for parents of U.S. citizens at 40,000. Last year, 120,000 visas were given to such parents, and the annual average number of green cards issued over the past 5 years to parents is 90,000, so this bill would slash required green cards by more than half for a U.S. citizen to be reunified with their mother or father. So we are automatically creating a new backlog, even though the bill is intended to end such family backlogs.

Another area that would be negatively impacted under the deal is the spouses and minor children of legal permanent residents of the United States. The bill before us does not lift the visa cap on the spouses and minor children of lawful permanent residents; it actually lowers it, ensuring that backlogs continue indefinitely. The separation is not only immoral in my mind, but it exacts an economic toll, as lawful immigrants who are productive members of society move to rejoin their families. Moreover, unification with immediate family members gives rise to an undesirable incentive to break the law and live in the United States illegally. Families want to migrate to each other, and that is a natural, human instinct. We undermine that in this respect.

Now, the so-called ''grand bargain'' also moves us to a point-based immigration system which would turn current immigration on its head—a system that hasn't received any hearings by the Judiciary Committee. Yet, in the agreement, we are moving to a point system that is geared toward people with degrees who are highly skilled or educated. Fine. We can have people who are highly skilled and educated as part of the equation, but in my mind it shouldn't ultimately undermine dramatically the ability of families to have a fighting chance. In fact, in the point system that is contained in the bill, families would receive no points at all—no points at all, none—unless the applicant has obtained at least 55 points through other elements: employment, education, language. So much for family values under that system, in my mind.

In addition, if the applicant meets the 55-point threshold, they would be eligible for a maximum of 10—a maximum of 10—additional points; that is out of 100 maximum points. I guess that some who preach family values don't believe that family should count for more than 10 percent—10 percent.

Now, this legislation also curtails the ability of American citizens today, permanent residents, to petition for their families to be reunified here in America.

As I mentioned earlier, there is a family backlog of people who have applied for legal permanent residency who are claimed by U.S. citizens. This legislation, as currently drafted, does away with several of the family categories such as adult children of a U.S. citizen and lawful permanent residents and siblings of citizens. These categories will be grandfathered in and dealt with as part of clearing the backlog during the first 8 years but only if you filed your application before May 1 of 2005. What is the consequence of that? The consequence of that is over 800,000 people who have played by the rules, applied under the normal process, didn't come across the border, didn't violate any law, did the right thing, that all of those who did all the right things but applied after that date, will not be cleared as part of the family backlog. They lose their chance under this law.

More importantly, it vitiates—it takes away—the right of the U.S. citizen to have them claimed because they lose it. They have a petition pending under existing law, and yet that petition is gone with the flash of this bill.

So the legislation, as currently drafted, says that if you legally apply for a visa after May 1, 2005, you have to compete under an entirely new system. It is an arbitrary date that was picked out of the thin air.

Let's think of how fundamentally unfair that is. Imagine you are a lawful, permanent U.S. resident. You have fought for your country, you have shed blood for your country, and in some cases, you may have even died for your country. In fact, a noncitizen, a legal permanent resident of the United States, Marine LCpl Jose Antonio Gutierrez, originally of Guatemala, was the very first, the very first U.S. combat casualty in the war with Iraq. Had he not been a combat casualty under this bill, he would not have been allowed to claim his family. If this bill moves forward the way it is, these legal permanent residents are also not only—there are thousands of them in the Armed Forces of the United States, and they are protecting our airports, our seaports, and our ports. They risk their daily lives in Afghanistan, Iraq, and other places around the world to protect us here at home, yet we would do away with their right to petition to have their sister or their brother come join and live with them in America. Under this bill, you lose that right if you file after May 1, 2005. It is hard to imagine that one would have that right taken away from them.

Here is another case for you to consider. You are a U.S. citizen. You have paid your taxes. You may have served your Nation. You attend church. You make a good living. You are a good citizen. You have petitioned to have your adult child come to America, but you did so after the date of May 1, 2005. Under this bill, that U.S. citizen loses their right. However, those who are undocumented in the country after May 1 of 2005, they actually get a benefit under the bill. So if you obey the law, follow the rules, do all the right things, you are a U.S. citizen, paid your taxes, maybe even served your country in the Armed Forces, doing everything you should do, you lose your right to claim your relative under the existing law and be part of the backlog, but the person who came in an undocumented

fashion over the border, they actually will get a benefit as of January 1, 2007. It seems to me that the legal permanent resident, the U.S. citizen, should have at least the same date as those who have not followed the law and the rules. It is hard to imagine, but it is true.

So these are a few of the shortcomings contained in the bill we are moving forward. This deal would have prevented my own parents, a carpenter and a seamstress, from coming to this country. They wouldn't have qualified under this point system. I would like to think that they and others whom I have heard about around this Chamber—I have heard so many stories from my colleagues in the Senate and formerly in the House, talking about their proud history.

Their parents would not have been eligible to come to this country under this bill. I would like to think that, on both sides of the aisle, they have contributed to the vitality of this Nation. I have listened to so many of the stories of our colleagues, and I know many of their parents never would have qualified to come to this country under this bill. It seems to me a new paradigm could have been structured where family values and reunification have more of a fighting chance than under the framework agreement that we consider.

The story of the legislation is not finished. We still have the historic opportunity this week to craft tough, smart, and fair immigration reform. It is my intention, starting, I hope, later today, through a series of amendments, to get to the heart of the issues I have mentioned, to change and to improve this deal. I know many of my colleagues are committed to the same issues of practicality, fairness, and family values, and I will work with them to turn this unworkable deal, in those respects, into sound policy we can all support.

As we have throughout our Nation's long and proud history, I believe we can create a pathway to the American dream for those who contribute to our Nation and allow them to fully participate in our economy and our society. As the President told Congress in this year's State of the Union speech: Let's have a serious, civil, and conclusive debate, so you can pass, and I can sign, comprehensive immigration reform into law.

It is a rare moment, but I agree with the President. Reform is long overdue. I want to just say that I have the greatest respect for the Senator from Massachusetts in his advocacy in this regard. I look forward to trying to—even though he may not be able to support some of these things as part of his commitment to a grand bargain—change it in a direction that we can all be proud of. But for him, we probably would not be on the Senate floor debating this issue today, or in the past, and I admire him greatly in that respect.

However we got here, from wherever we came, we know we are in the same boat together today as Americans, and together I hope we can make this journey a safe, orderly, and legal process that preserves and fulfills the American dream for all, that upholds the right of U.S. citizens to seek the reunification of their families. It takes those who serve our country and who are not U.S. citizens yet and gives us the right to say: You fought for America, you may have been wounded in the process. You have done everything we would want of any citizen. Your right to make a simple claim to have your family reunited for you will not be snuffed out by this legislation.

If we do that, this process deserves our respect. I hope this preserves the Constitution, as well as the due process of law that makes America worthy of fighting for and dying for—the Constitution and the Bill of Rights. When we seek to erode and undo it, we undermine the very essence of America's greatness. Those are our challenges in this debate and also our opportunities.

I yield the floor.

Mr. KENNEDY. Madam President, first of all, I commend my friend from New Jersey for an excellent presentation, particularly on this issue of the Grassley amendment, and for also reminding us about the importance of family in the consideration of our immigration bill.

I think we are going to have an opportunity during the course of the day to deal with those issues in greater detail, and we will look forward to that. I think we have made some important progress in terms of family issues, but I think we have also seen some changes in the existing law in those issues. And it is important for the American people to understand exactly the areas we have made progress in and the areas that we have altered as we deal with this underlying bill.

I wish to take a moment to address the points that are included in the Grassley amendment, which is the pending amendment. Then I understand the Senator from New Mexico will be coming down shortly to offer an amendment that deals with the temporary workers. We will have an opportunity during the noontime to address that issue. Then, according to the leadership, we will have the two votes. If there are side-by-sides, other votes—at 2 o'clock or in the time close to 2 o'clock. I say that for the benefit of our colleagues here.

Madam President, on the Grassley amendment, I think it is important to understand that people who come into the United States under visas have to go through extensive background checks before they are granted visas, and again before they are admitted. We are talking about millions of visitors, about hundreds of thousands of scholars and researchers and workers. These are not criminals or terrorists. Anybody who is a terrorist or criminal is not eligible for a visa.

I will just mention the various crimes that individuals have committed that have denied them the opportunity to come to the United States to get a visa: crimes of moral turpitude, such as aggravated assault, assault with a deadly weapon; aggravated DWI, fraud, larceny, forgery; controlled substance offenses, such as the sale, possession, and distribution of drugs, and drug trafficking; theft offenses, including shoplifting; public nuisance; multiple criminal convictions, any alien convicted of two or more offenses regardless of whether the offense arose from a scheme of misconduct; crimes of violence; counterfeiting; bribery; perjury; certain aliens involved in serious criminal activity who have asserted immunity from prosecution; foreign government officials who have committed particularly severe violations of religious freedom; significant traffickers of persons; money laundering; murder; rape; sexual abuse of a minor; child pornography, as well as attempts or conspiracy to commit most of those offenses.

Those, obviously, who are denied on security-related grounds include espionage or sabotage; engaging in terrorist activity, and that is broadly defined; likely to engage in terrorist activity, broadly defined; association with terrorist activity; representative of a terrorist organization; spouse or child of an individual who is inadmissible as a terrorist; activity that is deemed to have adverse foreign policy consequences for the United States; membership in a totalitarian party.

All of those ban individuals from coming into the United States. So if a visitor here has his visa revoked, he should be entitled to review. This doesn't create a burden on our courts but simply preserves basic due process. Courts review these cases every day, and we have heard no evidence of any undue burden on the courts. These cases can be handled expeditiously.

Immigration judges ordered 220,000 people deported last year. Only 9 percent of these decisions were appealed. We have no abuse in the system at the current time. So providing review to a few more people whose visas are revoked won't flood the courts.

Again, we are talking about the mistakes that can be made with the Department of Homeland Security, as a Member of the Senate, I was put on the no-fly list by the Department of Homeland Security and denied the opportunity to even fly out of the Nation's Capital to go back to my home city of Boston. In Boston, I had the temporary approval by the Department there, which had to overrule Homeland Security. Despite the head of the Homeland Security then saying we have cleared that up, it wasn't cleared up for 3 more weeks, and with the airlines, it was 4 more weeks. If that happens to a Senator, what is happening to other individuals?

I have given the example of a person in my home State of Massachusetts

who was deported. Now the Immigration Service is trying to find that individual down in Guatemala. It was because of similar names.

So I think, as the Senator from New Jersey pointed out, the system we have included in the legislation is appropriate. It is not burdensome. We have had no complaints even during this long period of time. We have had no complaints from any of those who have been involved in the system that it is an undue burden, or any complaints from the judicial system. We have found out that we have 23 different incidents reported by my own Boston office of individuals who are very substantial citizens in New England, including a dean of a medical school, who were put on the list by mistake.

So mistakes happen. All we have in this is a simple process of review. That process has been outlined and stated by the Senator from New Jersey, and it should be preserved.

I look forward to not closing off the time to the Senator from Iowa, but we are trying to move this process along and consider the amendment of the Senator from New Mexico and then see if we cannot continue to consider the follow-on amendments. The Senator from South Carolina has an amendment as well. We will be looking forward to having debate on his amendment.

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

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. 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 Massachusetts.

IRAQI TRANSLATORS

Mr. KENNEDY. Mr. President, I wish to take a moment to congratulate the House for moving on the issue of Iraqi translators. I am talking about translators who have worked for the American Armed Forces in Iraq. They have to follow a very detailed procedure, and then they get certified. Most of them have to work on it for more than a year.

These people have been particularly targeted by the terrorists. Their names are printed in mosques and other places of worship, and if they are found, they are executed. We have a limitation, I believe, of 50, and we have taken in 18. Many of these individuals have risked their lives for American service men and women and this legislation will be a very small downpayment in terms of their safety and their security. It is important, and I am hopeful we will be able to address this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. 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 New Mexico.

AMENDMENT NO. 1169 TO AMENDMENT NO. 1150

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send to the desk an amendment to the underlying substitute and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Mrs. FEINSTEIN, Mr. OBAMA, Mr. DODD, and Mr. DURBIN, proposes an amendment numbered 1169 to amendment No. 1150.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce to 200,000 the number of certain nonimmigrants permitted to be admitted during a fiscal year)

Strike subparagraph (B) of the quoted matter under section 409(1)(B) and insert the following:

''(B) under section 101(a)(15)(Y)(i), may not exceed 200,000 for each fiscal year; or

In paragraph (2) of the quoted matter under section 409(2), strike '', (B)(ii),''.

Mr. BINGAMAN. Mr. President, this is an amendment to reduce the number of visas issued each year under the new guest worker program that is in this bill—reduce it to 200,000. This is 200,000 new visas each year which would be permitted if my amendment were to be adopted.

The amendment I am offering is cosponsored by Senators FEINSTEIN, OBAMA, DODD, and DURBIN. It is essentially the same amendment I offered when we had the debate on the immigration bill last year when we were fortunate to have the support of 79 Senators for the amendment.

Let me talk a little bit about the context of this before getting into the detail of the amendment. The Kyl-Kennedy or Kennedy-Kyl substitute amendment allocates 400,000 new guest worker visas per year, and it has in it also an increase mechanism that allows the annual allocation to go from 400,000 up to 600,000 per year. After a few years, presumably, we would be at a level of 600,000 per year from then on. Workers are allowed to stay for a total of 6 years under this program. They would work for 2 years—and Senator DORGAN described this very accurately as part of the debate on his amendment yesterday—and they would be allowed to work for 6 years; that is, they work for 2 years, leave the country for 1 year, work for an additional 2 years, leave the country for another year, and work for an additional 2 years, then leave for good. That is the structure of the system as it now stands. I can go into whatever details Members are interested in to explain how the increase mechanism provided for in the law is structured, but before I get into that, let me just talk about the larger context.

This bill, the Kennedy-Kyl substitute, contains really three so-called temporary worker programs which are very distinct, and individuals can come to our country and work in our country under any of these three programs.

One program is what I would refer to as the true temporary worker program, and that is where you bring people in for seasonal work. Clearly, that is something we have done for a long time. I think the limit in the law today is 66,000 are permitted to come in each year for temporary work—to work at resorts or work in some kind of a seasonal job—and then that 66,000 is then allowed to be increased to reflect those who have come the previous year or two. In fact, I think the estimate I have seen is that there are about 135,000 people in our country each year doing that kind of temporary seasonal work.

This bill, this Kennedy-Kyl substitute, would change that 66,000 to 100,000. It would contain an increase mechanism similar to what is in this new guest worker program, and so the 100,000 would eventually go to 200,000 after a few years. As I understand it now, there is also written into the law, written into the substitute, a provision that says the 200,000 number for the seasonal guest workers does not include people who have been here under that same program working in any 1 of the previous 3 years. Obviously, you have the potential for a great many more than 200,000 to come in as seasonal temporary workers under that provision.

Another separate provision of this substitute bill which allows for temporary workers to come in is the agricultural workers program. I point out to my colleagues, that is without limit. There is no cap on that. There is a tremendous opportunity for people to come into this country and work in agriculture. We do not have numerical limits on that, so, to anyone who says we are not going to be allowing people to come into the country to do the work Americans don't want to do, the truth is, if they want to do work that is related to agriculture, we can bring them in, in whatever numbers, without any limits being imposed by this law.

The third opportunity to come in as a so-called temporary worker is this new guest worker program. This is a little bit of a misnomer, when we talk about temporary worker, because these are permanent jobs that we are bringing people in to fill. People need to understand that. These are not temporary jobs, these are permanent jobs. We are bringing people in for a temporary period, or a designated period of 2 years, three different times, to do the work.

But these are not temporary jobs in the same sense that a seasonal job is a temporary job—that you have it for a few months and then the ski resort closes and you no longer have a job. That is not the kind of jobs we are talking about.

As I see it, there are several fundamental problems with this guest worker program as it is currently constructed. The most significant problem is the bill anticipates letting way too many people come into this country in a new, untested program. This is a new program. There is nothing in the current law that is comparable to this new guest worker program that we are talking about. The amendment I and my cosponsors are offering tries to restrict the size of the program until we find out how it is working, until we figure out whether this makes sense. Let's not build into the law automatic increases in a program we have never tested before. Let's not start this program at 400,000 and have it escalate up to 600,000. The amendment I am offering is trying to bring down the size of the program.

Another problem with the program is the structure, and I described that. This idea we are going to bring people in for 2 years, kick them out for 1 year, bring them in for 2 years, kick them out for 1 year, is not good for the employee, obviously. That is not good for the employer, obviously. It is not a realistic expectation. I think anyone would have to recognize that is not a good structure.

The third problem I have with the bill is there is no real avenue for any of these individuals we are talking about to ever gain legal status, so we are creating a group of workers who have come to this country and worked for 2 years or 4 years or 6 years, to whom then we are saying: Your time is up, go home. There is a tremendous likelihood that we are going to have a lot of people staying over and overstaying their visas. I think that is unfortunate.

That is a change from the previous legislation. We passed that bill Senator KENNEDY brought to the Senate floor last year and I supported it. There was a much more realistic opportunity for people who came in under the guest worker program to pursue legal status at some time, so the incentive to essentially go underground to try to avoid deportation was not the same in that bill.

I think the most significant thing we can do at this point to try to correct the most significant problem with this guest worker program is to reduce the number. Let me show a couple of charts, for my colleagues to understand what we are talking about.

The current bill calls for 400,000. The first year this law is in effect, 400,000 are permitted to come in under this guest worker program. Then there is a complicated process if that total is reached. If there is a demand to bring in 400,000 during the first half of the year, then there is an automatic increase of 15 percent. So you bring in an additional 15 percent at that point, which is 60,000, so you are at 460,000. You start the next year at 460,000, but you add another 15 percent to that immediately, and if there is another demand, using up all of those, you can go up another 15 percent.

In any event, it rachets up pretty rapidly. It says if the 400,000 is not used up until the second half of the year, then there is only a 10-percent increase each year from then on.

What we have done on this chart—and I think people need to try to understand this—is we have tried to show with this graph how many so-called guest workers under this program—not under the other two, not under the ag workers program, not under the seasonal workers program but under this program—how many people we would actually have in the country as the bill is currently written. You would have 400,000 the first year; the second year you would have 840,000 because you would have the first 400,000, plus the second 400,000, plus the increase, 10 percent. You would have 924,000 the third year, you would have 1.4 million the fourth year, you would have 1,958,000 the fifth year, and this keeps going up so, by the eighth year, you would have 3,158,000 people in the country legally working under this program.

There is a very important assumption built into this chart. The assumption is that everybody who comes in under this program goes home when their visa says they ought to go home; nobody overstays his or her visa. If, in fact, that assumption is false and people get to the end of their 6 years and say: Wait a minute, I am not ready to leave the United States, I am staying, and they stay here on an undocumented basis at that point and overstay their visa, then they go on top of these numbers.

So you have a tremendous number of new people. This is a brandnew program. We have never had this program before. I think that is too large.

Let me show what the amendment I am offering does. I did not support Senator DORGAN's proposal to eliminate the guest worker program entirely. I think there is a legitimate argument that some number of guest workers is appropriate to bring into the country to do some of the work. But as I say, this is a brandnew program and we ought to do this in a judicious way and feel our way along. In this proposal that I have put forward, it says let's bring in 200,000 the first year and 200,000 each year after that and see how this goes. We can make judgments and we can alter this in future years. Congress meets every year, so we can alter this if we decide that is not the appropriate number. But let's start with a number that we think makes sense.

Even at that very substantial reduction, we would wind up in the eighth year with 1.2 million people in the country under this program, legally working as guest workers. It is not that there are going to be 200,000 people working here each year, there are going to be 1.2 million people working here each year. Again, the assumption is there will only be 1.2 million, assuming everyone goes home when their visa says they ought to go home, which I think is a fairly questionable assumption.

That is what the amendment does. I think it is a far better way for us to proceed than what the underlying bill calls for. I know there are some who are coming forward and arguing that this is terrible, that we are not going to have enough people to keep the economy running, that there are going to be all kinds of jobs going unfilled. I point out again that there are other ways people can come to our country and obtain employment. They can do so under the seasonal workers program, which is being increased very substantially under the bill. They can do so under the ag workers program, which has no limits on it at all. Of course, there are other ways that people can immigrate into our country that are provided for in the legislation as well.

This is an amendment that I think makes all the sense in the world. I was very pleased we had such strong support for it when we offered it in the previous debate that we had on immigration last year. I hope we can adopt it again this year. By doing so, I think we begin to bring a little more judiciousness to this process if we are going to start a brandnew program.

Let me also point out there is provision in this legislation for a commission to be established to review how this new program is working and to make recommendations back to the Congress. I think that is entirely appropriate. To me, that is another reason why we should not be building in automatic escalators in the size of this program. We should not be starting with a program that is so large as 400,000 and going up to 600,000. We should start at 200,000 and keep it right there until we get those recommendations and find out what we think at that point about whether to increase the size of the program or terminate the program or whatever steps we might take at that point.

That is the basic gist of my argument. I hope colleagues will support the amendment. I think it is a meritorious amendment. I think it will improve the legislation substantially.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend my friend from New Mexico for his thoughtful presentation on this issue. As he mentioned, he offered this amendment last year and it passed overwhelmingly. I expect there will be a similar result today.

I appreciated the fact in our earlier debate he understood we need this temporary worker program. All of us want to have a strong border, but we do understand there will be pressure on the

border, and we will either have a front door or a back door, the back door being for those who are going to try to penetrate that border, or the front door so they can come in and have a temporary worker program.

The real issue is the size of this program. The Senator has mentioned the other provisions that are included in the legislation. We have the longstanding temporary worker, the H–2B, which is about 100,000 workers. Those are the seasonal workers, for the most part, who work in many of the resorts during the summer or wintertime and are truly temporary workers. They are entitled to bring their families. They do not. That program has been very modestly expanded over this program.

You have the H–1B, which is sort of high tech, which is 150,000—it will go up to 180,000; and the ag jobs, which is 40,000 to 60,000.

The reason the 400,000 was reached is that is the general estimate, although there are some a good deal higher, of individuals who penetrate now. I think it is safe to say it is probably closer to 500,000 undocumented who come across the border and are able to gain employment here. So the 400,000 represented an evaluation, an estimate from results of hearings. That is how we built that in. Then, in the legislation, there is the possibility it can either go up or go down. The Council of Economic Advisers thinks we need probably close to a million new jobs every year.

I think what we, in our considerations, were thinking about establishing is some panel that would be made up of workers as well as members of the business community and people who could help give an assessment, and make a recommendation of what that number would be.

I think that is probably the best way to go in the future. But that is not where we are today. Where we are today in the bill is 400,000 and the possibility of an escalator to go up or an escalator to go down.

The Senator says: Let's start off in this area, we are not sure how this program is going to work. Let's start off with just 200,000, watch it very carefully, find out if the kind of mix we have with this and with the point system we have been able to develop is going to function and work, whether after 2 years people will really go back or they will not go back.

I think he makes a strong case. I did not support this last year. I feel sort of compelled—under the agreements we have made earlier in terms of the totality, I feel the same restraint this time. But I commend him for the thoughtful presentation. It was thoughtful last year, and it is thoughtful this year. He makes his points very effectively. It ought to be considered by the Members. I do not, as I mentioned, tend to support it, but I certainly would ask our colleagues to look at it very closely because it is a thoughtful presentation. He raises some very important and worthwhile points.

I thank him also for coming over here and offering this amendment. I think the time has been set for voting at 2 o'clock.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ.) The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is obviously hard to calculate what is the precise figure among the Senators who crafted the so-called ''grand compromise.'' We thought the figure we had here was correct. We are aware that the Senator from New Mexico offered an amendment last year and was successful in reducing the amount to 200,000. But I think either figure would be understandable. But I will stand by what we have worked out in the bill.

In arriving at the compromise legislation which has been proposed, there was a great deal of give-and-take. While we are facing a tremendous number of objections from both sides of the political spectrum, for every point someone does not like, there were concessions made by others for some points the person does like. There is no doubt that we are facing very substantial criticism in the initial stages of the consideration of this bill. The criticism came before the bill was even printed. The criticism has continued after it was printed, before people had a chance to read it. There is a great deal of analysis and consideration being undertaken at the present time.

I think Senator LOTT has expressed the issue very succinctly; that is, do we have a problem? The answer to that is, categorically, yes, we have an enormous problem. We have a border which is porous. We have anarchy in the way the immigration system works at the present time. People are complaining that it is amnesty. In my legal judgment, it is not. It is not amnesty because people have to pay a fine, people have to have a job, people have to contribute to our society, people have to pay their taxes, people have to learn English, people go to the very end of the line, are not even considered until they have been here 8 years, and it may take as long as 13 years. That is not amnesty.

But the fact is that these 12 million undocumented immigrants are going to be here whether we pass this bill or not. The only difference will be whether they will be here in a way where we regulate their presence here. If we have a registration system, we will have an opportunity to identify people who ought to be deported. It is not practical to deport 12 million people. But when we cull through the list, we may find those who should be deported, if in a practical sense they can be deported. To deport someone, you have to take them into custody. Then you have to have detention facilities, and then you have to have judicial proceedings. It is a total impossibility to think of deporting 12 million undocumented immigrants, but at least we would move toward regulation.

As part of the comprehensive system, we are structuring border security as outlined by the Secretary of Homeland Security, Michael Chertoff. The entire border would be covered either by fences, by obstacles, or by drones. So the entire border would be covered, fences covering the populated areas.

It is not possible to structure border security so that no one slips through, but by moving toward employer verification, we will be eliminating the magnet. Until we have a system to positively identify who is legal and who is illegal, you cannot impose tough sanctions on the employers. But now that we have that system, those tough sanctions can be imposed, and that has the objective, a realistic objective, of eliminating the magnet.

There is great distrust, and understandably so, as to whether the enforcement procedures will occur. Bear in mind that there are preconditions to having the guest worker program or the processing of the 12 million undocumented immigrants.

I think it is fair criticism that since the 1986 legislation, no administration, Democratic or Republican, has enforced the law. There are ideas which are now being formulated to move to a very prompt appropriation immediately after the bill is passed—if and when it is passed—so that we have a structure here.

Senators LOTT's first question is: Do we have a problem? Yes. Is this bill an improvement? Yes. Again, categorically. Will there be a better chance at a better time to improve the system? Categorically, no. If we do not get it done at this setting, as we are moving ahead, hopefully shortly after the Memorial Day recess, then we are off into the appropriations process, and next year is an election year. So that if not now, if not never, certainly not soon.

When we come to the Bingaman amendment, as I say, my preference is to stick with the bill. A certain understanding has been reached among those who were parties to the negotiations of the structuring of the bill to stand together on it. If the Bingaman amendment is adopted, then it is my hope we will retain the adjustment features so that if we find that more or fewer guest workers are necessary for our economy, realizing they perform a very vital function in so much of our economy, in the restaurants and the hotels, on the farms, landscaping, so many facets—talked about that yesterday with the hearings which we held in the Judiciary Committee last year, cited the economists who testified about the importance of immigrants in our economic structure—I hope we will at least retain the so-called adjustor factors so we can make adjustments should that become necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first of all, let me take a moment to acknowledge the senior Senator from

Pennsylvania, the Senator from Arizona, the Senator from Massachusetts, Mr. KENNEDY, for their leadership and Herculean efforts on this legislation. In the spirit of praise I heard just a moment ago from the Senator from New Mexico on bringing judiciousness to this process, I rise in opposition to amendment No. 1166 offered by the very distinguished Senator from Iowa, Mr. GRASSLEY. The amendment would eliminate judicial review of removal proceedings where revocation of a visa is the sole ground for removal. That may sound technical and complex, but the amendment is actually quite simple in the way it works. It means that if the State Department should wrongly decide to revoke a visa, whether through bureaucratic error or misjudgment, and then the Department of Homeland Security tries to remove you from the United States, you have no opportunity to have your case heard in Federal court; the case ends at the Board of Immigration Appeals.

It means a dissident lawfully admitted to the United States on a visitors visa could find himself giving a speech one day and then the very next day learn the Department of State revoked his visa based on false information provided by his home country. The dissident may even risk punishment upon return to his home country. But there will be no means to fight his removal in Federal court. The amendment means that when DHS invokes the ideological exclusion provision which allows the Government to exclude anyone from the country who endorses or espouses terrorism or persuades others to support terrorism, there is no judicial check to make sure that is, in fact, what is going on, and that great power is not being abused.

As U.S. district judge Paul Crotty wrote in an opinion last year, rejecting the Government's efforts to exclude a Swiss citizen who had a visa to teach religion, conflict, and peace-building at Notre Dame University.

> While the Executive may exclude an alien for almost any reason, it cannot do so solely because the Executive disagrees with the content of the alien's speech and therefore wants to prevent the alien from sharing this speech with a willing American audience.

That is exactly the kind of case which would be barred by the amendment we are debating. What is the basis for this change? How can it be that review by a Federal court under these circumstances is such a serious burden to the Government that it must be eliminated? Are the courts clogged with these cases? Is it too much to require DHS to submit to a modicum of checks and balances before it exerts its power to expel someone under these circumstances? Judicial review of visa revocation is already severely limited—so severely limited, in fact, that the subject of this amendment is the only area remaining in which somebody can still seek judicial review of a removal order.

Too often, we are obliged to defend basic principles of American democracy—in other circumstances, the great writ of habeas corpus; here, the core principle of separation of powers and judicial review. We should not trample lightly on our founding principles.

I have said over and over that the cornerstone of any comprehensive immigration package must be strengthened security at our borders, enhanced workplace enforcement, and a sensible, practical solution for the 12 million people already living illegally in this country. But strong security means smart security, and smart security must include respect for the administration of justice, including our great American system of checks and balances, and a realization that sometimes the Government gets it wrong.

This amendment, by further limiting the authority of Federal courts to hear removal cases, goes too far. I ask my colleagues to oppose it.

I yield the floor and 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

The Senator from Florida is recognized.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I rise to speak on the immigration bill, the underlying amendment.

I am delighted we are taking up this issue dealing with immigration. I am glad we are debating this important issue in the Senate and that the majority leader has dedicated 2 weeks to do this bill. I think we need at least that period of time to delve into this issue. I have worked on it before. I have served on the Judiciary Committee. It is a tough topic, and it needs a lot of debate.

Immigration is an issue which has seized Americans across the Nation. People are torn trying to balance two fundamental American principles: one, of being a rule of law nation; and, second, trying to be a compassionate society. Here I think we do not need to mitigate either of these desires, that we can do both of them. But it is difficult and the details matter.

America is a nation of both justice and compassion. The two are not mutually exclusive. But reconciling the two is sometimes difficult, as we find in this debate.

Currently, we have, we think, somewhere around 12 million illegal immigrants in our country. The number is growing. In 1987, there were roughly 4 million undocumented immigrants in our country; in 1997, there were roughly 7 million; and today, in 2007, there are somewhere around 12 million. In addition, according to the Pew Hispanic Center, annual arrivals of illegal immigrants have exceeded the arrival of legal immigrants since 1985. That is not the trend we want.

The reality is our immigration system is seriously broken and needs to be fixed. Some people think the solution is to grant undocumented immigrants amnesty as we did in 1986, but that won't work. Others think the solution to the problem is to simply enforce the laws we have and kick everyone out. We have taken a serious look at this option, and although our enforcement efforts over the last year have dramatically increased, I do not believe this answer alone will work either.

The office responsible for detaining and removing illegal immigrants is the Office of Detention and Removal, DRO. It is a division of U.S. Immigration and Customs Enforcement, the largest investigative agency in the Department of Homeland Security. You may be surprised to know that the DRO is actually quite large, despite the relatively small impact they are able to have. DRO includes 6,700 authorized employees, including nearly 5,300 law enforcement officers and 1,400 support personnel. To put this in perspective, the number of DRO law enforcement officers is just under half as large as the number of FBI special agents. With these resources in 2006, ICE, Immigration and Customs Enforcement, removed 187,513 illegal aliens from the country—a record for the agency and a 10-percent increase over the number of removals during the prior fiscal year. If you do the math, though, that works out to roughly 28 illegal aliens deported per DRO employee per year or 35 deportations per law enforcement officer per year. At that pace, if we shut down the border to a point at which no one crosses illegally, and successfully end 100 percent of the visa overstays and double the number of DRO agents, then it will take us 25 to 30 years to deport the estimated 11 million to 13 million illegal aliens who are currently in the United States.

As a matter of national security, we can't afford to wait 30 years to know who is in our country illegally. For the sake of our national security and our Nation's future, we need to solve the immigration problems facing our Nation now. The comprehensive bill before the Senate goes a long way toward

enabling us to fix our immigration system and the problem of illegal immigration. I might point out that people are not opposed to immigration, they are opposed to illegal immigration, and we need to get the legal system to work and fix the problems in it. I believe we need a multifaceted approach to the complex immigration problem we are facing, and the compromise bill before the Senate now will enable us to take significant strides toward fixing the problem.

That said, there are certain aspects of the bill I wish to change. I look forward to the opportunity to do so through the amendment process and to see whether I can support the final product.

With respect to solving the immigration problem, we must first and foremost secure the border, and this bill appears to do that. Section 1 of the bill ensures that we don't repeat one of the biggest mistakes of the 1986 amnesty of implementing immigration reforms without increasing border and worksite enforcement. The triggers in section 1 require the DHS Secretary to certify in writing the following border and worksite enforcement measures are funded, in place, and in operation before—before—initiating a guest worker program or issuing Z visas to current undocumented immigrants. These are the triggers: 18,000 Border Patrol hired; construction of 200 miles of vehicle barriers and 370 miles of fencing; 70 ground-based radar and camera towers along the southern border; the deployment of 4 unmanned aerial vehicles and supporting systems; ending catch and release; resources to detain up to 27,500 aliens per day on an annual basis; the use of secure and effective identification tools to prevent unauthorized work; and the receiving, processing, and adjudication of applications for Z status.

I go through the details because the details really matter in this bill.

In addition, the bill authorizes enhanced border enforcement, including a national strategy for border security, 14,000 new Border Patrol agents by 2012, doubling the current force; 2,500 new Customs and Border Protection officers by 2012; 3,000 new DHS investigators by 2010; 24,000 new detention beds by 2010; enhanced surveillance, using unmanned aerial vehicles, as I mentioned; cameras, sensors, satellites, and other technologies.

That is not enough for just taking care of the border. We also have to go to the workplace. Most people are attempting to enter the United States illegally to work. I think we have to focus on what we do at the workplace. I think we need to implement a smart worksite enforcement system, smart and tough. The primary reason for illegal immigration, as I stated, is employment. If we eliminate a person's ability to unlawfully gain employment, then we will dramatically reduce the incentive for illegal immigration. This bill includes several measures that enhance our ability to enforce immigration laws at the workplace: increasing penalties on employers who knowingly hire illegal immigrants; requiring DHS to issue a tamper-resistant work authorization document with biometric information; allowing the Commissioner of Social Security to share information with DHS so they can go after those who use fraudulent Social Security cards to gain employment; creating an employment eligibility and verification system that requires employers to electronically verify a prospective employee's work authorization.

The robust worksite enforcement system included in this bill fixes a huge hole in our current system and should curtail the use of false documents to fraudulently obtain employment.

Now let's look at the immigration system reforms. The most significant immigration reform this bill makes is the implementation of a merit-based immigration system—and this is a big shift—to choose the best and the brightest of those coming into our country. This doesn't mean we should only allow rocket scientists or brain surgeons, but education is and should be a factor. The merit-based system under the bill does that. It sets up a system in which immigrants can earn points in four categories: education, employment, English proficiency, and family.

In addition to the merit-based system, this bill ends chain migration for extended family, while preserving family unification for the immediate family. I think that is an important distinction, that we want family reunification for immediate, nuclear family, but we don't want the chain migration system for extended family members. This is an important change.

I am one of the staunchest supporters of family in the Senate. I don't think our immigration system should blindly favor, though, non-nuclear families such as siblings and adult children over skilled workers who are coming to apply their trade and contribute to our economy. It seems to me this is an appropriate balance. Throughout this bill, what we are trying to accomplish is an appropriate, workable balance for the good and the future of this Nation.

On the temporary guest worker program, once we are able to secure the border and implement worksite enforcement enhancements, we need to reform our immigration system to create sufficient legal means for well-meaning workers to come to our country and to work. The temporary guest worker program in this bill does that, while at the same time protecting American workers and wages by: requiring employers to advertise jobs to U.S. workers first; requiring employers to advertise pay, a wage equal to that of an average wage for the particular job or industry, particular in that region of the country; and prohibiting a temporary guest worker from working in a county that has 7 percent unemployment or higher.

I think there are some important changes that need to be made in the bill. As I have said, the compromise bill before us does a lot of good, but I think it is far from perfect and needs improvement.

To give some examples, section 601(h) of the bill gives certain immigration benefits to undocumented immigrants who seek ''probationary'' status, and states that an undocumented immigrant can obtain no probationary benefits until the alien has passed all appropriate background checks, or until the next business day, whichever is sooner. So you have a 24-hour check period. That is insufficient, if they want to look into the background of an individual seeking this probationary status. I will seek to change that particular provision. The impact of this provision is that 12 million or more undocumented immigrants could receive lawful status, the right to work, and other such benefits even if a background check cannot be completed in time.

I think the problems with this provision are significant and obvious. First, in a post-9/11 world, it is misguided at best and dangerous at worst to grant millions of people unlawfully present in the United States lawful status, even if a background check has not been completed. That is not wise. Second, there is no evidence that the Department of Homeland Security is capable of conducting cross-departmental and cross-governmental background checks, let alone a million of them, or millions of them, in a 24-hour time period. Third, many records relevant to a background check are not electronic and/or are not in possession of or otherwise accessible to the Federal Government, suggesting that more than one business day may be required for a thorough check, and a thorough check we must do. This is an important issue with potentially grave consequences for our national security.

I have filed an amendment to change this provision so no one would receive any immigration benefits without passing a background check. I would urge my colleagues to support this amendment.

In addition, I think the bill should require followup background checks when Z visa holders apply to extend their visa beyond the initial 4 years. As the bill is drafted, it leaves that decision to perform a background check up to the Secretary of Homeland Security.

I think we need to be able to have removal proceedings for ineligible Z visa applicants. Section 601(d) of the bill lays out certain grounds of ineligibility for a Z visa, which include multiple criminal convictions, controlled substance trafficking, trafficking in persons, and even terrorist activity.

The very same section also states:

> Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

The obvious question is: Why not? Why should DHS not be required to immediately begin removal proceedings against someone who is ineligible for a Z visa because they are a criminal or a terrorist? I think DHS should be required to begin removal proceedings or at the very least take steps toward removing such people from the country.

The two main reasons for providing undocumented immigrants the ability to obtain a Z visa are to separate those who are here with good intentions to work and support their families from those who intend to do us harm; and second, to create a system where people have a legal status. In order to successfully do this, this provision needs to be changed so when an individual is found to be ineligible to remain in the country legally under this program, they are removed.

In conclusion, I look forward to continuing this debate on this bill on these issues I have identified and others to strengthen this bill. As many Members have said, this bill is not perfect and can certainly be improved in ways I have noted and in others. But we can't use the bill's imperfections as an excuse for doing nothing for a system that is clearly broken.

I look forward to offering these amendments to improve the bill, and I look forward to hearing some of the ideas my colleagues in the Senate have as well. At the end of the day, I hope we can pass a bill the President can sign, so we can say we did something to improve America by enacting immigration legislation that secures our borders, restores respect for our laws, and creates an immigration system that works.

Mr. President, I yield the floor.

Mr. OBAMA. Mr. President, I ask unanimous consent that at 2:20 p.m. today, there be 4 minutes of debate prior to a vote in relation to the Bingaman amendment No. 1169, with the time divided as follows: 2 minutes under the control of Senator BINGAMAN, and 1 minute each under the control of Senators KENNEDY and SPECTER or their designees; that without further intervening action or debate, the Senate proceed to vote in relation to the amendment, with no second-degree amendment in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I wish also to speak to the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, last year, I spoke at one of the marches in Chicago for comprehensive immigration reform. I looked out across the faces in the crowd. I saw mothers and fathers, citizens and noncitizens, people of Polish and Mexican descent, working Americans, and children. What I know is these are people we should embrace, not fear. We can and should be able to see ourselves in them.

I do not say that to diminish the complexity of the task. I say it because I believe that attitude must guide our discourse. We can and should be able to fix our broken immigration system and do so in a way that is reflective of American values and ideals and the tradition we have of accepting immigrants to our shores.

I think the bill that has come to the floor is a fine first step, but I strongly believe it requires some changes. I am working with others to improve it.

In approaching immigration reform, I believe that we must enact tough, practical reforms that ensure and promote the legal and orderly entry of immigrants into our country. Just as important, we must respect the humanity of the carpenters and bricklayers who help build America; the humanity of garment workers and farmworkers who come to America to join their families; the humanity of the students like my father who come to America in search of the dream. We are a Nation of immigrants, and we must respect that shared history as this debate moves forward.

To fix the system in a way that does not require us to revisit the same problem in twenty years, I continue to believe that we need stronger enforcement on the border and at the workplace. And that means a workable mandatory system that employers must use to verify the legality of their workers.

But for reform to work, we also must respond to what pulls people to America and what pushes them out of their home countries. Where we can reunite families, we should. Where we can bring in more foreign-born workers with the skills our economy needs, we should. And these goals are not mutually exclusive. We should not say that Spanish speaking or working class immigrants are only good enough to be temporary workers and cannot earn the right to be part of the American family.

With regard to the most pressing part of the immigration challenge—the 12 million undocumented immigrants living in the U.S.—we must create an earned path to citizenship. Now, no one condones unauthorized entry into the United States. And by supporting an earned path to citizenship, I am not saying that illegal entry should go unpunished. The path to permanent residence and eventual citizenship must be tough enough to make it clear that unauthorized entry was wrong.

But these immigrants are our neighbors. They go to our churches, and their kids go to our schools. They provide the hard labor that supports many of the industries in our country. We should bring them out of hiding, make them pay the appropriate fines for their mistakes, and then help them become tax paying, law-abiding, productive members of society.

I am heartened by the agreement that we have to put all 12 million undocumented immigrants on a path to earned citizenship. I applaud those who worked on this compromise. But there are other parts of the compromise deal before us that cause me serious concern. Let me briefly address some of those concerns.

In order to stem the demand for illegal workers, we need a mandatory employment verification system that is actually mandatory. It needs to allow employers to check with the Department of Homeland Security to see that their employees are legally eligible to work in the United States. This is something I worked on last year. But this year's version of the employment eligibility verification system would give DHS too much power to force the screening of everyone working in America without appropriate safeguards. I will be working with others to offer an amendment to make this provision closer to what we proposed last year.

As for the guestworker program in the bill, it proposes to create a new 400,000 person annual temporary worker program that could grow to 600,000 without Congressional approval. And it expands the existing seasonal guestworker programs from 66,000 up to 100,000 in the first year and 200,000 after that. At the end of their temporary status, almost all of these workers would have to go home. That means at the end of the first three years, we would have at least 1.2 million of these new guestworkers in the country with only 30,000 of those having any real hope of getting to stay. I believe we are setting ourselves up for failure, and that will just create a new undocumented immigrant population.

As we have learned with misguided immigration policies in the past, it is naive to think that people who do not have a way to stay legally will just abide by the system and leave. They won't. This new group of second-class workers will replace the current group of undocumented immigrants, placing downward pressure on American wages and working conditions. And when their time is up, they will go into the shadows where our current system exploits the undocumented today.

I will support amendments aimed at fixing the temporary worker program that Senator BINGAMAN and others will be offering. And if we're going to have a new temporary worker program, those workers should have an opportunity to stay if they prove themselves capable and willing to participate in this country.

But the most disturbing aspect of this bill is the point system for future immigrants. As currently drafted, it does not reflect how much Americans value the family ties that bind people to their brothers and sisters or to their parents.

As I understand it, a similar point system is used in Australia and Canada and is intended to attract immigrants who can help produce more goods. But we need to consider more than economics; we also need to consider our Nation's unique history and values and what family-based preferences are designed to accomplish. As currently

structured, the points system gives no preference to an immigrant with a brother or sister or even a parent who is a United States citizen unless the immigrant meets some minimum and arbitrary threshold on education and skills.

That's wrong and fails to recognize the fundamental morality of uniting Americans with their family members. It also places a person's job skills over his character and work ethic. How many of our forefathers would have measured up under this point system? How many would have been turned back at Ellis Island?

I have cosponsored an amendment with Senator MENENDEZ to remove that arbitrary minimum threshold of points before family starts to count and to bump up the points for family ties.

And at the appropriate time, I will be offering another amendment with Senator MENENDEZ, to sunset the points system in the bill. The proposed point system constitutes, at a minimum, a radical experiment in social engineering and a departure from our tradition of having family and employers invite immigrants to come. If we are going to allow this to go forward, then Congress should revisit the point system in five years to give us time to examine the concept in depth and determine whether its intended or unintended consequences are worth the cost of continuing the experiment or whether we should return to the existing system that allows immigrants to be sponsored through family and employers.

In closing, we must construct a final product that has broad bipartisan support and will work. I agree with Senator BROWNBACK that the time to fix our broken immigration system is now. If we do not fix it this year, I fear that divisions over the issue will only deepen and the challenge will grow.

I also believe that we have to get it right. I think it is critical that as we embark on this enormous venture to update our immigration system, it is fully reflective of the powerful tradition of immigration in this country and fully reflective of our values and ideals.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

Mr. SESSIONS. Mr. President, I inquire, is the pending business the Bingaman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I will speak on that. I support the Bingaman amendment. It is sort of instructive in a number of different ways for us in the Senate because I don't know how the number 400,000, for the first year of the program, got accepted as the number that we would have in the temporary worker program. The temporary worker program is a new way of doing business that I think has great potential, although I am concerned about how it can be effectuated in its details. The temporary worker program is now in addition to the permanent citizenship track that we have in our country—the track where you get a green card and then move on to citizenship.

So the temporary worker program is designed to create an opportunity for people who want to come into America and work for a period of time but who do not desire or may not be accepted on the citizenship track. It makes some sense to me. We have had a portion of our State damaged in Hurricane Katrina, and Mississippi and Louisiana have been severely damaged; tremendous reconstruction is being done. That created a real shortage of labor. Anybody can say that area of the country—at least for a certain period of time—needs additional labor, and temporary workers could help fulfill that and other needs in the country.

I wish to say that the temporary worker program, as I understand it in the legislation—remember, it was dropped in Monday night; that is the first time it has been filed as part of the legislative process in the Senate, and no hearings have been conducted on it—the 400,000 would be for 2 years. So you would have 400,000 come in year one of the bill's passage. They would stay for 2 years. The year after the first group gets here, another 400,000 would come the next year. So it is 800,000, at a minimum, after the first year. So that is a lot of people who would be coming in on the temporary worker program.

I am not aware that we have ever done any research or gone out and actually studied how many temporary workers we need. Apparently, the conferees—this group I affectionately call the ''masters of the universe,'' who met and came up with this 400,000 number, talked to some interest groups out here, and they got an idea somewhere about how many it ought to be. I don't know how they reached that number. I will say this to my colleagues. Earlier this year, when this proposal was raised about a temporary worker program and expressed to me in a way that could actually work, I thought it was a good idea. That is why I voted—reluctantly—against Senator DORGAN's amendment, because I think we need a temporary worker program. But when I asked how many, a member of the Bush administration said 200,000. So now it is 400,000 and over 2 years it becomes, at a minimum, 800,000, and there are accelerators in it that indicate to us—the way my staff calculated the numbers—and I think we are fairly accurate—it would be, in 2 years, almost 900,000 temporary workers alone, not including their family members. So I am not sure that is correct. Professor Borjas at Harvard, himself a Cuban refugee who has studied immigration more deeply than anyone in the country, I would suspect, has written one of the more preeminent books, ''Heaven's Door,'' that deals statistically and quite methodically with immigration and its consequences and how it works out.

It is calculated that the low-income workers in America have received an 8-percent reduction in their wages as a result of a large amount of immigration. So there is no doubt that more and more immigration has an increasingly adverse impact on the wages of hard-working American citizens. I don't think anybody can dispute that. Where did this come from—the 400,000—really 800,000—really almost 900,000? Where did that number come from? I don't know.

Professor Borjas, who is a part of the Kennedy School at Harvard—perhaps Senator KENNEDY needs to meet him sometime—Professor Borjas said in his opinion, 500,000 immigrants a year is the right number. I don't know what the right number is. He is a Cuban immigrant. He came here as a young man fleeing the oppression of Castro. That is what he says.

Where did this number 800,000, almost 900,000 come from? Actually, I think it kicks in with an accelerator. In the outyears, it goes up even 10 to 15 percent a year. It is complicated to read. We just haven't had much time to figure it out.

I think the deal is set up, actually. I think the people who wrote the bill knew we were not going to approve 400,000 people a year and 800,000 over 2 years—that is in the country at a given time, 800,000 to 900,000. I think they knew that. Everybody has known all along. Senator BINGAMAN has filed his amendment to cut that number in half, and then we will go to 200,000 a year, and everybody can say we did something, we made this bill better, so now let's all vote for it.

Regardless, if that is what the deal was about, I suggest to my colleagues that certainly the Bingaman amendment is a move in the right direction. Until we have some very good economic data that shows this country needs a lot more than 200,000, we ought not to be doing it because, remember, the 12 million people we see out here today who are here illegally and those who are here legally are not going to be made to leave America under the amnesty we have here.

If someone came in December 31 of last year, they would be able to stay in this country. So now we are talking about, on top of all of that, on top of the 1 million people who come into the country with green cards that we give each year, that permanent track, we are talking about another track for temporary workers which is in addition to AgJOBS, the agricultural and seasonal workers. So this is a big number.

This bill could be two times plus the current rate of legal immigration into America. I don't think the average

American would believe, when we are supposed to reform this broken immigration system, that we would be creating a system that would double the number of people legally coming into the country because even though we certainly hope any legislation that passes would reduce somewhat the number of illegal entries, we know we will still have illegal entries on top of that.

This probably is a very easy vote for colleagues to vote for the Bingaman amendment. I don't see a reason not to do so. I am not aware of any economic study or objective analysis that says we need these kinds of large numbers of immigrants.

Professor Chiswick at the University of Illinois in Chicago testified before the Judiciary Committee, of which I am a member, when we brought up this issue last year. He cautioned strongly that a large flow of low-skilled workers will pull down the wages of American workers. Alan Tonelson, who wrote about a number of job categories from 2000 to 2005, said wages of workers have not gone up, that they actually have gone down, and in each one of those areas, more than half the workers were American citizens.

This is a matter we ought to be careful about. I believe 200,000 is more than adequate based on what I know. And I support the Bingaman amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MARTINEZ. Mr. President, I rise to speak in opposition to the Bingaman amendment. The idea of 400,000 temporary workers per year was not just pulled out of thin air, but it is based on the estimates of what is needed on a yearly basis to meet the needs of our economy. It, in fact, parallels what takes place each and every year as approximately that many illegal workers cross our borders.

Much has been said about whether there is a need for a workforce. I believe there is. In my home State, the people who are more adamant in pursuing a bill on immigration reform are those very employers who cannot seem to find enough workers to fill their needs. They are in the hospitality industry, the tourism industry, our attractions, theme parks. They are also in agriculture, as well as home construction, which is a huge part of Florida's economy. All of those people seem hard pressed to have enough people available to do the work that is waiting.

So this is a number that was derived according to the Pew Hispanic Center in a March 2005 survey of the migrant population which suggested a group of about 500,000 a year. We think it is a good idea from that standpoint. It is a legitimate number. It is based on the studies of what our needs seem to be.

At the end of the day, it is about supply and demand. It is about the issue that there is a workforce available to meet the demand for workers, and that is the problem in which we find ourselves.

But there is another problem, too, and that has to do with the border. Sure, we are going to do all we can to lessen the likelihood of illegal border crossings. We are going to have more border agents. We are going to have electronic surveillance. We are going to have all that we can build physically and technologically provide, as well as manpower, to provide for safety at the border.

However, wouldn't it be a good idea if to assist safety at the border, if to assist and lower the number of illegal entries in our country, if we disincentivized and legalized the way people come to work in America? At the end of the day, that is what our 400,000 number seeks to do. Reducing it to 200,000 would diminish the effectiveness of our current approach of having a guest worker force that really is coming here legally.

I hope the Bingaman amendment does not receive the support of the Senate. I ask my colleagues to stick with the number that is in the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. SESSIONS. Mr. President, I made remarks earlier about my estimation of the number of persons who would be admitted. I would like to be a little more precise and explain it this way. In the first year, under the bill as written, when 400,000 would be allowed in, 400,000 would come for a 2 year period. In the second year, we will have a 15-percent escalator clause. If that is met, the next year would be 460,000 new workers. So we are talking about at that point 860,000 workers. Then 20 percent of the people who come as temporary workers are entitled to bring their families.

On average—and the numbers, I think, are undisputed—when a person is allowed to bring their family, it adds 1.2 persons to the number. So I calculate in just 2 years, the temporary worker program, as written in the bill, will allow for over 1 million persons into the country. I believe that is an honest and fair statement of where the numbers are.

I take seriously these numbers because last year my staff worked their hearts out and concluded and shocked everybody that the bill as originally introduced, the McCain-Kennedy bill, would allow 78 million to 200 million persons into our country in just 20 years when it, at the normal rate, would be less than 20 million. Some objected to those numbers. The Heritage Foundation did a similar study about the same time, and their numbers confirmed our numbers.

At that point, Senator BINGAMAN offered two amendments and I offered one and it ended up bringing the number down to 53 million over 20 years to enter legally as opposed to this incredible number. With these accelerators and this large a number, I think we ought to be very cautious.

I would also note, again, that the Bingaman amendment does not reduce the AgJOBS people who would be coming under that track or the seasonal worker people who would be coming. So a number of areas will not be reduced. I think it clearly is the correct thing to do to adopt the Bingaman amendment.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, there will now be 4 minutes of debate on amendment No. 1169, offered by the Senator from New Mexico, Mr. BINGAMAN, with 2 minutes under the control of Senator BINGAMAN and 1 minute each under the control of Senator KENNEDY and Senator SPECTER.

Who yields time?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me speak very briefly, and then I will reserve the last minute to try to close this debate.

This amendment will reduce the number of people who can come into the country under this new guest worker program. The underlying bill calls for 400,000, up to 600,000 per year coming in under this new guest worker program. The amendment I am offering would reduce that to 200,000 per year, maximum. I think that is plenty.

This is an unproven, untested, brandnew program. We need to see how it is working. We need to see the impact it is having on other wage rates in the country.

I urge my colleagues to support that amendment. I will reserve the remainder of my time in case there is someone speaking against the amendment. Then I will conclude.

Mr. KENNEDY. Mr. President, first, I thank my friend from New Mexico for his presentation on this issue. He has spoken to those of us who have been working on immigration about his concerns on the numbers. He made this

presentation the last time the Senate considered the immigration bill and was successful, and I expect he will be this afternoon.

It was very difficult for us to make an exact judgment about the total numbers. Those numbers were set at about 400,000 because that was a somewhat lower estimate of people who were coming in here who were undocumented, and it was also recommended by the Council of Economic Advisers in terms of the needs of the economy. That is where it is from.

But he makes a legitimate point—we do not have a real definite idea about what these numbers ought to be. We looked at the idea that we establish this program and then try to establish a commission that would make a recommendation to Congress in terms of the numbers on into the future. I think that is probably the best way to proceed in the future.

I will reluctantly oppose the amendment of the Senator from New Mexico, but I thank him for the thought he has given to this issue. We will be willing to work with him regardless of how this comes out.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY. Mr. President, we are prepared to yield whatever time we have—except for the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank my colleague from Massachusetts and congratulate him on his leadership in getting us to this point in the debate. I do hope Members will support this amendment. We had 79 Senators support this amendment when it was offered last year. I hope we get a strong vote again this year. I think this is the prudent thing to do. It does not destroy the bill. It does allow for a guest worker program but a much more prudent one than would otherwise be the case.

I urge my colleagues to support the amendment.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Will the Senator suspend?

Does the Senator from Pennsylvania wish to be recognized?

Mr. SPECTER. I do. Mr. President, I believe I have 1 minute of argument?

The ACTING PRESIDENT pro tempore. The yeas and nays have been called for, and the impression was at that time that time had been yielded back.

Is there sufficient second for the yeas and nays? There is.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask consent—I think I yielded the time back before I knew the Senator from Pennsylvania, who is a cosponsor, desired to speak. It will only be half a minute. I ask unanimous consent that he be able to speak prior to the time of the vote.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. May I amend that, Mr. President, to request a full minute?

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

Mr. SPECTER. Mr. President, the 400,000 figure was decided after a very careful analysis and consideration. We had hearings in the Judiciary Committee where prominent economists stepped forward to testify about the importance of immigrant help. We have an economy which relies on immigrants for hospitals, for hotels, for restaurants, for farms, for landscapers, and many lines.

One crucial feature of the Bingaman amendment would take out the adjustment factor, which is important, where we say the needs rise and fall. If the Bingaman amendment is adopted—and I know it was adopted by a large vote last year—at least I hope we will return to provide for the adjustment factor so we can raise or lower the number depending upon the needs of the economy.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent. The Senator from Arizona, Mr. MCCAIN.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—74

Akaka	Dorgan	Nelson (FL)
Alexander	Durbin	Nelson (NE)
Allard	Ensign	Obama
Baucus	Enzi	Pryor
Bayh	Feingold	Reed
Biden	Feinstein	Reid
Bingaman	Grassley	Roberts
Boxer	Harkin	Rockefeller
Brown	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Byrd	Kerry	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Stabenow
Carper	Landrieu	Stevens
Casey	Lautenberg	Sununu
Chambliss	Leahy	Tester
Clinton	Levin	Thomas
Coburn	Lincoln	Thune
Cochran	McCaskill	Vitter
Collins	McConnell	Voinovich
Conrad	Menendez	Webb
Corker	Mikulski	Whitehouse
Dodd	Murkowski	Wyden
Dole	Murray	

NAYS—24

Bennett	Brownback	Cornyn
Bond	Coleman	Craig
Crapo	Hatch	Lugar
DeMint	Hutchison	Martinez
Domenici	Kennedy	Salazar
Graham	Kyl	Smith
Gregg	Lieberman	Specter
Hagel	Lott	Warner

NOT VOTING—2

Johnson	McCain

The amendment (No. 1169) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, Senator GRASSLEY was here earlier. I understand he may be modifying his amendment. Senator GRAHAM is prepared to move ahead. Then we will alternate back and forth. The Senator from California, Mrs. FEINSTEIN, is ready to go. I see the Senator from South Carolina. If he is prepared to proceed, we will go ahead with his amendment.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from South Carolina.

AMENDMENT NO. 1173

Mr. GRAHAM. I ask unanimous consent that the pending amendment be set aside, and I call up amendment 1173.

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

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. MCCAIN, Mr. MARTINEZ, and Mr. KYL, proposes an amendment numbered 1173 to amendment No. 1150.

Mr. GRAHAM. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for minimum sentences for aliens who reenter the United States after removal)

Strike subsections (a) through (c) of section 276 of the Immigration and Nationality Act, as amended by section 207 of this Act, and insert the following:

''(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

''(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

''(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not

less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

''(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

''(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

''(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.''.

Mr. GRAHAM. Mr. President, as we try to repair a broken immigration system and replace it with a new system that learns from the mistakes of the past, I believe it is time for this body and this country to get serious about enforcing border security violations. After 9/11, the immigration debate has taken on a different tone. After 9/11, it is no longer about economic and social problems associated with illegal immigration. It is about national security problems associated with illegal immigration. In the Fort Dix, NJ, case, there were allegations made that six people were conspiring to attack Fort Dix. Apparently, three of those people came in illegally as children or crossed the southern border, and three of the people charged with crimes overstayed their visas. So it is more than securing the border. That is a central concept to this bill.

Democrats and Republicans are rallying around the idea that the current system is broken in many ways. The borders are not secure. When it comes time to verify employment, fraud is rampant. The way you get a job now is to produce a Social Security card. I could take a Social Security card out of my wallet and have it faked by midnight. We are talking about replacing that kind of fraudulent system with tamperproof identification, which would be a great change in terms of understanding who is here and why they are here and employing people on our terms, not theirs.

In the future, after we begin to control our borders, Senator ISAKSON's amendment says you can't bring new people into the country in a permanent fashion until you meet border security triggers. The employment verification trigger is a great idea. Here is the question I have: After we do all this, after we spend all this money to secure our borders and replace fraudulent systems with tamperproof systems, what do we do to people who try to come across illegally in the future? What message do we send them and the world?

Here is the message: If you come across our border illegally in the future, you violate our border security, you are going to jail. No more catch you and send you back. My amendment would require a mandatory 60-day jail sentence for the first illegal reentry, up to a year but mandatory 60 days. If you come back again illegally, no less than 2 years. So everyone needs to know that America is changing its immigration laws, and we are going to be serious about enforcing them. If you break our laws, you do so at your own peril, and you will lose your freedom. That will help us dramatically make sure we don't repeat the mistakes of the past.

There is another group of people we need to deal with in terms of illegal reentry that is bone chilling. The amendment would create mandatory jail time for people who have been convicted of crimes in the United States, illegal immigrants who have committed violent offenses, nonviolent offenses, who have served jail time, that if you get deported—and you are required to be deported after you serve your sentence—and get caught coming back into this country, you are going to go to jail, not be deported again.

Let me give an example. Angel Resendiz is known as the railroad killer. Let me tell you the story of this criminal. In August 1976, he came across the border illegally. In September 1979, he was sentenced to a 20-year prison term for auto theft and assault in Miami, FL. He was paroled within 6 years and released into Mexico as a result of deportation. Over the next 10 years, he was apprehended and tried in Texas for falsely claiming citizenship. He did an 18-month prison term. He was arrested for possessing a concealed weapon in 1988 in New Orleans and received another 18-month prison term. Every time he was sentenced, he was deported and came right back to commit another crime. He got 30 months for attempting to defraud Social Security in St. Louis. He pled guilty to burglary charges in New Mexico that gained him an 18-month prison term, and he was paroled in 1992. He was apprehended in the Santa Fe rail yard for trespassing and carrying a firearm in 1995.

On June 2, 1999, he was apprehended by the Border Patrol for crossing illegally. Due to a computer glitch, they let him go. Every time he committed a crime and served a sentence, he was deported, only to come right back and commit another crime. Once we caught him, all we did was deport him. He wound up killing two people within 48 hours of being released by the Border Patrol. If this amendment had been in place for people such as this guy, once he was found back on our soil after he served his prison term for a violent crime, he would not have been deported. He would have gotten a 20-year jail sentence with a mandatory minimum of 5 years.

So there are people who have been convicted of rape and murder within the United States who have illegally come across the border, committed a crime, served their time, been deported, who have come right back, committed another crime, and nothing happens.

If this amendment becomes law, once you have been convicted of a violent crime and deported, if you are found in our country, whether you are committing a crime, that is a crime in and of itself, and you are going to go to jail for up to 20 years, with a minimum of 5 years.

Now that, to me, is what has been missing when it comes to our legal system and illegal immigration. It is now time to tell the world—our own citizens and all those who wish to come here—there is a right way to do it and there is a wrong way to do it. If you do it the wrong way in the future, you are going to go to jail.

We need to change the system that would allow nothing to happen to somebody who had been in our country illegally, who was convicted of rape or murder, who served their sentence and had been deported, who illegally comes back into our country. If they cross the border again, if they cross the border in the future, after committing a violent crime, they are going back to jail for serious jail time to protect us against them.

Now, I hope every Member of the body will understand this will make our effort to reform illegal immigration meaningful. If America does not care about enforcing its laws in the future, those who want to violate it will not care either.

So now is the time to start the clock over, learn from the mistakes of the past and make a national commitment to secure our borders and deal with those who violate our immigration law in the sternest fashion. Because this Nation is under siege. After 9/11, illegal immigration is not just about people coming here to work, it is about people coming here to commit crimes and do us harm.

So I am very hopeful this amendment will become part of the bill, and we can say, after this bill passes, we have taken a new approach, a tough approach, a long overdue approach, that we do care about the laws on our books and we are going to enforce them, and if you violate the law in the future by illegally coming across our border, you are going to jail.

Mr. President, I would like, if I could, at this time, to recognize my colleague from Georgia, Senator CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in strong support of the amendment offered by my friend and my colleague, Senator GRAHAM. I am pleased to be a cosponsor of this amendment.

As I have said before, I believe the agreement we reached among a bipartisan group of Members of this body is

a step in the right direction because it gets us to where we are today; that is, we are debating this critical issue on the floor of the Senate.

Bringing this issue to the floor of the Senate allows Members of this body an opportunity to improve upon what has previously been negotiated. Senator GRAHAM's amendment is an improvement that should be adopted because it deals with the very most important part of this particular bipartisan piece of legislation, that is, border security and interior enforcement.

This amendment creates a more effective deterrent against future illegal immigration by ensuring that illegal immigrants who are caught and deported and then return to the United States in violation of our laws again serve minimum jail sentences. There is nobody who is going to be deported and gets caught coming back in who is going to escape going to jail. It is kind of unbelievable to think about that we do not already have this kind of law on the books today. That is why this piece of bipartisan legislation is so critically important to the future of our immigration laws in this country.

Under current law, if an illegal alien is caught entering the United States, that person is deported. This system is subject to abuse because an estimated 20 to 30 percent of those illegal immigrants deported simply return to the United States again in an illegal way. If that same person illegally reenters the United States again, they are subject to fines or imprisonment, but currently there is not a mandatory jail term.

So our Border Patrol agents and our Immigration and Customs Enforcement agents are faced with the problem of removing the same illegal immigrants time and time again. This amendment will ensure that everyone who is deported from the United States and reenters will serve jail time.

This is a most vital piece of legislation in getting control of our borders and in ensuring we have efficient and meaningful interior enforcement. This amendment is critical because it will make sure the resources of our Border Patrol and Customs agents are not expended on the same violators again and again.

It also sends a strong signal to everyone in the world thinking about illegally coming to the United States that we are serious about our laws and are seriously going to punish those who violate those laws.

I have to say, one problem we have, as we debate this bill and we talk with folks back home, is the credibility of this body, as well as the other body, as well as the agencies charged with carrying out the enforcement. Even though we are charged with oversight, the credibility of the U.S. Government in enforcing the current laws on the books is severely lacking.

This is a measure that does put some real teeth into the deporting and reimporting by criminals. In this particular measure, it does give our law enforcement officials an opportunity to not only be serious about enforcement of the law but in a way that is truly meaningful and will go a long way toward stopping illegal immigrants from coming across our borders, as well as doing a better job of enforcing our immigration laws from an interior standpoint.

So I urge all my colleagues to vote in support of the amendment offered by my good friend and colleague, Senator GRAHAM.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have a good deal of respect for my friends from South Carolina and Georgia, but I am somewhat mystified by this proposal. Let me illustrate why.

First of all, this proposal by the Senator from South Carolina is a large Federal mandate. Do you understand? It is a large Federal mandate. Why? Because the Bureau of Federal Prisons now says it takes up to 45 to 60 days for any individual who is found guilty in the lower courts to get to a Federal prison. Who pays for that? The local people pay for that.

First, it takes 45 to 60 days—all of which will be included in this amendment—which is going to be paid by the local people. So we are saddling all the local communities, as they start off in their proposal.

Now, after we hear the speeches about how we are going to be tough on crime, let's look specifically at the current law and what our bill does and then what this amendment does.

For the entry of an alien after removal—no deportation or denied admission, no criminal history—under current law: fine, or not more than 2 years, or both. Our bill is the same as current law. But the Graham amendment says: not less than 60 days in jail—60 days in jail.

So we want to let Arizona, California, Texas, New Mexico know that for all those people whom we all heard about coming back across the border, they are going to be for 45 to 60 days in the local jails. Is there any kind of report about how they can handle it? Is there any sense about whether the jails are crowded? Is there any idea about what the Governors say? Is there any idea about what local communities say? No. But this happens to be the fact. There are seven different places where they put these mandatory penalties in.

Under current law, for the entry of criminal offenders, with three or more misdemeanors involving drugs, crimes against persons, or both, or a felony: fine, not less than 10 years, or both. In the bill, S. 1348, we say, three misdemeanors or one felony gets a penalty of not more than 10 years in jail. What does the Graham amendment say? New mandatory minimum creates minimum penalty of 1 year.

So they say you get 1 year. We say you can get up to 10 years. Why the difference? Because we want the judge to make the decision on the severity of the crime.

Here, we go down to the prior aggravated felony conviction penalty, which under current law is not more than 20 years. We, in the bill, say the penalty can be 15 years, or a fine, or both. Under the Graham amendment, it is 2 years and a fine.

Once more, we leave it up to the judge. If we have the serious kinds of penalties, they ought to get the serious time. Who is being tougher on crime? We are listening to the Senators from South Carolina and Georgia: We are tough on crime. Who is tough on crime? Come on.

The list goes on. If you are caught, you are a repeater, you are caught back across the border with a prior conviction for murder, rape, kidnapping, slavery, terrorism, then the penalty is not more than 20 years. Under the Graham amendment, it is 5 years—the new mandatory is 5 years. Ours is 20 years. We let the judge make that decision, but his is 5 years.

Now, I have been a strong supporter of sentencing reform from the very beginning. We have had these enormous disparities on the issue of sentencing. The Sentencing Commission was supposedly to make an evaluation about the nature of the crimes taking place in the country, the space that exists in the various States and Federal institutions and to make recommendations in terms of what the scope ought to be in terms of various crimes and what the availability is in these various penal institutions and how they compare to other kinds of crimes. It seems to me that is what we ought to be doing with the penalties in this legislation as well.

Let's listen to Supreme Court Justice Kennedy, who has vigorously criticized mandatory minimums as unfair and inconsistent with the fundamental principles of justice. In February, he was very clear in his opposition to penalties in his testimony before the Senate Judiciary Committee. He also said mandatory minimums are wrong because they restrict the ability of judges to strike the best balance between the goal of consistent sentencing and the need to give judges discretion to make the punishment fit the crime in individual cases.

That is what we have in the underlying law.

In 2003, Justice Kennedy said:

> I can accept neither the necessity nor the wisdom of Federal mandatory minimum sentences. In too many cases mandatory minimum sentences are unwise and unjust. The legislative branch has the obligation to determine whether a policy is wise.

Now, I am more than willing to establish tough penalties where appropriate, but we have to draw the line with a rash of mandatory minimum sentences in current law. We have a new Congress and a new opportunity to stop the madness with mandatory minimums that impose long and costly sentences. Moreover, there is no suggestion that these penalties make a

great deal of sense. If anything, they are already causing a terrible burden.

There is no epidemic of leniency in the Federal courts today. We have not heard, in hearings in the Judiciary Committee, about leniency in terms of the crimes—we have not—nor with regard to these different provisions.

The Federal prison population has quadrupled in the last 20 years. Now it is larger than any State system. The addition of new mandatory minimums only places further strains on the Federal prisons, which are already struggling with a growing population, along with diminishing budgets. Justice Rehnquist made the following observation about mandatory minimums: Our resources are misspent, our punishments too severe, our sentences too long.

That is his statement in opposition to mandatory minimums. We have the statements that have been made by the 2006 Conference of Mayors, representing 1,100 mayors and cities with populations over 300 that passed a resolution opposing the mandatory minimum sentences. It called for a fair and effective sentencing policy. The Nation's mayors are opposed to mandatory sentences on both Federal and State levels. Our mayors believe we should have laws that permit judges to define appropriate sentences based on the specific circumstances of the crime and the perpetrator's individual situation, and that States should review the effects of both Federal and State mandatory minimum sentencing and move forward.

As I say, that is my position on this. I am under no illusions about what the desire and the will of this institution is on this particular proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, very briefly, and I will move to have this amendment voted upon, if that is the correct order of business.

To my very good friend Senator KENNEDY, it is my understanding in terms of incarceration costs, the costs are paid by the Federal Government through the State Criminal Alien Assistance Program about 90 percent—90 cents on the dollar. So the Federal Government does help the local communities almost fully to deal with the expense of people who are caught violating or who are put in jail.

In terms of leniency—is there any evidence our laws are too lenient—I would say there are about 12 million pieces of evidence that our laws are too lenient. How can you have 12 million people come across the border and the word not be out that there is not much of a downside to doing it? Now, if you get 12 million people violating the law, it must be common knowledge among that population and others there is not much going to happen to you.

Well, that needs to stop. We need to give people who are here a chance to assimilate. Legal paths, we have more legal paths than we have ever had through this bill.

The illegal part of it has to come to an end and will only come to an end if there is a downside to breaking our law, and this amendment is about mandatory jail time. I am not trying to make it easier on people; I am trying to make it harder on people who take the law into their own hands and violate our border security. That is why we have mandatory jail time. Prior misdemeanors, you are going to go to jail 1 year if we catch you here again. If you served jail time of 2½ years and we find you on our soil again after you have been deported, 2 years. If you got a sentence of 5 years and we find you on our soil again after you have been deported, 4 years in jail. If you are convicted of three or more felonies, 4 years in jail, if we find you here again. If you are convicted of a violent crime, no less than 5 years, and up to 20 years.

It is time to get serious. This is a serious amendment for a serious problem. I know this is going to send the right message and that we need to be tough, not just in words but in deeds.

I urge passage of the amendment.

Mr. KENNEDY. Mr. President, I indicated in my earlier comments about the different provisions that exist in the law, the kind of flexibility that is out there to deal with serious crimes. But with the mandatory minimums you have a blunderbuss solution. There is no ability or flexibility at all to be able to deal with it.

The Federal Bureau of Prisons estimates it costs $67 a day for each person in jail. Estimates are it costs $90 per day to detain an immigrant. Right now each immigrant spends an average of 42.5 days in detention prior to deportation, at an average cost of $3,825. Senator GRAHAM's 60-day mandatory minimum for illegal reentry would increase the total spent in detention by 17.5 days, which increases the cost of detention per immigrant to $5,400. These increased costs couldn't be avoided because the mandatory minimum won't let the judge give any defendant a lower sentence regardless of the facts. This is a major problem with the mandatory, and this amendment would be a costly mistake.

The fact is the States pick up before the individual enters the system, the States pick up the tab. So New Mexico, Arizona, California, and Texas, you are going to have this new mandate and expenditures for it.

Last year, 11,000 immigrants were charged with the offense of improper entry. If this amendment passes, we are looking at increasing the costs by millions of dollars. According to 2005 data, the U.S. Government has the resources to hold 19,000 immigrants. It represents less than 1 percent of the undocumented population. This amendment may also require us to build new facilities to house these people, new prison beds, $14,000 per bed. We don't know how many beds will have to be built if this amendment is adopted.

It seems the provisions we have in the legislation make sense, and if the Senator wanted to alter his amendment and say: Let's let this go to the Sentencing Commission and let them make the recommendations, which we have done on other pieces of legislation to permit the penalty to suit the crime, I would say amen. But this amendment is going to put an important additional burden on the local communities, and it doesn't have the flexibility we have in the existing legislation in terms of dealing with those who are the real bad guys in this process. We have that ability in the existing legislation. The idea we are going to make it mandatory for people to go in for this period of time takes away that kind of flexibility, which is desirable.

I see my friend and colleague from New Mexico on the floor and I know he desires to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak briefly in opposition to the amendment. I have great respect for my colleague from South Carolina, but I think this is very misguided.

Chief Justice Rehnquist was speaking in 1994 to a luncheon of the U.S. Sentencing Commission and he said the following:

> Mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to ''get tough on crime.'' Just as frequently they do not involve any careful consideration of the effect they might have on the sentencing guidelines as a whole. Indeed, it seems to me that one of the best arguments against any more mandatory minimums, and perhaps against some of those we already have, is that they frustrate the careful calibration of sentences, from one end of the spectrum to the other, which the sentencing guidelines were intended to accomplish.

I think Justice Rehnquist was right, that this is—this, as I understand it, is an amendment that has not been brought up for hearing. These proposed changes in the law have not been brought up for a hearing in the Judiciary Committee. I am not a member of that committee. My colleague Senator KENNEDY is, of course, as is Senator GRAHAM. But my impression is this is not the result of a careful deliberation by the committee of jurisdiction here in the Senate. Instead, this is one of these floor amendments that is intended to demonstrate that legislators want to ''get tough on crime'' and particularly want to get tough on crime if it involves immigrants. So that is what is going on here.

I think the strongest argument I know, and I am sure this is what the Senator from Massachusetts was mentioning, is the cost that is involved in actually going ahead with this amendment. We are talking about taking people, and instead of kicking them out of the country, we are requiring those individuals be incarcerated in this country at very substantial expense to the U.S. taxpayer for a very long period of

time. I don't know that it makes good sense for us to be doing this.

One of the purposes of this immigration legislation that is before the Senate right now is to reduce the burden on U.S. taxpayers of all of the immigrants coming into the country. This amendment does the exact opposite. This amendment puts an enormous additional expense on the taxpayers of the United States by saying: If you come into this country illegally, we are going to lock you up and we are going to be sure you stay locked up for a long time. Well, that is fine, as long as you want to pay—what is it—$30,000, $40,000 per year to keep one of these individuals incarcerated. We are paying a lot more to keep an individual in one of these Federal prisons, I can tell you that, than we pay to keep people in some of our best universities.

I don't think it is a good use of our resources. I think this is one of these feel-good amendments which says we are not being tough enough on immigrants, let's tighten this thing up, let's be real tough on them.

The statistics I have—and these are statistics from the 2006 Source Book of Federal Sentencing Statistics, put out by the United States Sentencing Commission. They have a chart on page 13 where they talk about the distribution of offenders in each primary offense category. It shows that 24.5 percent of the offenders we are incarcerating today are being incarcerated for immigration-related offenses. The only other category that is larger is drugs, where 35.5 percent are being incarcerated for drug-related offenses. So 24.5 percent of our prisoners today are there because of immigration-related offenses. That number is going to go up dramatically if we actually adopt and put into law these mandatory minimum sentences that are contained in this amendment.

I wish also to point out that the penalties, the sentences these people are being given and the actual period of incarceration, the number of months of incarceration for these immigration offenses, is fairly significant. It ranges from 22.8 months up to over 25 months. So we are talking about putting people in prison for a significant period of time. As I say, they are all for immigration-related offenses.

I think it is foolhardy for the United States to be passing immigration reform legislation to reduce the financial burden on U.S. taxpayers for all of the illegal immigration coming into the country and at the same time adopt an amendment that loads an enormous additional cost on to the taxpayer so we can keep these people in prison for a long time and thereby demonstrate we are getting tough on crime.

I urge my colleagues to oppose the amendment.

Mr. GRAHAM. Mr. President, I ask unanimous consent to add Senator MCCONNELL as a cosponsor of the amendment.

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

Mr. GRAHAM. Mr. President, very briefly, to respond to my good friend from New Mexico about some of his concerns, this is not about me feeling good; this is about having the law work in a way that will deter people from crossing our borders illegally.

I point to the Angel Resendez case, and if we had this law in effect where we had mandatory jail time for those who had committed offenses and caught on our soil. In a 10-year period he committed five crimes, got deported each time, and was able to come back and commit another crime. If this amendment had been in place, he would have been in jail for a longer period of time and maybe his murder victims would be alive today. This is a case not about me feeling good; it is about somebody with a great propensity to cross our border illegally and commit crimes and not being held accountable in a serious way.

After the Booker case, the sentencing guidelines are advisory. If we want to send a message that we are flexible when it comes to immigration law violations, we are doing a great job of it. People must believe we are flexible, because they are coming across our borders in droves. Flexibility is being taken as indifference. What we need to do is to make it a crime that will sting people when they come across.

The cost to this country of having laws that are ignored and are virtually a joke is huge. Look at where we are today with illegal immigration. Let's try something new. Let's try doing something that has worked over time: If you commit a crime, you do some time.

With that, I yield the floor and ask for passage.

Mr. KENNEDY. Mr. President, briefly, to quote from the American Bar Association, this was their comment a year ago on the previous immigration bill on the same subject, on the issue of mandatory minimums when this issue came up during that time:

> The American Bar Association strongly opposes the provisions in the draft legislation—

That was the draft legislation a year ago—

> that would enhance or create new mandatory minimums. First, as a general matter, the mandatory minimums produce an inflexibility and rigidity in the imposition of punishment that is inappropriate for a system that we hold out to the world as a model of justice and fairness. To insist that all those convicted of a crime be lumped into the same category and be penalized indefinitely inevitably means the injustice of a sentence in particular circumstances will be ignored. Additionally, we are concerned at the high cost of imposing mandatory minimums. Numerous studies have demonstrated the extraordinary costs of incarcerating thousands of nonviolent offenders in our Nation's prisons and jails.
>
> The provisions to create the new mandatory sentences, coupled with those to increase the mandatory detention, have the potential to greatly increase the number of individuals being incarcerated in immigration-related cases at a significant cost to the American taxpayers.

We have provisions in the legislation that are tough and that a judge can use and must use in those circumstances which require it. But I think to effectively tie the judge's hands in these other circumstances makes little sense.

I see the Senator from California on the Senate floor. I would like to ask how the Senator wants to dispose of this amendment.

Mr. GRAHAM. I urge passage of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. Mr. President, I suggest that we proceed with the Senator from California and then come back to that.

Mr. GRAHAM. That suggestion is well taken, yes.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we go now to the Senator from California and her amendment.

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

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. I want to say a few words on the bill in general and then move to an amendment, if I might.

I am a supporter of this bill. It is not a perfect bill. I think it is easy to tell the people on the far right of the political spectrum and the far left of the political spectrum are not happy with this bill. But what this bill accomplishes—like nothing I have ever seen in my 15 years in the Senate—is that it is a piece of work that is a product of people on both sides of the aisle sitting down and trying to work something out that can get 60 votes in this Chamber and move on, and not be a useless piece of legislation, but rather one that offers a kind of comprehensive reform that has definition.

People use the word ''comprehensive,'' and nobody really knows what they are talking about. But in the case of this bill, anyone who carefully looks at the bill will understand what the word ''comprehensive'' means because the word means addressing all sides of the immigration issue, taking borders that are broken and repairing them, stabilizing a border with additional border patrol, prosecutors, detention facilities, and also strengthening interior enforcement.

Three major sections—called titles—of this bill really deal with enforcement of our borders, enforcement of the interior. Then there is the question of how do you deal with the 12 million people who have been here for some time illegally, most of whom are engaged in legitimate, bona fide work. How do you deal with what has developed to be an entire subterranean economy in this country, with its own special shops, stores, and special points of congregation for work? How do you remove the element of fear that drives all of this further and further underground?

The more the ICE agents—formerly INS—pick up people in the workplace for deportation, the more you see the inequality and injustice—there was one family, about a week ago in San Diego, by the name of Munoz, who had been here for a long period of time. They both worked and raised three children who were born in this country. They owned their home and their furniture.

Well, in came the agents, who picked up the parents. The parents were out of the country and the children were left. The home was sold and the furniture was gone. And this is a family who had the piece of the rock of America. They were contributing to the economy of America. But they were destroyed.

Many of us in this body believe you cannot find and deport 12 million people. My State of California has the largest number of people living in undocumented status, which is estimated to be in the vicinity of 3 million people. They are a vital part of our workforce. They are 90 percent of California's agricultural workforce, which is the largest of the 50 States. They also work in service industries. You see them in hotels and in restaurants, and you see them in construction and housing. So they have become an indigenous part of the California workforce.

This bill puts together reforms in immigration with a process to bring those people out of the shadows. What has bothered me over these days, as I listen to the television and read in the newspapers, is I hear the drumbeat, and I even see small signs on automobiles that simply say ''amnesty.'' This bill is not amnesty.

What is amnesty? Amnesty is the categorical forgiveness of a crime, an event, or whatever the issue may be. This does not do that. This sets up a roadmap, which is complicated for someone who wants to remain in this country, to be legal, to be able to work legally, and perhaps even someday get a green card, and maybe someday further off, become a citizen.

Well, there is an 8-year road created in this bill. There are fines of $5,000 plus an additional $1,500 fee for processing. There is a touchback, which may be changed in a further amendment, but at this stage in the debate it is this: If during that 8-year period the individual who has now achieved this Z visa, which gives them the right to work in this country, decides they want to pursue a green card, they would go to their country of origin, to the nearest U.S. consulate, and with the Z visa they can come in and out of the country at will. They don't have to stay in their country of origin. What they would do is file their papers. They would submit their fingerprints, and they would turn around and come back into the United States. Then, electronically, the evaluation would be done after the present line for green cards expires. Everybody waiting in line legally for a green card gets it. They would have the opportunity to get a green card. This is estimated to be between 8 and 13 years. During that period of 8 years, they would have to re-up, come in and prove that they have done the things the bill requires them to do. This is not an amnesty.

Now, the other part is that there are changes made in what is called chain migration. Currently, one person on a green card can bring in any number of family members. This is changed to the nuclear family. The person holding the green card can bring in their spouse and their minor children. That future green card, after the 8 years—after the list is expunged, future green cards would be granted on the basis of the point system, which deals with merit in the sense of the availability of job, work, the educational attributes of the individual, the family, and other things. I think it is as close as we are going to get to solving this problem and creating the interior enforcement, the border stability, and the laws that are necessary to secure the rule of law when it deals with immigration.

Mr. President, many Senators from both sides of the aisle worked long hours over the past several months to address immigration reform. And through the process of negotiation and compromise a tough, fair, and workable bill has been crafted.

The bill before the Senate provides solutions to restore the rule of law, fix our broken borders, protect our national security, and bring the 12 million people now living illegally in the U.S. out of the shadows.

I believe this bipartisan bill is a strong first step toward addressing illegal immigration in a fair and balanced way.

IMMIGRATION ENFORCEMENT

The bill is predicated on several fundamental principles. The first is that we must control our borders and protect our national security.

The bill ensures that before a single temporary visa is issued, or a single undocumented alien in the United States can earn their green card, several important ''triggers'' must be met—''triggers'' that show the Federal Government is taking a hard stance on enforcing the law and enforcing the border. The triggers include:

Installing at least 200 miles of vehicle barriers as well as 370 miles of fencing, 70 ground-based radar and camera towers, and deploying 4 unmanned aerial vehicles along the southern border; detaining all illegal aliens apprehended at the southern border, rather than continuing the ''catch and release'' policy; establishing and using the new Employment Verification system to confirm who can work in the United States legally and who cannot, and hiring 3,500 new border patrol agents to increase the total number of agents on the border from 14,500 to 18,000.

Then later, after the first 3,500 border patrol agents are hired, the bill requires that an additional 10,500 more border patrol agents are hired. So, the total number of border patrol agents will increase from its current level of 14,500, to 18,000 under the trigger, to eventually 28,500 by the end of five years.

The bill also requires hiring 1,000 new immigration agents, 200 new prosecutors, and new immigration judges and Board of Immigration Appeals members.

Next, the bill increases the penalties for people who illegally enter the U.S. or who overstay their visas.

Under current law, if an individual enters the U.S. illegally or overstays their visa they are barred from returning to the United States for three years, and could be barred for up to 10 years if they stayed in the U.S. illegally for over a year.

However, under the bill, if an individual is in the United States illegally the penalty is increased so that the person would be barred forever—and never be allowed to come to the United States.

The bill also includes provisions to fight passport and visa fraud based on the bill that Senator Sessions and I introduced this year.

These new provisions would punish people who traffic in 10 or more passports or visas, and increase the penalty for document fraud crimes to 20 years.

By including these tough new enforcement measures, this bill goes a long way to protecting our borders and takes a hard stand against individuals who violate the law.

EMPLOYMENT ENFORCEMENT

The bill also takes a hard stand against employers who violate the law and hire illegal immigrants.

For too long, the administration has not enforced the laws on the books, and the negligible fines for hiring illegal aliens were just a part of doing business—this bill changes that.

Under current law, an employer can be fined $250 to $2,500 for hiring an unauthorized worker; the bill increases that fine to $5,000.

The bill also increases the penalties for employers who repeatedly violate the law and hire illegal aliens. Under current law, the highest penalty that can be assessed against an employer is $10,000 for a repeat violation; this bill imposes a new larger fine of $75,000 for repeat violations.

The bill creates a new employment verification system—mandating that within 3 years, all employers must verify with the Government that all of their employees, foreign and American, are who they say they are.

This new system will require employers to submit each employee's name and social security number or visa numbers to the Department of Homeland Security. DHS will then confirm whether the employee is in fact legally allowed to work.

If the DHS says the employee is not legally allowed to work or his legal status is in question, the employee then has 10 days to challenge the Government's conclusion, and while the employee is taking steps to contest his rejection, the Secretary must extend

the period of investigation and the employee cannot be fired.

This new verification system should ensure that individuals who are hired by American businesses are actually legally permitted to work in this country.

GRAND BARGAIN

Once the security and enforcement measures were established, the negotiators sought to devise a pragmatic solution to deal with the approximately 12 million illegal immigrants currently living in the United States.

This solution to this issue is what has been referred to as ''the grand bargain.''

In order to bring Democrats and Republicans together a compromise was adopted that creates a new ''Z'' visa that will establishes a strict path for those individuals who are already in the United States to be able to earn a legal status.

In exchange, the bill reforms the current immigration system and eliminates policies that allow for ''chain migration.''

PRACTICAL SOLUTION TO 12 MILLION NOW HERE

With respect to the first part of the grand bargain, I firmly believe we have to develop a practical solution to the deal with the 12 million illegal immigrants already in the country.

While some have complained that all 12 million undocumented aliens should be deported, such a solution is not practical nor is it reasonable—for many of those individuals and families who have become integrated into the fabric of their communities deportation would be a severe outcome.

For example, in my home State of California, the Munoz family from San Diego is facing exactly what a policy of absolute deportation would mean.

In 1989 Zulma and Abel Munoz came to the United States seeking medical care for their infant son who was sick—sadly, despite their efforts, 2 months later he died. At the time, Mrs. Munoz was pregnant with her second child, a girl, and a medical worker who had helped her son urged Mrs. Munoz to stay longer in the United States to make sure their infant daughter received proper care. They took that medical workers advice, and have remained in the United States since then. Both parents found work; they bought a home, and they repeatedly tried to legally adjust their status, but their attempts failed.

Then last month, at 7:30 p.m. on a Thursday night, Mrs. Munoz was arrested and led away from the house in her pajamas. Later when Mr. Munoz returned from Home Depot, he was handcuffed and taken away—leaving behind their three children, now 16, 13, and 9.

There are many families, like Mr. and Mrs. Munoz, who are not criminals, who have lived and worked in their communities for years, and who are productive members of society, but who are also in the U.S. illegally.

Families like these should be given the opportunity to come out of shadows, to earn a legal status, and to eventually apply for a green card—and that is what this bill provides through the Z visa program.

Let me be clear, this is not an amnesty. For those who say it is, I think it is important to define what amnesty means. Amnesty is automatically giving those who broke the law a clean slate no questions asked. This bill does not do that.

Instead, to qualify for a green card each individual must wait until the backlog has been cleared—approximately 8 years—and during that time these individuals and families would need to pass a national security check; apply for a Z-visa that allows them to stay in the U.S. legally; work or get an education; pay taxes; learn English; pay a fine of $5,000, plus processing fees of at least $3,000; not commit crimes; reapply and undergo additional background checks; return to their home country for a ''touch-back'' for at least a day, to submit their application, provide a fingerprint , biographical and biometric information; and earn enough points under the same merit system that all future applicants will use.

This is not amnesty. This is not simply giving a green card to anyone who is in the country illegally. Instead, through the Z visa program and the new merit system, each individual must meet these significant demands in order to earn a green card.

GREEN CARD BACKLOG

The second component of the ''grand bargain'' is to clear up the current backlog of individuals who have been waiting for green cards and to reform how green cards are awarded by creating a point system that is based on merit.

To achieve this, the bipartisan bill would provide about 200,000 new green cards annually that will go to those individuals who have followed the rules and applied for a green card prior to May 1, 2005.

For anyone who applied after May 1, 2005, they will now be required to reapply through the new merit-based point system. This new point system is based on what has been done in other countries, including Canada and Australia. It sets up a framework to allow individuals to earn points that would qualify them to earn a green card.

Under this new system, individuals will get points for education, work history, ability to speak English, as well as whether they have U.S. citizen family members. This new point system is a balanced approach that considers multiple factors and allows individuals to earn their green cards.

TEMPORARY WORKER PROGRAM

Finally, the third component in the ''grand bargain'' is to ensure that temporary means temporary—meaning workers who come to the United States on a ''temporary worker visa'' must return to their home countries when the visa expires.

Under the new ''Y-visa'' there are 2 temporary worker programs—one that brings in workers for 2 years, and then requires the worker to leave for a year; and a second, seasonal Y-visa where workers can come in for 10 months, and then are required to leave for 2 months.

Workers who come to the United States under the longer ''2 years in the country, 1 year out of the country'' program can renew their visa so that they can work up to 6 years total; but every 2 years they must leave the United States for a year.

However, if Y-visa holder wants to bring their family with them to the United States then they would be limited to only 1 renewal and they would have to demonstrate that they can support their family. They would do this by showing that the family has health insurance and that they will earn a wage above 150 percent of the Federal poverty guidelines.

Finally, the new Y-visa program is capped at 400,000 foreign workers a year for the 2-year/1-year program and 100,000 visas for the seasonal 10-month/2-month program. Both of these caps contain escalation clauses that allow the Secretary of Homeland Security to issue additional visas up to 600,000 per year for the longer program and up to 200,000 per year for the seasonal program.

The escalation clause in the longer program gives the Secretary the discretion to increase the number of Y-visas by as much as 10 percent or 15 percent each year. According to some estimates, this means that in 10 years well over 3.4 million foreign workers could come into the United States through the longer Y-visa program.

I am concerned about the impact on our economy and our country if such a substantial number of visas were to be issued. Senator BINGAMAN has an amendment that would eliminate the escalator and reduce the cap to permit only 200,000 Y-visas each year to be issued under the longer program. I am a cosponsor of the Bingaman amendment and I voted for it last Congress.

While I agree with the grand bargain principle that temporary means temporary, I am concerned that the high cap on the longer Y-visa program and the inclusion of the escalator means that the numbers of temporary workers coming in through this program are just too high.

But with the adoption of the Bingaman amendment I believe the temporary worker program adopts the right balance and still fulfills the principles of the ''grand bargain.''

NEED FOR AGRICULTURAL LABOR

In addition to these important principles that were developed as part of the ''grand bargain'', the bipartisan bill contains two more important provisions: the DREAM Act and AgJOBS.

Last Congress, Senators CRAIG, KENNEDY, and I repeatedly tried to pass AgJOBS. This bill reforms the current H–2A agricultural temporary worker program and creates a path to legalization for undocumented farm workers currently in the U.S.

There is no industry that is suffering more from a labor shortage than agriculture. Foreign workers make up as much as 90 percent of the work force and over half of the foreign workers are undocumented—as many as 1.5 million.

But for years now we have heard from farmers and growers that they can not get the labor force needed to harvest their crops.

California growers tell me that their labor forces are already down 30 percent this year. For example, Larry Stonebarger, a cherry packer in Stockton, CA, has said that his packing house only has 650 workers, instead of 1100 he needs.

California provides a vital part of our Nation's food source. Half of this country's fruits are grown in California and, in fact, California is the only U.S. producer of almonds, figs, kiwi fruit, olives, and raisins. The importance of having locally grown produce cannot be underestimated.

This Sunday, the Washington Post reported that the Food and Drug Administration detained 107 food imports from China at U.S. ports just last month. They found dried apples preserved with a cancer-causing chemical; mushrooms laced with illegal pesticides; juices and fruits rejected as ''filthy''; and prunes tinted with chemical dyes not approved for human consumption. This situation is unacceptable. But, amazingly, as we fight to keep out foreign produce that is not protected by safety and quality controls, our own immigration policies undermine the ability of U.S. growers to produce high quality fruits and vegetables right here in our own country.

The reality is, if there are not enough farm workers to harvest the crops in the United States, we will end up relying on foreign countries to provide our food. This is not good for our economy or for ensuring that Americans are receiving safe and healthy foods.

The best way to avoid this outcome is to ensure that American farmers and growers have the workers they need to harvest the crops, and the best way to ensure we have a stable agriculture labor force is to pass AgJOBS.

Our bill will stabilize the labor shortage on our farms by allowing undocumented farm workers who have worked in agriculture and agree to continue to work in agriculture for 3 to 5 years to earn a Z–A visa and eventually a green card. This will create a path to earn legal status for those ag workers already in the country.

Secondly, AgJOBS will streamline the H–2A program so that it is usable, so that growers and farmers can have access to a consistent supply of temporary workers in the future.

AgJOBS is a bipartisan bill that needs to be enacted to ensure that farmers, growers, and farm workers can continue to provide Americans home-grown, safe and healthy produce.

Immigration reform is certainly a difficult area to tackle, but this bill strikes the right balance and reflects the best thinking on how to accommodate all the various concerns and interests.

While it is easy to sit on the sidelines and criticize, it is harder to stand up, take on the tough issues, make the hard decisions and do what is right to fix our immigration system. I want to commend Senators KENNEDY, SPECTER, SALAZAR, and KYL for their hard work in undertaking this difficult issue and crafting this important legislation.

This is not a perfect bill, but it is a good bill, and it is a bill that I hope the Senate will pass.

AMENDMENT NO. 1146 TO AMENDMENT NO. 1150

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 1146, and I ask unanimous consent to add Senator MARTINEZ as a cosponsor.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, and Mr. MARTINEZ, proposes an amendment numbered 1146 to amendment No. 1150.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is printed in the RECORD of Monday, May 21, 2007, under ''Text of Amendments.'')

Mrs. FEINSTEIN. Mr. President, about 6 years ago, I was sitting at home and I was watching television. What I saw was, I believe, happening in Seattle. It was a 14-year-old Chinese youngster who had come to this country in a container. Her parents died in the container. She had survived. She had been in a detention facility for 7 months prior to coming before the judge. What I saw on television were tears streaming down her face, her hands in cuffs, and the chain went around her waist. She was unable to wipe away her tears. I thought this was very strange, something really must be wrong.

I found out that she is not alone. There are 7,000 unaccompanied youngsters who come to this country every year. Many of them—at least up to a recent point—were held in detention facilities for unlimited periods of time. They don't speak the language, they have no friends, they have no guardians, and they have no one to represent them. Often, they are sexually abused. It is a real problem.

This amendment is the same as a bill that passed the Senate last year by unanimous consent. There are a few changes, and those changes remove provisions that were contained in the previous version that are no longer necessary because of changes in agency practices to bring this bill in line with other laws, and to require promulgation of regulations and reporting of statistics on children affected by this bill.

Now, in the Homeland Security Act, the responsibility for the care and placement of unaccompanied alien children was transferred from the Immigration and Naturalization Service to the Department of Health and Human Services, Office of Refugee Resettlement. This amendment provides guidance and instruction to the Office of Refugee Resettlement, the Department of Homeland Security, and the Department of Justice, for how to handle the custody, release, family reunification, and the detention of unaccompanied alien children.

The amendment clarifies that any child who was deemed to be a national security risk, or who has committed a serious crime, will remain under the jurisdiction of the Department of Homeland Security or the Department of Justice and will not be released to the Office of Refugee Resettlement. For those who pose no danger to themselves or others, the amendment requires that the children be placed in the least restrictive setting possible, and it defines what those settings are.

This is the order of preference: One, licensed family foster care; two, small group care; three, sheltered care; four, residential treatment center; five, secured detention. So the least restrictive place for these children—remember, in any given year, there are a substantial number of these children. The amendment also would establish minimum standards for this custody or, where appropriate, detention of these children, including making sure they have access to medical care, mental health care, some access to phones, legal services, interpreters, and supervision by professionals trained to work with these children.

I am delighted that Senator MARTINEZ is a cosponsor, and I hope he will come to the floor because I believe he just said to me he found himself in a similar situation. I mentioned to him a case with which we are all familiar, Elian Gonzalez, who landed on the shores of Florida, whose mother drowned trying to get here. He had relatives in Florida. Florida has moved to create certain centers where these children are, in fact, secure, but many States have not.

The amendment also requires that wherever possible, these children are returned to their place of origin if there is a family member who can receive them. So a juvenile is sent home if there is a suitable placement for that child. If not, another appropriate placement must be secured for that child.

I think this legislation is very good legislation. As I said, it has passed the Senate before. We have amended it to comply with bills that have passed the Senate, and I am very hopeful that this amendment might even pass by unanimous consent today.

I will not ask for the yeas and nays at this time.

I do not see Senator MARTINEZ in the Chamber at this time, so I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will not take much time. I commend and thank the good Senator from California. This is an extraordinary humanitarian need. I have listened to the Senator from California on the floor, I have listened to her in committee, and I have listened to her at hearings. This is a matter of enormous importance. It relates to minors, children, vulnerable people, and the record of exploitation. This amendment is well thought out. She has had strong bipartisan support for it. In the past, there has not been objection to this amendment. I know of no objection to it. It is an extremely worthwhile amendment.

I have spent a good deal of time commending her and talking about the amendment, but she has done an excellent job in its presentation. I certainly hope we will accept this amendment. I believe we are prepared to accept it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I have 1 minute of comments to make on the amendment of the Senator from South Carolina, and then I wonder if we can proceed with the possibility of three amendments being disposed of in quick order so that then the Senator from New Hampshire can begin with his amendment.

Let me make my comments about the amendment offered by Senator GRAHAM. I support this amendment because it provides a deterrent to future illegal immigration. While there are a great deal of statistics I would like to cite, in the interest of time, let me make this point.

There is a very interesting operation going on right now in the Del Rio, TX, sector, in something called Operation Streamline in which they actually have the jail space available to detain, for up to 180 days, illegal immigrants caught coming across the border. This has been in operation now since 2005. Anyone caught entering the United States illegally faces prosecution under this particular operation unless for humanitarian reasons they need to be released. It has proven very effective in reducing the number of crossings in that area. The word has spread very quickly to people in Mexico that if they try to cross in this sector and they are caught, they are not just going to be returned home, they are going to spend time in jail. That totally disrupts their lives. They cannot afford not to be back working someplace, either in their own country or in the United States. As a result, the word has spread quickly: Don't try to cross in that sector or you are going to go to jail.

As a result, I think the amendment of the Senator from South Carolina is very well taken. It will provide a deterrent for future illegal crossings into the United States. And that is what this legislation should be all about, the stopping of illegal immigration. So I support his amendment.

Mr. President, if I may address the Senator from Massachusetts, would it be possible at this point to address three amendments that have been offered and dispense with them?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if the Senator will yield, I ask unanimous consent that the previous incomplete voice vote on amendment No. 1173 be vitiated and the amendment be agreed to. This is the Graham amendment.

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

The amendment (No. 1173) was agreed to.

Mr. KENNEDY. I had hoped we could voice vote the amendment of the Senator from California. I have been notified that we cannot voice vote it, so we will have to have a rollcall vote on that amendment. I believe the Senator from California is prepared to go ahead.

Mr. GREGG. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. Yes, I will be glad to yield for a question.

Mr. GREGG. I understand I am next in order to offer an amendment.

Mr. KENNEDY. Yes.

Mr. GREGG. If the Senator from Massachusetts is not ready to go to Senator FEINSTEIN's amendment at this time, I suggest I offer mine and then we do the two amendments in sequence.

Mr. KENNEDY. That is an excellent suggestion, if the Senator from Pennsylvania thinks it is a good idea.

Mr. SPECTER. Mr. President, I think it is an excellent idea. Do we have Senator GRASSLEY's amendment to voice vote?

Mr. KENNEDY. I think we ought to do that in a few minutes. I am hopeful we will be able to do it. I hope that request will be made either during or after the debate on the amendment of the Senator from New Hampshire.

Mr. SPECTER. Mr. President, that is satisfactory.

Mr. KENNEDY. So, Mr. President, just before the Senator from New Hampshire begins, we are moving along. We are going to take up the amendment of the Senator from New Hampshire, and then it will come back to our side. We have several Senators who have indicated a desire to offer an amendment. Then I believe it will go back to the other side, and I believe Senator CORNYN has an amendment. That is how we will proceed. We intend to go back and forth. We have quite a list here. We are making progress. I am grateful for all the cooperation we have had.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1172 TO AMENDMENT NO. 1150

Mr. GREGG. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment, which is No. 1172.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1172 to amendment No. 1150.

Mr. GREGG. Mr. 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 is as follows:

(Purpose: To ensure control of our Nation's borders and strengthen enforcement of our immigration laws)

Strike section 1 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

Mr. GREGG. Mr. President, the essence of this bill for most Americans, I believe, is the need and the desire to secure the border, to make sure that people coming across our border are coming across legally, that we know who they are, and that we are able to manage our border.

It is a national disgrace that we have been unable to control the illegal flow of people into our country, especially the massive illegal flow of people across the southwestern border into this country. So I don't believe there is really ever going to be a consensus around major immigration reform, which I happen to strongly support.

I supported last year's bill introduced by Senator KENNEDY and Senator MCCAIN. I support the effort this year in concept, although I still want to see how it is going to end up in detail. But there will never be a consensus support for major immigration reform, which we need so dearly in this country, unless the American people can be confident that the border is secure as the first condition of immigration reform. Thus, I think it was really a touch of genius—and I don't think I overstate that—by Senator ISAKSON from Georgia to come up with this idea of a trigger over a year ago so that it would be clear that the precondition of major immigration reform would be that the border would be secure, especially the southwestern border. I congratulate Senator ISAKSON for that initiative, and it is included in this bill in concept in that the trigger is in place.

The concern I have is that the elements which exercise the trigger, so that we then move on to the policies of this bill relative to other elements of immigration reform, such as the guest worker program, making sure we have adequate employer verification, doing the things that are necessary in the area of creating more capacity for people to come into this country who are qualified in the area of skills, those elements are subject to a trigger today which is in this bill, and I believe the specifics around that trigger do not lead, unfortunately, to what we want, which is a secure border. It is a movement down the road, but it is a movement down the road which appears in some way to have been set not on the basis of what is necessary for controlling the border but on the basis of what would be necessary to make sure the operative part of this bill goes into action or occurs within 18 months of passage of the bill.

So it seems that the numbers which have been put down in this bill relative to how many Border Patrol agents we need, how many detention beds we need, relative to how many observation facilities we need along the border for a virtual fence, relative to other structural needs of the southern border control, those elements were not defined in terms of what would lead ultimately to full security and operational control of the southwestern border, but those elements were defined as to what was perceived as being doable in the next 18 months.

The difference between what is necessary for operational control of the border and what those numbers are is not dramatic, quite obviously, but it is significant, very significant. I had the good fortune for a number of years to chair the Homeland Security Subcommittee of the Appropriations Committee, and I served on it for a long time. So I do believe I am fairly familiar with this issue, as familiar, probably, as anybody in this body with this issue since there were a number of initiatives which I began both as a chairman of the Commerce-State-Justice Subcommittee, which was a precursor to the Homeland Security Subcommittee, and then as chairman of the Homeland Security Subcommittee which were targeted directly on the issue of upgrading the Border Patrol capability, the port control capability, the Coast Guard capability, and the detention bed capability so that we could get operational control over the border.

Throughout this period, as we have been ramping up—and we have ramped up dramatically. We have come really from a marginal capability of controlling the southwestern border to a capability that is quite high, and we are making dramatic strides every day in that area. The numbers that are necessary were fairly well vetted as we stepped with intensity into this process 3 or 4 years ago. The numbers in this bill, therefore, should reflect what was the consensus position at that time and what I continue to believe is the consensus position as to the type of resources and the number of people they need and the type of support they need on the border to gain operational control of the border.

This bill we are dealing with calls for 18,000 Border Patrol agents, of whom it is assumed 16,000 will be boots on the ground on the border. It calls for something like 21,000 detention beds. It calls for something like 70 towers where we do virtual fence activity. We just let out a contract called SBInet, the purpose of which is to replace a program which was a total failure, which would put an electronic surveillance system along the border. That SBInet is a fairly complex technological initiative which involves ground sensors, visual sensors, and heat sensors, and it involves unmanned aerial aircraft to cover that part of the border which cannot be effectively and should not be covered with physical fencing. It is a complex initiative, but it is one which will work, we hope, and one which we are well down the road toward doing. But for it to work effectively and for it to be properly built, the amount of resources that needs to be committed to it exceeds by a factor of about 30 percent what is in this bill. The same is true in the area of Border Patrol agents and in the area of detention beds, although less is needed.

So what I have done in this amendment is essentially propose that we take the numbers that we know are necessary to gain operational control over the border and put those numbers into this bill. And that we allow the trigger, which is this exceptional idea Senator ISAKSON came up with, to function off those numbers, rather than backing into the trigger by using the number of months which we think we want to use before we move on to the rest of the bill.

The difference, as I said, is not dramatic, significant but not dramatic. For example, instead of 18,000 border agents—we had a lot of testimony, a lot of discussion, and the head of the Border Patrol at the time, Robert Bonner, said he needed 20,000 agents on the border—not 16, 20. So there is a 2,000 agent difference. Now, the issue will be hiring, the issue will be how quickly you can work them through the system and bring them on board.

The issue is attrition. But the fact is, that is the number where there was consensus, pretty much, that we needed in order to get the right number of agents on the Southwest border—20,000; so 2,000 additional agents over what the bill calls for.

In the area of detention beds, the bill calls for 21,000. We are already headed well past that with the appropriations process, so that was almost picking a number that was already done. It is like saying we are going to approve this event, the trigger will occur if the Sun comes up in the east. The Sun was going to come up in the east. The fact is 21,000 beds is not enough. We know that. We know we need closer to 30,000 beds in order to have the adequate detention capability to stop completely the catch-and-release issue, which is a huge issue.

There are a couple of amendments that have already been offered. I think Senator GRASSLEY has offered that amendment. I am not sure of that, but certainly Senator GRAHAM's amendment, which was just accepted, is related to that point. So instead of 21,000 beds, the number I have put in my amendment is 31,000, which is the consensus position. Again, it is not hard to get to 31,000 from 21,000 because we are already over 21,000, or we are headed over 21,000. We can certainly get well above that number fairly quickly.

In fact, 21,000 may be wrong. Maybe the bill calls for 27,000. I apologize. The number here is 27,000. Somewhere I had seen 21,000, but if it is 27,000 the bill calls for, we are only asking for another 4,000 beds in order to accomplish the goal that was agreed to in order to reach the capacity to handle people coming into this country and not have to release them and ask them to come back, which they do not do, for their hearings.

In addition, on the virtual fence side and on the hard fencing side, this amendment doesn't call for any additional hard fencing. The hard fencing language is 370 miles. I happen to believe that is probably as close to the number as we need. Hard fencing is needed in urban areas, but most of the border is not urban. In the nonurban areas, hard fencing is not functional and doesn't add a whole lot to our security or to our ability to control the border. But we do need additional vehicle barrier fencing, probably another 100 miles over what this bill calls for, which is 200 miles, which is already in place and we are headed toward, so this calls for 300 miles of vehicle fencing, which was what we agreed to back when we did the Safe Border Initiative.

On the virtual capability, this bill calls for 70 towers. Well, we are already headed toward 70 towers. We know we can build 70 towers, but 70 towers isn't what we need to make the system work. We need significantly more than that. We believe, within a reasonable timeframe, we can build 105 towers, which would have us on track, so this language calls for 105 towers.

It also eliminates the arbitrary language in here which is a sense of the Senate that everything has to be done within 18 months. As I mentioned, if you look at these numbers, you can see basically what happened here, I suspect, was somebody said, what numbers can we be absolutely sure we are going to hit in 18 months so we can exercise the trigger and the numbers? They were good numbers that were put in, but they weren't the numbers there had been consensus built around 2 years ago, 3 years ago, even as recently as 1 year ago, that were needed in order to actually gain operational control of the border. So this amendment simply says, let us use the trigger mechanism. It is an excellent idea, and let's take it forward but use it as a real trigger that functions off of numbers that we know, if they are in place, will create operational control and which will not unduly delay the execution of the rest of this bill.

With proper resources, almost everything I have proposed in my amendment could be accomplished fairly quickly. It is more than a statement of commitment to operational control; it is a commitment to operational control before the trigger gets pulled. In addition, to make sure we are getting the operational control we need, the amendment has an independent review by the Government Accountability Office of the effort by the Department to meet these different benchmarks so we, as a Congress, will know when there is a certification that the benchmarks have been reached, the benchmarks actually will have been reached and they will have been reviewed by an independent group, specifically the Government Accountability Office, to confirm they have been reached.

The amendment's purpose is to accomplish what the bill wishes to accomplish. The purpose of this amendment is to make sure the first step in this effort of immigration reform is to secure specifically the Southwest border so we have a situation where people are not continuing to cross into this country illegally after we have passed immigration reform—or at least there is a clear roadmap which will get us to the resources and the number of people we need on the southwestern border to assure people won't be coming into this country illegally along that border because we will have the necessary support to accomplish that. It is, I believe, an extremely reasonable amendment.

Ironically, the numbers in this amendment have been offered from the other side of the aisle on numerous occasions, or pretty close to these numbers, by Senators who feel, as I do, that the border needs to be secure. I would note especially Senator BYRD has had a number of amendments right along this course where he has said, let us do what we have to do in the area of resources to assure that Homeland Security has the people they need in Border Patrol agents, has the resources they need in the area of detention beds, has the resources they need in the area of a virtual fence and regular fencing in order to adequately control the border—not adequately, but to have actual operational control over the border.

I hope this amendment would be accepted. This is an amendment which toughens up our commitment to border security and it does it in the context of what is an idea that makes a lot of sense, which is the Isakson trigger and, therefore, it is, in my opinion, a significant effort to improve the bill and give people the confidence that when we pass this immigration reform, it will have as its first element our ability to make sure we know who is coming into this country, especially across the Southwest border.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

AMENDMENT NO. 1146

Mr. KENNEDY. The Senator from California, Mrs. FEINSTEIN, had an amendment. I understand now that we are prepared to voice-vote that amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Feinstein amendment has been cleared on this side of the aisle. I agree with Senator KENNEDY, we can voice-vote it.

The PRESIDING OFFICER. Is there further debate on amendment No. 1146?

The question is on agreeing to amendment No. 1146.

The amendment (No. 1146) was agreed to.

AMENDMENT NO. 1172

Mr. KENNEDY. Mr. President, now we have the Gregg amendment that is pending; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I will say a brief word about this amendment. If others want to say a word

about it, that is fine. Then I intend to make a motion to table it.

Mr. President, the Judiciary Committee, long before we developed this legislation, had extensive hearings about border security. We listened to Secretary Chertoff speak. We listened to him both in open session and in closed session.

I am convinced those recommendations were the best information that we had in terms of our border security and they are incorporated in this legislation.

It is a reflection of a bipartisan effort to make sure that we are going to do everything that is necessary and can be done to provide a secure border. We are using the latest in technology. They are using the fence areas where they believe that is appropriate and have the support to do it.

They are using the latest in terms of aerial drones, the latest in terms of barriers that are out there. All of the latest in technology will be used in terms of securing our border.

Now, the Senator from New Hampshire says he wants additional kinds, as well as dramatic increases, in the total number of Customs agents.

What we have to understand, what has been clear since we have started this whole kind of a process is, if we are going to control our border, as we have heard from Homeland Security, the leader of Homeland Security, it has to be comprehensive.

You have to have a secure border, but you also have to have some opportunity to have a border which permits individuals to be able to come through the front door if you are going to help them.

What I mean is, you are going to have to complete this in a timely way. If we just think we are going to be able to delay the completion of a comprehensive program, which the Gregg amendment will do, we are going to find out the borders are going to continue to be penetrated over the foreseeable future. That just happens to be the fact.

We made those points at the time to those who have said they want to abolish or close out a temporary worker program. If you think you can build a border and have border security there and have no opportunity for any individuals to be able to come in legitimately, you have not listened to the record and you have not listened to the testimony and you have not listened to those who have been responsible for national security.

They say you have to have some opportunity for individuals to choose the more hopeful aspect rather than risk their lives out in the desert. Now, with the Gregg amendment, what that will do is effectively ensure that we are denied a temporary worker program, we are denied the opportunity to have any chance for individuals to come through the front door.

As Governor Napolitano pointed out very clearly in her record materials that we have used previously, if you build a 50-foot high fence, those who want to come in will build a 51-foot high ladder. That happens to be the fact. That is why we have heard from those who have been involved in national security and border security who say: You need the comprehensive approach that is the underlying bill.

I think the Gregg amendment will delay the opportunity for us to do the underlying kind of effort to which we have been committed. I think, therefore, we should not accept that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I urge my colleagues to vote against the amendment by the Senator from New Hampshire. The changes he makes are only modest in nature. I think they are not directed to accomplish a significant change: from 1,800 Border Patrol agents to 2,000; from 200 miles of vehicle barriers and 70 ground-based radar and camera towers, he moves for 300 miles and 205 ground-based radar and camera towers.

He changes the detention service from 27,500 to 31,500, and a change in some additional protection.

This has been very carefully calibrated. We are looking for an 18-month period for the completion of these triggers. The Secretary of Homeland Security, Michael Chertoff, has assured us, in testimony before the committee and in the extensive negotiations, that these are realistic. We have questioned Secretary Chertoff about whether it can be done within this period of time because they are conditions precedent. Until these barriers and fencing and Border Patrol agents are in place, the balance of the bill cannot go forward. That is the assurance to those who wonder if we are serious about securing our borders before going ahead with the other parts of the program. We do not want to tamper with what the Secretary has articulated. The additional requirements obviously will take longer to complete. We have this bill in place. I urge my colleagues to stay with the negotiated arrangement and to reject the Gregg amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I move to table the Gregg amendment and ask for the yeas and nays.

Mr. SALAZAR. Will the Senator withhold?

Mr. KENNEDY. I will.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is the Gregg amendment No. 1172.

Mr. SALAZAR. I ask unanimous consent to speak for 2 minutes against the Gregg amendment.

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

Mr. SALAZAR. Mr. President, I join my colleagues, the floor managers of this bill, Senators Kennedy and Specter, in urging our colleagues to vote against the Gregg amendment. There is broad agreement among all Members who have been working on this reform package that we need to secure the border. Indeed, when you look at what Secretary Chertoff has said we need to do to secure the border, he has said we need to do a number of different things which we have incorporated in this legislation. We call for 18,000 Border Patrol agents. We call for 370 miles of fencing, 200 miles of vehicle barriers, 70 ground-based radar and camera towers, 4 unmanned aerial vehicles, new checkpoints and ports of entry, and a host of other things. Those numbers were not just picked out of the sky and put into this bill; those are the numbers the Secretary of Homeland Security said we need in order to secure the borders. He has been a constant presence in the fashioning of the immigration reform proposal that is before the Senate. The Gregg amendment essentially would derail the triggers that have been set up and is inconsistent with what we have heard from the Department of Homeland Security.

I join Senator KENNEDY and Senator SPECTER and my colleagues in urging a ''no'' vote on the Gregg amendment.

Mr. KENNEDY. Mr. President, I see the Senator from New Hampshire. I would be glad to withhold if the Senator wanted to address the Senate; otherwise, I will make a motion to table the Gregg amendment.

Mr. GREGG. Mr. President, I appreciate the Senator's courtesy. I wish to respond briefly to the points which were made.

The numbers in this bill are numbers which are a fait accompli. They are numbers which we already know we will reach within the next 18 months, if we stay on the appropriations path which was set up by myself and Senator BYRD 2 years ago, but they are not the numbers on which there was consensus needed in order to bring operational control to the borders. They are not those numbers. They are good numbers. They are a-step-in-the-right-direction numbers. That is why we funded them and put in place a path to continue to fund them. But there was absolute consensus—and don't let anybody come to this floor and say something else—that the numbers for gaining control over the border are different than these numbers. If they weren't, then we wouldn't have let the contract on creating the virtual fence, because the numbers in this bill do not come anywhere near the completion of the virtual fence.

The numbers in this bill do not come anywhere near what is needed to have the detention beds necessary to completely end catch and release, nor do they reach the numbers necessary to have the number of people on the border necessary to control the border. The Commissioner of Customs, Mr. Bonner, made it very clear in testimony 3 or 4 years ago that they needed 20,000 agents on the ground on the border.

This amendment hasn't asked for a radical change from what the bill suggests. It says the bill makes a great stride, but if we are to use the Isakson trigger effectively, which we want to—and the purpose of the trigger is to make sure the border is secure before we move to the next step in the bill—then we have to have the resources on the border to accomplish that security. The resources necessary to do that are 20,000 agents, which is an increase of 2,000 over what the bill calls for; the addition to 31,000 beds is an increase of about 2,500 over what the bill calls for; an additional 100 miles of vehicle barrier over what the bill calls for; and within a timeframe we believe is reasonable, so you could still hit the 18 months or be close to it, not 70 towers of virtual fencing, which is where the communications and the optics will be operated out of, but 105. That won't be the end of the towers, but that would be enough to allow operational control over the border.

This is not dramatic or radical. It is not even a grand change from what the bill suggests. It is simply a change that meets the conditions which we know are necessary in order to give operational control over the border. The point which this amendment makes is that operational control of the border should not be determined by an arbitrary number of months going by—in other words, if 18 months go by, we will lose operational control over the border. It should be set by the resources being in place on the border which will limit the ability of people to come across the border illegally. That is what this language does. How much more will this language cost than what the bill costs? About $700 million more. That certainly should be within the funding capabilities of the Appropriations Committee. In fact, if the administration wanted to, they could send up a supplemental to accomplish that. That is a very doable event.

Then it has a second condition, which is, it simply says the certification that these numbers have been met shall be reviewed by GAO. I do think as a Congress we would want that independent review. That is reasonable.

It takes the number of Border Patrol agents up by 2,000 and gets it to the number that was agreed to as being needed. It takes the number of beds up by about 2,500 and gets the number which was agreed to. It takes the number of vehicle barriers up by 100 and gets to the number that was contracted for. It does not change the fencing requirement. It keeps that at 370 miles. It adds 35 towers for the virtual fence, which is what the contract called for.

To represent this is some sort of amendment which therefore fundamentally undermines the core agreement is absurd on its face. The core agreement was, we would put in place, using the Isakson trigger, which was a stroke of genius for resolving this issue, resources on the border which would allow for operational control of the border. This simply calls for those resources to be consistent with what the testimony has been over the last few years as to what is needed in order to accomplish that.

The great irony is less than 6 months ago, we passed the Safe Fence Act. The Safe Fence Act essentially put in place the mechanism which got us to these numbers. The Safe Fence Act called for this action. The Safe Fence Act got 92 votes. It seems to me if 6 months ago we believed these were the numbers that should be used for fencing—and that is one element of it—how can we change 6 months later and say: We are going to step back from that and that is not the number we need in order to have the trigger occur? If this were a dramatic shift, a radical shift, an undermining shift in the exercise of this bill, I would say, fine, oppose it; it is an attempt to kill the bill. But just the opposite is the case. I am one of the few people on my side of the aisle who actually voted for the Kennedy-McCain bill the last time it came through here. I am on record and my commitment is to do immigration reform.

I also know the American people will not be sold on the idea that we are going to do immigration reform until they are confident our border is secure, especially the southwestern border where the vast numbers of people are coming in illegally. The northern border is a whole other issue and a serious one, especially from the view of terrorism. But on the southern border, people want it stopped. They want to know there are in place the resources to allow us to control that border before we take the next step into immigration reform, which next steps are critical and necessary. That is, of course, the genius of the Isakson trigger for which he deserves great credit, and which this language will essentially make more effective because it accomplishes the underlying goal of the trigger mechanism.

How long will this delay over the 18 months, which appears to be the arbitrary number? In fact, a sense of the Senate in this bill says everything has to be done in 18 months. How long will these numbers I have suggested we meet, which aren't my numbers but are numbers that have been around and on which there was consensus before this bill came out of committee or came out of the working group—it never came out of committee, obviously—came out of the working group around which there was so much consensus last year that we had a 92-to-2 vote on the Safe Fence Act, how much will that extend that time period beyond 18 months? Actually, it might not extend it at all.

With proper dollars, Homeland Security could probably do all of these things within the next 18 months. Certainly, they could do the extra hundreds of miles of vehicle barrier. I am told they can do the extra 35 towers without the contractor. We have talked to the contractor. He thinks that is a very doable event. The detention beds are certainly doable because you can actually, if you can't build them—of course, what we should be doing is putting up tent cities, which we are doing, but in any event, you can contract them out, potentially. We are talking another 2,000 beds. The border agents is an issue, but if it is going to be an issue at 18,000, it will be an issue at 20,000. Hiring border agents has become a function of finding the people we know we want to do the job. But it is still very doable within that timeframe.

I am not sure it will delay it at all. I suspect you could still do all this within 18 months, but there should not be a set series of months at the end of which we are going to say: OK, we have operational control of the border, and we can move on to the next things. What we should have, rather, is a set of very determinable benchmarks which will allow us to say that benchmark has been met and there is consensus that that benchmark will accomplish what we say it will. In this instance, that is the issue of operational control of the border.

So I would hope people would not vote to table this amendment. I would note that many Members on the other side of the aisle have voted for these types of resources in the past, when the amendment had been offered by Senator BYRD. So you may want to ask yourself, are you going to be consistent if you vote against this one?

But, more importantly, I think you have to ask yourself, are these changes—an additional 2,000 border agents, an additional 100 miles of vehicle barriers, an additional 2,500 beds—so onerous that they are deal killers? If that is the case, then this bill must be dead because we just passed an amendment to cut the number of temporary workers in half. Now, that is a serious issue. This is taking procedure and putting it over policy when you take that position to the extreme.

So I hope Members will support this amendment. If the Senator from Massachusetts is inclined to move forward at this moment, I have no problem.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will include in the RECORD the Homeland Security proposal that was shared with the members of the committee. We asked what was going to be necessary for secure borders. I have in my hand the proposal of Homeland Security. That is what we have included in this legislation, their recommendations. I am sure we could always do more and more and more, but what we have done is taken what has been the recommendations of Homeland Security in each and every one of these areas.

They have made it very clear that in carrying forward and reaching these recommendations it is going to take a combination of different elements. It is going to take their own kind of manpower to be able to reach this. It is

going to take the technology to be able to reach it—over what period of time in terms of the contracting, and all the rest.

But as to what was necessary in terms of securing the border, that was it. We are all for it. This is what they told us. That is what we have accepted. We have gone over the list. I will make it part of the RECORD. It goes over the numbers of hires, going all the way into the Border Patrol agents. They come into the whole issue of border barriers and surveillance, the number of miles each year planned, what they believe is necessary. They review what they believe is the timeline for the catch and return, the number of beds that are going to be necessary. They go through the various milestones, the start-up costs, the actual recurring costs.

They have outlined all of this in very careful detail. That is what we have done. Every Member of the Senate ought to understand, these are Homeland Security's recommendations to secure the border, and that is what we have included in the legislation. It is always possible, I am sure, to be able to do more. We have done what was recommended to secure it, and I think it is a very effective program.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

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

STAFF ENHANCEMENTS FOR BORDER PATROL—GOAL: INCREASE BORDER PATROL AGENTS BY 6,000 BY DECEMBER 31, 2008

Projections	FY07	FY08	FY09	Total
Starting Onboard	12,319	14,819	17,819	18,319
Hires	3,900	4,350	850	9,100
Addition	2,500	3,000	500	6,000
Attrition	1,400	1,350	350	3,100
End of Year Onboard	14,819	17,819	18,319	.....

STRONG BORDER BARRIERS AND SURVEILLANCE

[Dollars in millions]

	FY06 actual [1]	FY07 planned	Calendar year 08	Total estimated cost FY06–FY08
Miles of primary fence	75	+70	[1] +225	$998M
Miles of vehicle barriers	57	TBD	200	$176M
Ground-based radar and camera towers (technology)	0	TBD	70	[2] $737M
Unmanned Aerial Systems (UAS) (A&M)	1	+1	[3] +2	$85.6M

[1] Equals 370 miles total.
[2] Reflects the fully loaded costs of the integrated technology solution, including engineering, unattended ground sensors, communications, etc.
[3] Equals 4 total UAS.

KEY ASSUMPTIONS OF TIMELINE

USCIS will publish regulations governing the TWP within 6 months of enactment, pursuant to expedited rulemaking authority.

USCIS will begin accepting and adjudicating applications 6 months after enactment of the legislation.

USCIS will stop accepting applications 18 months after enactment.

A total of 12.5 million unauthorized aliens may be eligible for the immigration benefits associated with the TWP, of which approximately 93% are expected to apply for the program.

Additional temporary sites will be established, equipped, and manned to support processing requirements above the current Application Service Center (ASC) capacity.

Not every applicant will require an adjudication interview (based upon S. 2611 requirements—currently constructing plans for interview of all applicants).

TWP applicants will be screened against all relevant security checks.

USCIS will receive the funding and resources necessary to upgrade systems infrastructure to handle increased processing demand. Funding must be made available to DHS at least 6 months before applications can be accepted.

Mr. KENNEDY. Mr. President, I now move to table the amendment of the Senator from New Hampshire.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

Mr. KENNEDY. Mr. President, I would make a motion to table the amendment of the Senator——

Mr. GREGG. Mr. President, I will make a point of order a quorum is not present.

Mr. KENNEDY. From New Hampshire, and I ask for the yeas and nays.

Mr. GREGG. I make a point of order a quorum is not present, Mr. President.

Mr. KENNEDY. Yeas and nays, Mr. President.

The PRESIDING OFFICER (Mr. OBAMA). Is there a sufficient second?

Mr. KENNEDY. Yeas and nays.

Mr. GREGG. Mr. President, a quorum is not present. I make a point of order that a quorum is not present.

Mr. KENNEDY. The yeas and nays, Mr. President.

The PRESIDING OFFICER. There is not a sufficient second.

The clerk will call the roll on the quorum.

The assistant legislative clerk called the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if I could have the attention of the Senator from New Hampshire, we were necessarily absent during the earlier presentation by the Senator from New Hampshire at a meeting with——

The PRESIDING OFFICER. The Senator is advised that a motion to table has been made. It is not debatable.

Mr. KENNEDY. I withdraw the motion to table.

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

Mr. KENNEDY. Mr. President, I was under the impression we had gone through the debate and discussion. I had indicated I was going to make a motion to table. When the Senator from New Hampshire came to the floor, I was glad to withhold as the Senator remembers. The Senator, as I understood it, had finished his comments, and I made brief comments.

I am more than glad, if the Senator wants to address the amendment. We have just been in the process of trying to move along. I have no intention of cutting him off. We have not attempted to cut anyone off. So if he had that impression, I regret it. I say to the Senator from New Hampshire, we have been longtime friends, and we have been trying to have a process of moving this along. I had not known, at least on our side, we had other people prepared to speak. I had not heard there were others who were prepared to speak on the other side. So that was basically the reason for moving ahead.

But I am glad to withdraw the motion, as I was earlier. I would hope the Senator would understand, and we would hear from the Senator, if he so desires. We want to, at some time, reach some judgment on the amendment, but I am glad to work that out with the Senator, as I have tried to over the years.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Massachusetts, and I will take 2 minutes to respond to his comment, and then I would be happy to have the Senator renew his motion. That was all the time I wished to use to respond—the issue being I had not been aware the Senator was going to respond to my comment. But I did believe his comments deserved a response, and that is what I was seeking recognition to do at the time I was cut off. However, I do appreciate the Senator's courtesy.

In response to the specifics of the Senator's representations that the Department's position is that these numbers, as contained in the bill, will accomplish operational control of the border, I find that to be entirely inconsistent and unsupportable, first, from the testimony of the Department's lower level individuals—who are in charge of these agencies—before the Appropriations subcommittee which I chaired at the time, specifically, the Director of the Border Patrol, Mr. Bonner, who made it very clear he needed 20,000 border agents; and, secondly, the fact they had let a contract which has in it significantly more numbers in the area of virtual fencing towers than are in this bill. If they did not need those, why did they have a contract which calls for them?

So I think on its face the representation of that proposal may be that is what they can do in 18 months, but it is not what they need to do for operational control.

The proposal I have is the numbers necessary to obtain operational control: 2,000 more border agents than called for in the bill, 2,700 more beds than called for in the bill, 35 more towers for virtual fencing than called for in the bill, and 100 miles more of vehicle fencing.

It is not outrageous, not inconsistent, not inappropriate, and will actually strengthen this bill and make the American people believe we are doing something constructive in the area of border security.

With that, I appreciate the courtesy of the Senator from Massachusetts in allowing us to reopen the debate and ask unanimous consent that further

debate on this amendment be ended and that the Senator be allowed to make his motion, which he has a right to do anyway.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Gregg amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we are prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1172) was agreed to.

Mr. KENNEDY. Mr. President, I thank the good Senator from New Hampshire. We continue to make progress. I thank him. I know his strong views on this, and we will continue to work on it as a matter of enormous importance. I know the Senator from Arizona and others feel very strongly. We want to have a secure border. People have differing views, but we will work very closely to try and achieve the objectives, and we will work very closely with him as we go to conference and in conference as well. We all understand this is a work in progress.

Now, for the Members, I know Senator CORNYN wanted to offer an amendment. As I understand it, he is still in the Armed Services Committee. We were ready to go on our side. We had an amendment of the Senator from North Dakota which is going to sunset the temporary worker program. He is giving thought to that. If he would like to—I see Senator CORNYN is here now. We may go out of sync here, but if we wanted to go ahead with that—I see my friend from Arizona.

I yield the floor.

Mr. KYL. Mr. President, in order to take the next 10 minutes or so, my understanding is that Senator CORNYN will be ready in a few minutes, but in the meantime, a couple of people have been waiting patiently to speak for maybe no more than 5 minutes or so. I think the Senator from Tennessee would like to do that.

Mr. CONRAD. Will the bill managers yield for a question?

Mr. KENNEDY. Sure.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, for the information of the body, could the Senators give us some picture on the voting circumstances this evening? Is there a clear picture on whether you might expect additional rollcall votes tonight or would they be debated tonight and held over until the morning? What do the bill managers anticipate?

Mr. KENNEDY. Mr. President, I think we would like to try to at least get another vote, possibly two. I think we will know more clearly in about 15 minutes and we will notify our colleagues. I think we have made some good progress. We had several of our colleagues—as always, these are enormously important—from the Armed Services Committee and others. We will probably have a brief window tomorrow.

The Senator from Arizona, Senator MCCAIN, was here earlier and wants to do an amendment on back taxes, and I have indicated I thought we could probably do that in the morning and we will try to work out a time with him. We are trying to follow going back and forth, but if there are people here from a particular party who are prepared to go ahead, we want to try to deal with that.

I think we will have a limited time in the morning. I don't know when we are going to get the supplemental, but I am hopeful we would have at least a window in the morning.

Mr. KYL. Mr. President, if I could interrupt my colleague to give a couple of bits of further information, the next opportunity for an amendment should be from the Democratic side. Senator CORNYN is ready to proceed with an amendment, and also Senator HUTCHISON has an amendment I think that is cleared on both sides that we could do by voice vote, when that is appropriate. But the next amendment should come from the Democratic side.

My suggestion would be, while we are deciding the immediate future ahead of us, that Senator ALEXANDER be allowed to proceed on a matter that is unrelated, and then we could go to the Democratic side.

Mr. KENNEDY. That would be fine. I see the Senator from Iowa here who wanted to make a comment as well.

Mr. KYL. Mr. President, up to 5 minutes for Senator ALEXANDER.

Mr. CONRAD. Mr. President, might I inquire, is there any possibility of having further debate tonight and votes in the morning in lieu of additional votes this evening?

Mr. KENNEDY. That is always possible. We would like to check with the leadership. Senator CORNYN has been extremely patient through this process and has indicated at the start of the day that he would like to be able to address the Senate on an issue. He has now returned. I would like to see if we can't have maybe a short period here and then I could try and make an assessment and let the Senator know. But I would be very hopeful that we would be able to address Senator CORNYN tonight, and then I could talk to the Senator from North Dakota and Senator MCCAIN. If we can get those lined up for the morning, maybe we will be able to give an announcement about where we are.

Mr. CORNYN. Mr. President, if the Senator from Massachusetts will yield, I am happy to offer my amendment tonight and wait to vote on it tomorrow, if that suits the schedule of the bill managers. I wanted to offer that. I would like to offer it tonight and have the debate tonight, but if you would like to stack the vote up with others tomorrow, that is fine.

Mr. KENNEDY. If we could proceed with the Senator from Tennessee for 5 minutes and the Senator from Iowa for 10 minutes, and then we will announce what the plan is for the evening and for the morning. I ask unanimous consent to do that.

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

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

INTERNET TAX FREEDOM EXTENSION ACT OF 2007

Mr. ALEXANDER. Mr. President, today, Senator CARPER and I introduced the Internet Tax Freedom Extension Act of 2007. Other cosponsors were Senators FEINSTEIN, VOINOVICH, and ENZI. All of those Senators have been interested in this subject for the last few years.

The bill would, very simply, extend a moratorium on Internet access taxes by State and local governments for another 4 years. This is a commonsense compromise of what can sometimes be a very complicated discussion about continuing the moratorium, without blowing a hole in the budgets of State and local governments.

We all want to be careful about so-called unfunded Federal mandates. We want to respect State and local governments. But at the same time we want to create an environment that encourages technology. We believe this would do that.

The background of all this is, briefly, that originally Congress passed the Internet Tax Freedom Act in 1998, which did an extraordinary thing. It said State and local governments could not tax Internet access for three years. That sounds like a good thing, but we could just as easily pass a bill we might call the food tax freedom act, because that would keep State and local governments from taxing food; or because we are against income taxes, we might say the income tax freedom act and ban Tennessee from having an income tax; or we might say the sales tax freedom act, or the property tax freedom act, or the telecommunications tax freedom act. But instead we created the Internet Tax Freedom Act, meaning, in effect, that States could not tax Internet access. The rationale was that the Internet and electronic commerce is a fledgling industry, and Congress extended that in 2001.

In 2004, after extensive debate, we worked out a compromise extending this moratorium over the next 4 years.

The compromise we worked out in 2004, according to the National Governors Association, may have saved

State and local governments up to $12 billion in revenue. All of us want to keep taxes low, but here is where I am coming from. When I was Governor, nothing made me angrier than for Members of Congress coming up with a big idea to pass a law, take credit for it, and send the bill to the Governors, legislators, mayors, and county commissions. That is what we will do if we are not careful about the Internet access tax because, as we saw 4 years ago, telephone calls moved to the Internet. If we banned taxes on telecommunications as part of Internet access, telephone calls over the Internet would be free from taxation.

That sounds good, except States might have to increase college tuition, increase sales tax on food, or some States might have to put in, for the first time, a State income tax.

Mr. President, $12 billion in revenue is a lot of money. The definition of Internet access that is in this new compromise that Senator CARPER and I introduced on the moratorium would, for the next 4 years, protect State and local governments, while continuing the moratorium on Internet access. It is sensible. I think we will debate it more over time. Maybe it will even be accepted by all parties. I wanted to signal on my behalf, Senator CARPER's behalf, and on behalf of the National Governors Association, the National Conference of Mayors, and the National Association of Counties, that we believe it is very important to do no harm to State and local government. If we want to give a tax break to the telecommunications companies or to Internet companies, then we in Congress should pay for that and not send a bill to State and local governments.

This avoids our having to do that because the moratorium carefully defines Internet access to mean States are free to continue to make their own decisions. This doesn't mean States should attempt to tax the Internet; it means States may, if they choose, impose a sales tax on Internet services, just as States may impose a tax on food, or on medicine, or on gasoline, or may impose a tax on income. That is the job of State and local government. That is not the job of the Congress.

I am glad to join with Senators CARPER, FEINSTEIN, VOINOVICH, and ENZI in introducing the Internet Tax Freedom Extension Act of 2007. I am glad to extend a commonsense moratorium on State and local taxation of Internet access, and I look forward to passage of that legislation before long.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 1469 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I believe we are now prepared to turn to the Cornyn amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, is there a pending amendment?

The PRESIDING OFFICER. There is.

AMENDMENT NO. 1184 TO AMENDMENT NO. 1150

(Purpose: Establishing a permanent bar for gang members, terrorists, and other criminals)

Mr. CORNYN. Madam President, I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. SPECTER. Madam President, if the Senator from Texas will yield for a question.

We are trying to determine what is going to happen on the balance of the evening. Senators, understandably, at 6 o'clock, are asking if there is going to be a vote this evening. I understand from our conversation in the cloakroom that there are two Senators who are considering joining with you and you are not now prepared to enter into a time agreement. But if those Senators would come to the floor and let us know what they intend to do, we will be in a position to see if we can vote. We wish to vote this evening, but we don't want to keep people around here if we are not going to vote.

Mr. CORNYN. Madam President, I agree with the distinguished Senator from Pennsylvania and will certainly try to work to accommodate everybody. It is not my intention to keep people hanging around here if we are not going to vote, but I can't enter into a time agreement specifically yet until we can get some people who are examining the amendment, the cosponsors who might wish to speak on it.

Mr. SPECTER. Maybe I could direct the question to the Senator from Texas. Would it be out of line to identify the Senators we have in mind so we can direct them to the floor to get this resolved?

Mr. CORNYN. I hate to identify them until they have made a decision to cosponsor the amendment or to speak on it, because they may want to study in confidence and then make a decision whether they want to cosponsor it or come to the floor. We are in communication with them, encouraging them.

Mr. SPECTER. Madam President, they know who they are. We would ask them to come to the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 1184 to amendment No. 1150.

Mr. CORNYN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CORNYN. Madam President, I know we are all anxious to proceed. No one is more anxious than I to proceed with the hearing of amendments and debate. I think colleagues will, when they hear what this amendment is about—and I apologize that, due to the legislative counsel being backed up drafting amendments, we have only recently been able to distribute the amendment text, but I think as I describe this amendment, my colleagues will share my concern with two problems that are in the underlying bill.

First, this amendment would do two things: The amendment would provide technical corrections to what I can only assume are drafting oversights in the underlying bill as well as close loopholes in the current law. These technical corrections include closing loopholes that fail to permanently bar from the United States and prohibit awarding of any immigration benefits to the following categories of individuals: No. 1, persons associated with terrorist organizations; No. 2, violent gang members; No. 3, sex offenders; No. 4, alien smugglers who use firearms; and, No. 5, repeat drunk drivers.

The question I put to my colleagues is whether Congress should permanently bar from the United States and from receiving any immigration benefit the persons in the categories I have just described and others who are dangerous to our society. I sincerely hope none of my colleagues would answer this question in the negative.

Let me point out a couple of examples of what I will call the technical fixes that are sorely needed. Current law prohibits U.S. citizens convicted of sex crimes against minors from bringing a relative into the country. This bill, however, does not specifically prohibit aliens who would be removed from the country because they are sex offenders and fail to register as such from entering the United States and getting legal status, such as lawful permanent residence status.

This, as I say, is what I believe to be an oversight. Perhaps in the haste in which the bill was drafted it has been left out, but it needs to be fixed, obviously.

The bill also retains a loophole under current law that would allow an alien who has been repeatedly convicted of driving while intoxicated to remain in the United States and get legal status, such as a Z status or a green card.

The bill also retains the loophole in current law that allows an alien who belongs to a terrorist organization, or perhaps even committed terrorist acts

and has not yet been removed from the United States, to get legal status.

Now, lest my colleagues think I am exaggerating, let me provide a real-world example of this loophole. Last year, Mohammed El Shorbagi pleaded guilty to providing material support to Hamas. His act of providing material support to Hamas would not have barred him from establishing good moral character under current law because it is not one of those grounds specifically included in the list of acts that prevent an alien from establishing ''good moral character'' under our immigration laws.

Now, I would hope these what I would call technical fixes are the kinds of commonsense solutions my colleagues would support. We have to ensure those aliens who have committed crimes, such as failure to register as a sex offender, or alien smuggling while using a firearm, are permanently barred and ineligible for benefits. We must also ensure those aliens who have committed acts or who engage in conduct in association with a terrorist organization, or perhaps have even committed terrorist acts themselves, are rendered permanently ineligible for any legal status and are barred from our country.

Finally—and this is not a technical fix; this, I believe, is a conscious decision on the part of the bill drafters to omit this category of individuals—my amendment would close the loophole in this bill that allows legalization of those illegal aliens who have already had their day in court and violated court-ordered deportations. These are known as absconders and, in fact, have committed a felony, if found guilty of their failure to deport once ordered deported, or if they have been deported and simply reentered the country.

Unlike the first half of my amendment, this is not a technical correction. In other words, the decision to legalize this population of illegal aliens was no drafting oversight.

Mr. LEAHY. Madam President, I ask the Senator from Texas to do me the courtesy of allowing me 1 minute to take care of something that is going to be accepted, and that is going to modify an amendment that is to be accepted.

Mr. CORNYN. Madam President, I yield for that purpose but claim my right to the floor.

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

The Senator from Vermont.

AMENDMENT NO. 1165, AS MODIFIED, TO AMENDMENT NO. 1150

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1165.

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

Mr. LEAHY. Madam President, I ask unanimous consent that Senators CASEY and SCHUMER be added as cosponsors.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KOHL, Mr. CASEY, and Mr. SCHUMER, proposes an amendment numbered 1165, as modified, to amendment No. 1150.

Mr. LEAHY. 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, as modified, is as follows:

In section 218E(d) of the Immigration and Nationality Act (as added by section 404(a)), strike paragraphs (2) and (3) and redesignate paragraph (4) as paragraph (3).

At the end of section 218E, add the following:

''(i) SPECIAL RULE FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker——

''(1) may be admitted for a period of up to 3 years;

''(2) may not be extended beyond 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(4).

In section 218G of the Immigration and Nationality Act (as amended by section 404(a)), strike paragraph (11) and insert the following:

''(11) SEASONAL.—

''(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

''(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

''(B) EXCEPTION.—Labor performed on a dairy farm shall be considered to be seasonal labor.

At the end of section 404, add the following:

(c) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''or work on a dairy farm,'' after ''seasonal nature,''.

Mr. LEAHY. Madam President, this modification is required by the authors of the bill in order for dairy provisions to be accepted into this bill. I have attempted through this language to ensure as best we can that our Nation's dairy farmers have adequate access to labor in the future. This amendment only deals with prospective immigration and is focused on dairy only.

Dairy is a year-round operation where interruptions to a farmer's labor force can have significant consequences—the H–2A provisions as they exist in the bill now do not adequately address the unique needs of dairy because they permit only 10-month terms of work. This sort of interruption does not work for dairy farmers, who need year-round, dependable employees.

In the AgJOBS legislation that this body passed last year and that we reintroduced this year, I supported a much broader provision to address the unique needs of the dairy industry. That provision had the overwhelming endorsement of America's family dairy operations. Unfortunately, there were objections from the Bush administration and the authors of the bill now pending, so I have worked with the managers of this bill to craft this compromise.

This modification would enable dairy farmers to have multiple avenues to employ legal workers in the future. First, under the H–2A program, dairy farmers would have the ability to hire workers for a 3-year period after which time the workers would return home. Second, this amendment would refine the H–2A program to allow dairy farmers to more easily obtain workers under the normal H–2A time frame of 10-month work periods. In combination with available opportunities under the Y visa program, these changes should provide significant opportunities for America's dairy farmers to obtain future legal workers to meet their needs. I urge support for this modified amendment to ensure that essential changes for dairy farmers become part of this legislation.

Madam President, I thank the Senator from Texas for his courtesy.

Mr. GRAHAM. Madam President, there is no objection on our side to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1165), as modified, was agreed to.

AMENDMENT NO. 1168 TO AMENDMENT NO. 1150

Mr. GRAHAM. Madam President, if I could request the indulgence of Senator CORNYN, on behalf of Senator HUTCHISON, I call up amendment No. 1168 and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for Mrs. HUTCHISON, for herself Mr. BINGAMAN, Mr. DOMENICI, Mr. MCCAIN, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN, proposes an amendment numbered 1168 to amendment No. 1150.

Mr. GRAHAM. 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 is as follows:

(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)

On page 6, line 11, strike the second period and insert the following: ''.

(C) in paragraph (2), as redesignated—

(i) in the header, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

Mrs. HUTCHISON. Madam President, I rise today to speak to an amendment and resolve an issue impacting the citizens of our country that live along the U.S.-Mexican border.

I have long stressed the need to secure the borders of the United States—not only our southwest border with Mexico but also our northern border with Canada and our maritime borders, coastlines, and ports of entry.

I have consistently supported and voted in favor of border security efforts—such as the installation of reinforced fencing in strategic areas where high trafficking of narcotics, unlawful border crossings, and other criminal activity exists. I have also supported installing physical barriers, roads, lighting, cameras and sensors where necessary .

The Secure Fence Act of 2006 was passed by Congress and signed into law by the President, and it signaled a major initiative to secure the border with Mexico and Canada.

We must address border security so that we can move forward to address comprehensive immigration reform.

I will continue to champion border security measures and strongly support the efforts of my colleagues to strengthen our southwest border—protecting our citizens from threats of terrorism, narcotic trafficking, and other unlawful entries. However, I am concerned that Congress is making decisions about the location of border fencing without the participation of State and local law enforcement officials working with the Department of Homeland Security. The location of fencing should not be dictated by Members of Congress who have never visited our border.

Our border States have borne a heavy financial burden from illegal immigration, and their local officials are on the front lines. Their knowledge and experience should not be ignored. Texas shares approximately one-half of the land border between the United States of America and the Republic of Mexico. Our State and local officials and those in California, Arizona, New Mexico, and Texas should not be excluded from decisions about how to best protect our borders with their varying topography, population, and geography.

Local officials and property owners in my home State of Texas—particularly in the areas of El Paso, Del Rio to Eagle Pass, and Laredo to Brownsville—cited in the Secure Fence Act, under current statutory law, do not have an opportunity to participate in decisions regarding the exact location of fencing and other physical infrastructure near their communities.

To address this issue, I hosted a meeting in my Washington office, on January 17, 2007, with DHS Secretary Michael Chertoff, my colleague from Texas, Senator JOHN CORNYN, mayors from the border cities in Texas, and representatives of the private sector. That meeting began a dialogue with our local representatives in Texas and the Federal Government. I look forward to helping ensure that this dialogue continues.

The Hutchison-Bingaman Amendment, No. 1168, cosponsored by Senators CORNYN, KYL, MCCAIN, FEINSTEIN, and DOMENICI, addresses these issues and provides local and State officials greater involvement in decisions regarding the location of border fencing.

I urge the adoption of my amendment.

Mr. GRAHAM. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1168) was agreed to.

The PRESIDING OFFICER. The senator from Texas.

AMENDMENT NO. 1184

Mr. CORNYN. Madam President, I ask unanimous consent that my amendment be reinstated as the pending amendment.

The PRESIDING OFFICER. The amendment is once again pending.

Mr. CORNYN. I thank the Chair.

Madam President, I have discussed what I would call technical corrections or oversights that have been left out of this bill, in haste, perhaps, because I know that following the negotiations that went on for several weeks leading up to the announcement of an agreement by a bipartisan group of Senators on Friday, there was a lot of effort made to try to then turn that agreement into bill text. It wasn't until roughly midnight, I believe on Saturday night, that an original, or I should say a rough draft for discussion purposes was created; and then, if I am not mistaken, it was the night before last, about 9 o'clock, when this original amendment was laid down, this substitute amendment, which actually reflects bill text, that we could then go to legislative counsel to try and craft our amendments to be addressed.

Before I talk a little bit more about the second part of my amendment, which I think was consciously omitted from the bill, I ask unanimous consent that Senator BEN NELSON of Nebraska and Senator DEMINT of South Carolina be added as original cosponsors to my amendment.

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

Mr. CORNYN. Madam President, the second part of my amendment has, I think it is fair to say, a substantial impact on the underlying bill, but one I hope my colleagues will agree is necessary and important to adopt.

My amendment would close the loophole in this bill that allows legalization of those illegal aliens who have already violated court-ordered deportations. They are sometimes known as absconders because they literally have absconded from the law, but they are, in fact, under section 243 of the Immigration and Naturalization Act felons by virtue of their having absconded either after they have been ordered deported—they have simply gone on the lam and been fugitives from justice—or they have left the country pursuant to their order of deportation and then reentered the country illegally. They are, under section 243 of the Immigration and Naturalization Act, felons if found guilty of those offenses.

Unlike the first half of my amendment, this is not, as I said, a technical correction. In other words, the decision to legalize this population was no drafting oversight. It was a conscious part of the negotiated package that is now represented by the substitute amendment pending before the Members of the Senate. The drafters of this bill have made a conscious decision that Congress will allow exceptions for individuals who are illegally in the United States, in defiance of a court order, as well as those who have previously been deported from the United States pursuant to a court order and have again reentered illegally.

It is important to note that Congress has determined that each of these crimes is a felony. The laws, as I said, are already on the books. These acts of defiance of our legal system are not actions which would signal an individual's likelihood of future compliance with the laws of the land. I don't think Congress should be in the business of allowing exceptions to a class of individuals who can reasonably be dubbed as fugitive aliens.

In fact, it was Secretary of the Department of Homeland Security Michael Chertoff who said during our negotiations that illegal aliens who have defied our court system after having been given full due process of law do not deserve to be rewarded with legalization. Unfortunately, the drafters of this bill, in an effort to accommodate certain advocacy groups, have ignored Secretary Chertoff's commonsense observation, what is being peddled as ''discretion'' by way of a ''waiver.''

We can't guarantee the American people that future Presidents will appoint, nor the Senate confirm, Secretaries of Homeland Security with the good sense and judgment of Secretary Chertoff. Thus, I think we need to eliminate any discretion in allowing these individuals to remain in the country and obtain the benefits of this legalization. I submit that discretion is something Congress gives away to a bureaucracy when Members don't have the intestinal fortitude to create a bright-line rule. This bright-line rule would affect roughly 700,000 absconders who are still in the United States. The underlying bill would allow them a path to legal status and perhaps even to citizenship. My amendment would say these people have had their opportunity to have their day in court and do not deserve the benefits that this underlying bill would give to other persons who have not similarly defied our U.S. legal system and, indeed, have committed, perhaps, felonies.

I ask my colleagues this. What is the message we send about the rule of law in America when Congress would not even categorically prohibit rewarding those illegal aliens who have defied lawful orders? What is the message we are sending to immigrants who are lawfully waiting outside the country when we reward those who have not simply violated our laws by entering illegally but who have also thumbed their noses at our legal system, after having been ordered or actually been removed?

I urge my colleagues to reject the policy in this bill that would reward felony conduct with legal status. I hope my colleagues will support me in that effort.

I yield the floor.

Mr. DORGAN. Madam President, the Senator from Texas asked a question. I think the answer is probably fairly obvious. What is the message we send to people around the world who applied for status to come to this country through the immigration quota process? There is a process that is our legal immigration process. What is the message to those folks who, perhaps 3 years ago, 5 years ago, 9 years ago, filed a petition only to discover that if they had walked across the border on December 31 of last year, they would, with this legislation, be deemed to have been here legally? That is the message. It is sort of a Byzantine message as far as I am concerned.

Yesterday something happened that was quite interesting. I attempted to eliminate the so-called guest worker program or the temporary worker program by which millions of additional people who do not now live in this country would be invited in to take American jobs. I attempted to eliminate that. I failed to do that. I will next offer an amendment at some point, perhaps tomorrow morning, that will sunset the temporary worker program. If we cannot eliminate it, at least let's put an end to it—put a sunset on it.

During the debate yesterday, something fascinating happened. We are told repeatedly on the floor of the Senate that this bill is a piece of legislation that provides border security because most of us know that when you start dealing with immigration, the first step, the first baby step is to provide border security. If you do not do that, all you do is set up, another 10 or 15 years from now, exactly the same debate and provide amnesty for another 10 or 15 million people.

We have done that before, in 1986. We have heard exactly the same arguments: We are going to have border security, we are going to have employer sanctions, we are going to shut down illegal immigration, and we are going to have nirvana. The fact is, none of that worked. We have done this before.

What happened yesterday was fascinating to me. In an attempt to shut down the temporary worker provision, I was told by the people who constructed this proposal that if you shut down the temporary worker provision by which we will bring people into this country who are not now here to take American jobs—if you shut down the temporary worker provisions, what will happen, they said, is people will come across illegally anyway.

I said: I don't understand your point. First, you said you have written a bill that provides border security and stops illegal immigration. Now you are saying if we get rid of the temporary worker provision, what will happen is we will have illegal immigration anyway. You can't have it both ways. Either this bill does what is advertised and provides real border security or it doesn't.

Those who put the bill together told us yesterday it doesn't have that border security because they believe they have to designate those who are coming across as legal, therefore, temporary workers, because if they did not do that, they would come across and we would call them illegal. That is the most unbelievable thing I ever heard.

They cobbled together this proposal. I said yesterday it reminds me of the old saying that a camel is a horse produced by a committee. They have cobbled together this camel of policy here with several different pieces, saying, first, because I believe they understand the politics of it that requires them to say this, we have provided for border security when, in fact, they have not. That is not the case. All they have done is created the same promises I heard 21 years ago.

Then they say, but we must, even as we decide to say to this 12 million who are here, including those who came across the last week of December last year: By the way, you are now legal and given a work permit—we must, in addition to that, allow millions more to come in.

Yes, you get millions more when you do 400,000 a year for 2 years, have them go back for a year, come back 2 more years, have them go back a year, and have 2 more years and accumulate that, and you have at the very least, without even counting families, 12 million workers in a few years. They say we have to do that—invite others to come in to take American jobs—because if we don't, they will come across the border anyway. That is a serious admission of failure, in my judgment, in the bill that is brought to the floor of the Senate.

I didn't intend to come here to say anything, but I heard my colleague from Texas ask, What is the message? The message is a Byzantine message to those who believed there was a legal way to try to come to this country, a legal process by which we have immigration quotas from various countries and they, thinking it was all on the level, actually made application to say I would like to come to the United States of America and I am willing to wait. I waited 5 years or 7 years, they say, only to discover that as of today, if this bill passes, we say you should have come across on December 28 or so into this country. You could have gotten on a plane on a visitor's visa with a full intention of never going back, or walked across the border someplace, and this Congress with this legislation would say to you: We have a great surprise for you. You came across illegally and we now desire to say to you: You are legal, you have legal status and a work permit.

What kind of message? We know the answer to that. It is a Byzantine message that makes no sense at all.

Is immigration an issue? Yes, it is. But this bill will not solve it. I intend to offer an amendment in the morning that will establish a sunset on the provision called the temporary worker provision. But even that will not solve the problems of this legislation.

I yield the floor and 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. CORKER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CORKER. Madam President, I rise today to, first of all, thank our leadership for allowing a true debate to take place on this issue. I know at one time it was discussed that we would pass this huge piece of legislation, that affects so many people, in 3 days. Because of the acquiescence of the bill

managers and leadership, we are truly going to have 3 weeks of debate.

You heard the Senator from Texas offer an amendment to make this legislation better; and the Senator from North Dakota, to offer his views. I think this whole process has been very healthy.

One of the things we are trying to address in this bill is a situation where our immigration has been broken, the system has been broken for many years. In 1986, legislation was offered to try to solve this problem. What has happened is it has gotten even worse, so there has been, obviously, more thought put into this bill.

I appreciate again the many amendments and the discussion that has taken place. Many of the things we have talked about have addressed the legalities, have addressed some of the technicalities in our immigration system. It seems to me, one of the things we have not addressed—while we have tried to address fairness to businesses, we tried to address fairness to immigrants, we tried to address fairness to families—one of the things I think we have not addressed is a sense of fairness to the American citizen.

What I mean by that is this. There is a sense of fairness that we see many times on the floor that is not addressed by the fact that we have about 12 million people in this country today illegally. People see this bill as straight amnesty, where all of a sudden we are going to make it legal that if you have been here working, for however long, you become legal in this country by virtue of being here.

In many cases, people have talked about some of the draconian measures that require people to actually return home to their countries. Yet this bill, in some cases, does that. Certainly, to become a green card holder, somebody has to return home to their country before coming in. That is something Americans think is fair.

If you want to be a temporary worker in this country, according to this bill, what you would do is work here for 2 years, as the Senator from North Dakota responded, then you would leave and go back for a year, and then you would come back into our country. Yet that is not perceived to be draconian and I do not think it is at all. But the one provision that seems to me to hit at the essence of the American frustration that is not in this bill, is the fact that we have some triggers that are going to cause our borders to be secure and make us be able to track people in an appropriate way—the administration said this can take place over the next 18 months—but what we are not doing is asking the people who are here in our country illegally to actually return home and come back through legal channels.

It is that point, I think, that has divided the American people, the fact that this bill does not address the inequity of allowing those people to remain here. These are people who came here, obviously, to support their families, and we understand what the motivation is for many people to be here, but this bill does not address that inequity.

What I propose tonight and I am working with other Senators to hopefully make happen after we come back from recess, is to actually have a provision in this bill that treats people who are here illegally like those who wish to have a green card, like those who would be temporary workers in this bill. I would ask that other Senators work with me and others to create an amendment to this bill that actually would cause, over a reasonable amount of time, people who are working in this country to return to their home country and then come back through legal channels. I think that strikes at the very core of what so many Americans believe is so inappropriate about having illegal immigrants, illegal workers, automatically made legal.

I think that is a central fallacy in this bill as it has been offered today. After many of these technical amendments are agreed to over the course of the next few days, and as we come back from recess, I look forward to working with other Senators to try to ensure that if this immigration bill passes, it passes in a way that meets the sense of fairness the American public believes this bill ought to have; that it addresses that inequity of people who jumped in front of the line and came here, being here illegally and yet being able to benefit without, during a reasonable period of time, returning home and coming back through legal channels, once we have the mechanisms in place to allow people to do that. I hope to have the opportunity to work with others in this body to make that happen.

I yield the floor and 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 Senator from New Jersey.

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

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

Mr. MENENDEZ. Madam President, I wish to rise briefly to speak to the amendment of the Senator from Texas. I think I caught him describing it as a ''technical one.'' At first blush, having just seen it for the first time, looked at it and having seen the intersection of what he seeks to do throughout title II of the bill, it is far from technical; it is very substantive. I appreciate that he has very substantive positions that might be different from mine, but they are very substantive, they are not technical. They go, in some cases, to the heart of due process for individuals, and they go to the heart of undoing what some cases in the appellate division and beyond have decided is the appropriate law of the land.

I just wish to start off by saying that I certainly hope this amendment will not come to a vote tonight because I think all of us need to understand the nature, the scope, the breadth, the width of what, in fact, is being offered here, which I truly believe is far more than technical. So I just wanted to, so to speak, wave my saber early for the distinguished Senator from Texas and say that I am sure he is going to get a vote, but I will have to object if there is any intention to seek a vote tonight. You have to take all of the 12 pages that were just presented, intersect them, and see how they affect different sections of the underlying statute, and those have real meaningful consequences at the end of the day. I might agree with some; I might strongly disagree with others. So I just wanted to make it clear to the body that, from my perspective, it is a little bit more than technical.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I appreciate the concerns of my distinguished colleague. It is a fair point; this is more than a technical amendment. He may not have heard my entire earlier statement. I indicated that some aspects of my amendment were what I thought were technical, but there was a second part that was far from technical, it was very substantive, and I knew it would be controversial because we discussed it during the course of the negotiations in which the distinguished Senator from New Jersey participated, as did I, and it was, the best I can tell, consciously omitted from the draft. So my effort here is to insert it by way of amendment. I do believe it deserves full and fair consideration. People need to understand what the impact of it will be.

Indeed, this whole subject matter has a lot of ramifications and a lot of moving parts, and that is the reason I am so glad we have not only this week but also a second week after the recess which the majority leader has scheduled to conclude the debate and vote on the bill.

I certainly understand the Senator's concerns, and I would welcome the debate that will ensue, but I can understand why he would object to a vote tonight. We have actually talked with the bill managers and suggested that perhaps, if unanimous consent can be obtained, this amendment would be set aside temporarily and perhaps other amendments can be laid down and even voted on tonight but that we can wait until tomorrow, perhaps, to schedule a vote on this after everyone has had a chance to digest it and consider its ramifications.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I appreciate the offer from the distinguished Senator from Texas, and I certainly hope we will take his offer because I would have to object if we were

to try to proceed tonight to a vote on his amendment. I think his amendment is important. I think it has real consequences. There are real consequences of substantive law, there are real consequences of due process, and there are real consequences of equal protection. So these are major legal issues which affect potentially millions of people.

I appreciate the spirit in which he has offered it. I appreciate him saying he is more than willing to give time. I hope the bill managers would pursue that course of action and make sure that a vote on this does not take place until sometime tomorrow so that we can digest all of this and have the appropriate debate because legal protections are very important in the context of what we are doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wish to spend, if I can, just a few moments—I see my colleague from New Jersey is still on the floor, and he will be joining me at an appropriate time in offering an amendment dealing with parents of U.S. citizens. The Senator from New Jersey speaks eloquently about this issue on a very personal level. I am proud to be the author of an amendment with him and others to try to improve this legislation.

This amendment would unite parents with their families in the United States by increasing the cap on green cards issued to them, extending the duration of the newly created parent visa, and ensuring that penalties imposed on people overstaying this visa are not unfairly applied to others, as they would be in this legislation.

Under current law, parents of U.S. citizens are defined as immediate relatives, along with spouses and minor children, and are exempt from green card caps. Under the proposed legislation, S. 1348, parents would be removed from this category and subject to an annual cap of 40,000 green cards. This amendment increases the cap on green cards in this bill to 90,000. That is about the average annual number of green cards issued to parents of U.S. citizens.

Second, we are trying to extend the duration of the newly created parent visitor visa to 180 days. Under this bill, the amount of time a parent could stay here under a parent visitor visa is limited to 30 days per year. On the other hand, a tourist visa is valid for 180 days per year. The idea that your parent can only come here for 30 days is something that is offensive to a lot of Americans who believe in the value and importance of children and parents being together.

This amendment would also ensure that penalties imposed on overstays are not unfairly applied to others, as they would be in this legislation. If the number of overstays exceeds 7 percent, individuals from disproportionately high-risk countries could be barred from coming to the United States on this visa program or the entire program could be terminated.

I hardly think it necessary to make the case about the value of parents and children being united for a period of time and what it means, if you are parents yourselves, to be able to have grandparents spend some time with their grandchildren.

We take great pride in that. We extol the value of family. One would be hard pressed to hear a speech given by someone in public office today, regardless of the subject matter, that doesn't at some point or the other talk about how important it is to value families, to do everything we can to keep families together, the importance of intergenerational communication, grandparents and grandchildren, parents and children, the value of that to a nuclear family. Certainly, we all recognize we have serious issues of security that need to be dealt with at our borders, doing what we can to provide for the legal status of those who are seeking to come here through traditional means. It is a major step backwards for a country that prides itself on allowing for families to be together, understanding the importance of it, that we would be talking about legislation that cuts by more than half the average annual number of green cards needed for parents to visit their children, dealing with them in a separate category, and providing actually a longer visa for tourists than for parents.

No one knows who gets excluded when you go from no cap down to 40,000. Obviously, a lot of parents would be excluded in any given year. As evidenced over the years, once parents do come for a limited amount of time, that usually completes the family unit. They are not likely to sponsor other relatives. U.S. citizens with parents abroad should not be treated differently than those with parents here, to provide that opportunity in time for them to be together.

This amendment would increase the green card cap to 90,000 so we are meeting the average annual need and not creating an insurmountable backlog. It would make sure that sufficient numbers of green cards are available to parents who come to the United States. We extend the parent visa to 180 days and make it renewable and valid for 3 years. Those are already accepted time frames for the validity of visas. 180 days is the length of a tourist visa. H–1B visas are valid for 3 years.

This legislation limits parents to an annual stay of 30 days. It does not specify any long-term validity. This is far too short a time allotment, I think most would agree, particularly for parents who come for health reasons or to help their children during and after childbirth.

Lastly, this amendment would make penalties for parent visa overstays applicable only to them. Under the legislation before us, if the overstay rate among visa holders exceeds 7 percent for 2 years, all nationals of countries with high overstay rates can be barred from this program or the program can be terminated. Sponsors of overstays are also barred from sponsoring other aliens on this visa. This amendment strikes that language that unfairly collectively punishes those who have not violated the law, allowing law-abiding parents to continue to unite with their children.

The amendment is comprehensive and touches on all three points of family reunification: parents with their children, grandparents with their grandchildren. Again, it hardly needs a lengthy explanation of the value. I regret deeply that my children don't have the benefit of their grandparents. They passed away too many years ago. How many times on a daily basis I think of what a value it would be to my children to know their grandparents, not to mention what it would have meant to my wife when she gave birth to be able to have her mother around during that period of time or the weeks thereafter to have her come and spend a couple of months. To be with the family as they are getting on their feet, I don't know of a single American who doesn't understand this basic concept.

At the appropriate time, I will offer this amendment. I am pleased my lead cosponsor on this amendment is my colleague and friend from New Jersey. I thank him for his support. He told me the story of his family. I think maybe more than anything else I heard over the last several weeks, thinking about what it would have meant for his family coming from Cuba and not being able to come here moved me to the point where I thought this was something we ought to offer on this legislation.

At the appropriate time I will offer the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I thank and applaud the distinguished Senator from Connecticut for soon offering this amendment. I am proud to join him in this effort. I want to build upon a couple of things he said as to why this amendment should be accepted, not voted but accepted.

First, I have listened to a new definition of what a nuclear family is. It is amazing. I have heard so many speeches over my 15 years in the Congress about family. All of a sudden, the nuclear family doesn't involve mothers and fathers. All of a sudden it doesn't involve children, just because they happen to be over the age of 21. All of a sudden brothers and sisters are not part of a nuclear family.

What is a nuclear family? Certainly as people travel throughout the country making speeches about nuclear families—about families period—they certainly mean their parents, people who gave life to them; certainly they mean their children, individuals to whom they gave life; certainly, they

mean their brothers and sisters. I have been amazed at some of the comments I have heard on the floor of the Senate about what is not nuclear family.

What else is this about? This is about the right of a U.S. citizen to apply for their mother and father. That is what the amendment of the Senator from Connecticut is all about, the right of a U.S. citizen already to apply. Do everything right. Pay your taxes, serve your community, serve your country, you want to have a right, which you have under the law today, to simply bring your father and mother, or either one depending if they are not both alive, the opportunity to be reunited with you, a nuclear family, be reunited with you because you need them, be reunited, as the Senator from Connecticut says, because you have a child and now there is the opportunity to have the love and care a grandparent can offer, to create a sense of family, which is the essence of stability in our communities. Of any faith, it is the very core.

What we see in the underlying bill is an elimination for the most part, a significant right of U.S. citizens dramatically reduced. The Senator's amendment actually will allow not for everybody. It still will have a certain degree of limitation because last year we gave 120,000 visas to parents. The Senator—which I think is reasonable—has looked at the historic average, and this says this is the amount that at least generally has taken place in family reunification of a U.S. citizen claiming their parents.

When I hear chain migration, how dehumanizing. Chain migration, it makes me think of a bunch of paper clips hanging together. Chain migration, is that what we have come to? Parents are part of a little chain? There is this concern that they will be able to claim someone else. Who can they claim if they are being claimed by their son or daughter? That's it. You can't claim anybody else. Chain migration. How easy it is to try to take something that has so much significance in our lives and dehumanize it. Chain migration? No, this is about family reunification. It is the core of what our society is all about. It is what we hear speeches about all the time in terms of strengthening families. Families will be strengthened when they are together, not torn apart.

In the universe of visas, this is very small, but it has a big consequence. Therefore, I salute the Senator from Connecticut for offering the amendment. I am proud to join with him when he offers it at the appropriate time. I hope we are not going to now say that parents are not part of the nuclear family.

I yield the floor.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1158 TO AMENDMENT NO. 1150

Mr. COLEMAN. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1158.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself and Mr. BOND, proposes an amendment numbered 1158 to amendment No. 1150.

Mr. COLEMAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to facilitate information sharing between Federal and local law enforcement officials related to an individual's immigration status)

At the appropriate place, insert the following:

SEC. ____. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

Subsection (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended by adding at the end the following new paragraph:

''(4) Acquiring such information, if the person seeking such information has probable cause to believe that the individual is not lawfully present in the United States.''.

Mr. COLEMAN. Madam President, following the attacks of 9/11, we made a promise to the American people to make this country safer. We identified on all levels cracks in our system. Most alarming, we found that intelligence agencies were not talking to one another. We found that when the left arm doesn't know what the right arm is doing, the consequences can be disastrous. The gathering of intelligence is not an abstract concept that only happens on the streets of Afghanistan or Iraq. It happens every day on the streets of Duluth or St. Paul, MN. Our local law enforcement agencies are on the front lines of our communities and often know exactly what is happening on our streets.

Sadly, in what is reminiscent of pre-9/11 days, municipalities have identified a loophole in the law—or in many ways I don't even call it a loophole, they have simply circumvented Federal law and have banned the practice of officers inquiring about a suspect's immigration status, allowing cities throughout the country to become what are called sanctuaries for illegal immigrants.

My amendment seeks to end the practice of sanctuary cities. These are cities that seek to evade their obligations under section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. That law expressly prohibits any Federal, State, or local government entity from preventing a law enforcement officer from sharing information with the Federal Government regarding the immigration status of a person with whom they come in contact.

The law is very clear. Section 642, subsection (b) states:

no person or agency may prohibit, or in any way restrict—

In any way restrict—

a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

It goes on to say, you cannot restrict ''sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.'' You cannot restrict, in any way, ''maintaining such information.'' You cannot, in any way, restrict ''exchanging such information with any other Federal, State, or local government entity.''

So that is what the law states.

Several cities have passed ordinances or issued executive orders forbidding local law enforcement from even asking the question as to whether a person is in the United States lawfully, and thereby evading their legal responsibility to report their suspicions to the Federal Government.

In other cases, police department policies forbid or severely restrict their officers from asking a person about immigration status.

Essentially, the philosophy is ''don't ask, don't tell''—don't ask suspects about their immigration status, so then you don't have to follow the dictates of the Federal law. These cities have decided the rule of law does not apply to them.

Scores of law enforcement officers have chafed at the gag order. I had a meeting last week with law enforcement officers from Minnesota in my office, and they mentioned this. They mentioned the frustration they have with what they think is their responsibility to report if they think somebody is not here legally, that—who knows?—this person could be somebody who had been deported before, and that is a felony. They are absolutely prohibited from even asking the question or having the conversation.

Many say they routinely come in contact with dangerous persons they know have been deported already—they know it—yet their local sanctuary policy is to prevent them from being able to do anything about it.

Supporters say sanctuary policies are intended to be humanitarian because they allow illegal immigrants to cooperate with the police without fear of deportation. But the consequences of these policies are anything but for the law-abiding members of these communities: in some cases, dangerous criminal aliens remaining on the streets, muzzled law enforcement officers, and scarce local resources being wasted on

noncitizens who should be turned over to the Federal authorities.

Opening the channels of communication between local and Federal law enforcement will help prevent crimes against other members of the communities. Consider some recent examples.

Two young women who were killed in an accident near Virginia Beach earlier this year were struck by a drunk driver who had three previous alcohol-related convictions and an identity theft conviction, but because he had never been sent to prison, there had never been an examination of his immigration status. Reportedly, many area police officers knew the individual was in the United States illegally. Yet they never reported it to Federal immigration authorities.

In April 2005, a Denver police officer was shot and killed by an illegal immigrant who had been stopped three times for traffic violations and even appeared in court just 3 weeks before committing the murder. Strict rules in the police manual deterred officers from inquiring about his immigration status, so Federal immigration authorities were never notified.

In June 2003, a 9-year-old girl was kidnapped in San Jose, CA, by an illegal immigrant who had been arrested previously for auto theft. Because the San Jose Police Department's policy manual forbids officers from initiating police action intended to determine a person's immigration status, Federal authorities were never contacted.

In December 2002, a 42-year-old mother of two was raped in Queens by a group of men. Four of them were illegal immigrants, and three had previously been arrested for such crimes as assault, attempted robbery in the second degree, criminal trespass, illegal gun possession, and drug offenses, but were later released.

In May 2002, three women in Houston, TX, were raped and murdered by Walter Alexander Sorto, an illegal immigrant who had been ticketed several times for traffic violations.

This is not to suggest all aliens are violent criminals or that all violent criminals are illegal aliens. We caught Al Capone on tax evasion. We can protect our communities by allowing police officers to find out whether a person has broken our immigration laws.

Sanctuary city policies do not just leave their own citizens at risk. Mohammed Atta, the leader of the 9–11 hijackers, was stopped and ticketed for driving without a license in Broward County, FL, in early 2001. His visa was expired. Under these policies, no one would ever know that.

Just this month, we saw a terror plot unfold in Fort Dix that might have been prevented sooner had the local officials, who pulled the suspects over on numerous traffic violations, inquired about their immigration status. Make no mistake, this is a national security issue.

To address this problem, I am offering a simple amendment to make it clear a police officer has the right to ask immigration-related questions of a suspect, and to report his or her suspicions to Federal authorities. My amendment restores the original intent of the 1996 law, which I read before, by stating that Federal, State, and local governments may not prohibit law enforcement from acquiring information about immigration status where there is probable cause. That is what the 1996 law says, and yet cities have been able to circumvent this. Let us, then, go back to the original intent of that law.

My amendment does not require local law enforcement to use their scarce resources enforcing immigration laws. It does not enable local law enforcement to conduct immigration raids or act as Federal agents, or even determine a person's immigration status. Instead, my amendment simply gives law enforcement officers the ability to pursue a person's immigration status as part of their routine work, and thus to report any suspicions to the appropriate Federal authorities through already established channels, such as through the Law Enforcement Support Center at ICE, or ICE's Criminal Alien Program.

In essence, sanctuary cities are thumbing their noses at Federal law. The Justice Department has concluded that States have the inherent sovereign right to make arrests for both criminal and civil immigration violations. Section 642 of the 1996 immigration reform bill expressly states local law enforcement officers must communicate with Federal authorities. Yet their leadership or their local government or their city council is actually preventing them from doing so. In this day and age, we cannot allow for such law enforcement-free zones.

Finally, and perhaps most importantly, the bill before us today takes away the strongest argument that sanctuary city supporters have; namely, that illegal immigrants will be so frightened about being deported that they will never go to the police.

As currently written, this bill will give a legal status to these aliens. Any alien participating in the program should not fear an encounter with a police officer. The only aliens who would fear contact with the police are those who have committed some crime.

Sanctuary cities take away the ability of a police officer to use his or her own judgment in the course of their routine police work to inquire about a person's immigration status and share their concerns with the Federal Government for followup action.

The reality is law enforcement officers ask a wide range of questions of suspects every day that touch upon many aspects of the person's behavior. But in sanctuary cities, they cannot ask about immigration. The artificial wall relative to immigration status is illogical—and I would suggest perhaps even unconstitutional—and in this day and age harmful to our national security. We ought to give this tool back to our local law enforcement.

Finally, one other point. One of the challenges we have with the bill before us—by the way, a bill where I would like to see us deal with the immigration issue. The system is broken. It needs to be changed. Clearly, we know that. We all know that.

We have had a group of Senators on both sides of the aisle, from a broad political spectrum, come together to try to find some common ground, to try to deal with the issue of strengthened border security, which we must deal with—to do those things—to ensure greater employer responsibility, and then to figure out some way to deal with the 11 million who are here, to know who they are, have them learning English, have them pay taxes, and not to provide amnesty but to provide fines and a series of sanctions and a path before one can even consider proceeding to something like citizenship.

But one of the problems we are having—I am having it now. I have gotten thousands of calls on this issue, most against this bill, even though people have not even read the bill yet. I think it is, in part, because folks do not trust us, do not trust the Federal Government to do what we say we are going to do. They do not trust us to absolutely uphold the rule of law. They do not believe when we say we are going to secure our borders that we are actually going to do it.

In many ways, this issue I raise today is a rule of law issue. If we tell people across America that in sanctuary cities the rule of law does not apply when it comes to immigration, how are we going to get the American public to believe we are serious about border security—when we then try to figure out a way to do a guest worker program, to deal with the 11 million who should come out of the shadows into the sunlight?

I suggest by supporting this amendment what you are doing is supporting respect for the rule of law. We need to do more of that to gain the trust and the confidence of the American people.

I urge my colleagues to support this amendment.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a resolution honoring the life of Rachel Carson, a scientist, writer, and pioneer in the environmental movement, on the occasion of the centennial of her birth, which was introduced early today by Senators CARDIN, SPECTER, and others; that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD.

Mr. COLEMAN. Mr. President, I object on behalf of another Senator, another Republican.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I appreciate the obligation my friend from Minnesota has. But I am going to continue offering this unanimous consent request. To think that we would not honor Rachel Carson on the anniversary of her 100th birthday—a woman who did as much for the environmental movement in this country as any human being who has ever existed.

Somebody has objected to this? I have heard the reason for the objection is she relied on flawed science to come to her conclusions. I do not know anything about flawed science, but I do know this woman turned the minds of young people to the environment, turned the minds of the academic world to the environment. As a result of her work—as a result of her work—we became conscious of our need to make sure we do things to protect the environment.

So, Mr. President, I am going to continue to move on this. I will tell you, I feel strongly about this, as do Senators—both Democrats and Republicans—that we will have a couple more objections, and then I am going to have a vote to invoke cloture on a motion to proceed to this piece of legislation.

I think it is too bad, first, that the person who objected to this would not have the—I should not say courage, but that person who objects to this should come and do it on their own behalf, not have some other Senator object.

Rachel Carson was a scientist, a writer, and a pioneer in the environmental movement to make this world a better place. This is a simple resolution. It does not cost a penny. All it does is give recognition to someone who certainly deserves that. So I am terribly disappointed that there is an objection to this, but we will do it again at another time.

YUCCA MOUNTAIN

Mr. President, for 25 years, there has been an effort made to do something that is degrading to the environment and that would jeopardize the health and safety of millions of Americans. It is a project to bury nuclear waste in the deserts of Nevada.

Originally, when this project started, there was a program that would have had three sites that would be selected for places to characterize; that is, to prepare them for the taking of nuclear waste. One was in Washington, one was in Nevada, and one was in Texas. There was a time that came in the 1980s where, because of political maneuvering, Washington and Texas were eliminated, and they thought because Nevada was a place that set off atomic bombs and did other things, it was a big desert wasteland and it didn't matter. But it has mattered. The DOE has done a terribly bad job. They have botched what has taken place out there. The scientific community basically recognizes now it is a very bad idea to try to bury nuclear waste in Nevada.

One reason for that is not only is the science bad, but since 9/11, think of trying to haul 70,000 tons of the most dangerous substance known to man across our highways, our railways, past schools, homes, and businesses. This would be a field day for terrorists. Seventy thousand tons of the most dangerous substance known to man—plutonium—hauled from more than 100 nuclear generating facilities across this country, some more than 3,000 miles to Nevada. It hasn't happened and it will never happen. It will never happen.

So I rise today because some of my colleagues have introduced legislation to salvage this dying project, a project that threatens the health and safety of Americans everywhere. The proposed Yucca Mountain nuclear waste dump is not a solution for our nuclear waste problems. The science behind Yucca is corrupted with politics, and it doesn't take into consideration the problem with the transportation of this poison.

The administration and the sponsors of this bill know that Yucca is a flawed and dangerous project and that it cannot move forward without passing legislation designed to circumvent existing laws. Many of the laws are environmental laws. If Yucca was truly scientifically sound and safe, this administration would not need to gut laws that protect our environment, public health, transportation, and security. This legislation exempts the Department of Energy from longstanding Federal laws designed to make Americans safer. This is unacceptable to the Senate. It is unacceptable to our country. It is unacceptable to the Senate.

Senator ENSIGN and I have worked together on this project for many years. That is why we introduced the Federal Accountability for Nuclear Waste Storage Act earlier this year. Under our proposal, the Department of Energy will take ownership of nuclear waste and store it safely at nuclear power plants where it is produced, as is happening as we speak. Calvert Hills, a short distance from here, is a nuclear generating facility, and they store nuclear waste as Senator ENSIGN and I say they should store it.

So I challenge all my colleagues who have concerns about this to sit down with Senator ENSIGN or with me or with both of us, as many have already done, to begin discussing a scientifically sound solution to our nuclear waste problems. Let's take the focus away from this dead-end project and find real solutions for our energy future.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see my friend and colleague from Hawaii who has an amendment which I hope we will be able to consider and accept. I have talked briefly to the Senator from Arizona and others. I ask unanimous consent that the Senator's amendment be in order.

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

The Senator from Hawaii is recognized.

AMENDMENT NO. 1186 TO AMENDMENT NO. 1150

Mr. AKAKA. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send my amendment to the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL, proposes an amendment numbered 1186 to amendment No. 1150.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed.

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

The amendment is as follows:

AMENDMENT NO. 1186

(Purpose: To exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas)

At the appropriate place, insert the following:

SEC. ____. EXEMPTION FROM IMMIGRANT VISA LIMIT.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by inserting after subparagraph (G), as added by section 503 of this Act, the following:

''(H) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).''.

Mr. AKAKA. Mr. President, my amendment seeks to address and resolve an immigration issue that, while rooted in a set of historical circumstances more than seven decades old, remains unresolved to this day. I am happy to say I am joined by Senator REID, Senator DURBIN, Senator INOUYE, Senator BOXER, Senator MURRAY, and Senator CANTWELL. It is an issue of great concern to all American veterans and citizens with an interest in justice and fairness.

In 1941, on the basis of 1934 legislation enacted prior to Philippine independence, President Franklin D. Roosevelt issued an Executive order through which the President invoked his authority to:

Call and order into the service of the Armed Forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines.

This order drafted more than 200,000 Filipino citizens into the U.S. military, and under the command of General Douglas MacArthur, Filipino soldiers fought alongside American soldiers in the defense of our country.

The enactment of the First Supplemental Surplus Appropriations Rescission Act of 1946 included a rider that conditioned an appropriation of $200 million on a provision that deemed that service in the Commonwealth Army should not be considered service in the Armed Forces of the United States. The individuals impacted were those members of the organized military forces of the Commonwealth of

the Philippines called into the service of the U.S. Armed Forces in the Far East by President Roosevelt's 1941 Executive order.

The enactment of the Second Supplemental Surplus Appropriations Rescissions Act included language that deemed that service in the New Philippines Scouts had not been service in the U.S. military. The individuals impacted were those Filipinos who had served with the U.S. Armed Forces from October 6, 1945 to June 30, 1947.

Of the 200,000 Filipinos who served in the U.S. Armed Forces during World War II, either as members of the Commonwealth's Army or New Philippines Scouts, only 20,000 survive today—13,000 in the Philippines and 7,000 in the United States.

In 1990, the World War II service of Filipino veterans was finally recognized by the U.S. Government through the enactment of the Immigration Act of 1990, which offered Filipino veterans the opportunity to obtain U.S. citizenship. There are currently 7,000 naturalized Filipino World War II veterans residing in the United States. The opportunity to obtain U.S. citizenship was not extended to the veterans' sons and daughters, approximately 20,000 of whom have been waiting for their visas for years.

While the Border Security and Immigration Reform Act of 2007 raises the worldwide ceiling for family-based visas to 567,000 per year until the backlog in the family preference visa categories is eliminated, the fact remains that many of the naturalized Filipino World War II veterans residing in the United States are in their eighties and nineties. My amendment stresses the need to expedite the issuance of visas to these veterans' children.

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

Mr. KENNEDY. Mr. President, I thank the Senator from Hawaii for offering this amendment. He offered this amendment in the last immigration bill. We accepted it at that time. I am confident that will be the case on this time, but given the hour of the evening, we are unable to get this cleared.

Basically, as he has expressed so well, he is talking about the immediate family members of those who served with American forces in World War II. Under the broad scope of the underlying legislation, they would be included to be able to come to the United States. Under the bill, it would take an 8-year period. What the Senator from Hawaii is saying is these are older men and women who would otherwise be able to come here. They are the brothers and sisters of those who fought with American forces in World War II, and we want to move them up and have them come more quickly, given the fact of their age. It is a very decent thing to do. We would be entitled to do it under the underlying framework of the bill. It doesn't change the underlying framework of the bill.

It is a humanitarian gesture. It is a noble gesture. It is typical of the Senator from Hawaii to be thoughtful about this, always being concerned not only about individuals but members of the Armed Forces. He continues to be a champion on the Veterans' Committee. I speak for the veterans of my State as well as in this case the veterans of World War II for their immediate family, and I am very hopeful we can get this cleared at an early time tomorrow. I wish to commend him for this amendment. He had indicated to us early on that this was a matter of high importance to him, and it is, I think, and should be a high priority here.

So we would ask the Senator if we may move along, and I will try to get the clearance for that amendment on tomorrow, and we will notify him when that happens. We thank him again for bringing this to the attention of the Senate and for being thoughtful about these extraordinary family members of those who served so nobly, courageously, and heroically in World War II. So I thank the Senator. He can be assured of my support and help and assistance and hopefully we will have good news for him tomorrow on this amendment.

Mr. President, I think we have probably reached about as far as we are going to go this evening. We are examining in some detail Senator COLEMAN's amendment, and we would like to try and see if we can't work that out through the evening. There is one aspect of it I would like to understand more completely in terms of whether it deals with emergency services and others. So I think we probably, for all intents and purposes, have gone about as far as we can go tonight.

We have a number of amendments. We are very much aware that we have the supplemental that will be here. We have been told so by the majority leader. But we will have a good opportunity in the morning through noontime and into perhaps the early afternoon to continue our progress. We have made good progress today. I thank all the Members for their cooperation. We have several amendments which are lined up. We will probably start with Senator DORGAN's amendment tomorrow. We have a number of amendments, including Senator CORNYN's amendment which he offered this evening, and there will probably be side-by-side consideration sometime in the late morning. There are a number of other amendments that have been brought to our attention. We are in the process of prioritizing those and notifying their sponsors to make sure they can be here in a timely way so we will have a productive time and as few quorum calls as possible.

As I mentioned, we will continue on the Cornyn amendment and the Dorgan amendment. There is a Feingold amendment on the study of refugees; a Sanders amendment, scholarship for Americans in connection with the H–1B program. There are some of the family amendments which Members have talked with us about and the McCain amendment as well. So we have talked to most of these Members, and we will do as much as we possibly can to move these along.

They are all important matters. I think, as far as today is concerned, we are very grateful for the cooperation we have had from all Members. I think we have made some important progress. We look forward to making further progress in the morning.

I see my colleague here who would like to address the Senate on other matters. We look forward to further consideration of the underlying legislation tomorrow.

Mr. DODD. Mr. President, I regret that I could not join last night's debate on amendments to the comprehensive immigration reform bill. Had I been present, I would have supported the amendment offered by Senators DORGAN and BOXER, which was designed to eliminate the bill's guest worker provision. Though it was not adopted, I salute its principles and hope that they will find their way, once again, into our national debate on immigration.

The immigration bill was set to allow 400,000 foreign guest workers into America each year, eligible for two-year stays, alternating with a year in their home countries. In their eloquent remarks last evening, Senators DORGAN and BOXER rightly identified this provision's shortcomings.

First, as Senator BOXER observed, ''We are setting up a system of exploitation.'' I am concerned that the immigration bill offers insufficient protection to guest workers, leaving them open to victimization by low wages, long hours, and dangerous conditions. It threatens to import into America a permanent underclass, rootless in our communities and ignorant of our language, valued for nothing more than its muscle power. A labor system like that is suited to an empire, not to a republic of opportunity and not to the principles of immigration we have long honored in America.

No one denies that much of America's economy depends on immigrant labor. But if we want to do more than exploit that labor—if we want to sew it into our social contract, if we want to treat immigrants with justice and dignity—a path to citizenship is a necessity. That brings me to the guest worker provision's second shortcoming: It lacks such a path. If we are willing to offer the opportunity of citizenship even to those who entered our country illegally, it is inconsistent to deny it to those who come with our sanction.

Third and finally, the guest worker provision harms American workers. Threatened by outsourcing and globalization, their expenses for healthcare and education skyrocketing even as their incomes fail to keep pace, American workers now face 400,000 competitors, each year, in their own country, willing and able to do their jobs for lower wages. Last night, Senator DORGAN told us a moving story of

furniture-makers in Pennsylvania whose jobs were eliminated and shipped to China. As their plant shut down, each one of those craftsmen signed the bottom of the last piece of furniture their company would make in America. As we import wage pressures onto our own shores, we will be hearing hundreds of similar stories in the years to come. The guest worker provision threatens to eat away at our middle class.

It has the potential to harm guest workers and American workers alike. Who, then, does it benefit? I don't think I need to tell my colleagues the answer. But unless we reform our standards for guest workers, we will be putting the demand for cheap labor above the dignity of immigrants and Americans alike.

I voted to strip the guest worker provision from last year's immigration bill; and I supported stripping it this year. And while the amendment offered by Senators DORGAN and BOXER did not pass, I am heartened that we adopted Senator BINGAMAN's amendment to limit the program to 200,000 guest workers per year. And as we move forward in this debate, I hope that we will also have chance to strengthen protections for guest workers and reduce wage pressure on Americans.

MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that we have a period of 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 Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak longer than 10 minutes. I don't intend to speak for more than 25 minutes and maybe not that long. I would at least like to have the freedom of going beyond 10 minutes.

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

ENERGY

Mr. GRASSLEY. Mr. President, I am going to talk about an energy issue. I am sure people listening, and my colleagues, might think I am talking about an energy issue because gasoline is at the highest price it has ever been in the history of the country. I assure you I would be giving these remarks even if the price of gasoline was only $1 a barrel, because it involves, in an overview, testimony that was given by oil company executives before the Judiciary Committee some time ago. What is being reported are policies of oil companies. I have become aware of an article in the Wall Street Journal. So I am going to be referring, during my remarks, to evidence I got from the Wall Street Journal, letters that I have sent to the CEOs of major oil companies, and testimony that was given before the Judiciary Committee of the Senate—I might say that it was sworn testimony—and what I consider to be some inconsistencies. I will be referring to that testimony from the record.

I will be referring to the letters I have sent to the CEOs. As an overview, I am going to be pointing out inconsistencies between sworn testimony and what oil company executives say are their company policies regarding ethanol, and particularly the 85-percent ethanol that we call E85; and then, of course, letters I sent to the oil companies, raising questions that were raised because of this article, to have the oil companies give me their story, in case this article was wrong.

Across the country, American families and businesses are suffering from the economic impact of rising gasoline prices. As many families begin to plan their summer vacations, they are being forced to dig deeper into their pockets to fill up the family car.

The rising cost of gasoline is a result of many factors. Global demand for crude oil and refined products is way up constantly, as a result, driving up the price. The Organization of Petroleum Exporting Companies—what the people of this country know as OPEC—has curtailed some production. Refineries are offline for maintenance or have experienced outages. As a result, these refineries are operating at 5 to 10 percent below normal.

Once again, refinery outages have, coincidentally, occurred just as the summer driving demand kicks into gear, and this has led to an average price of over $3.15 a gallon as a national average. In my State of Iowa, I think it is $3.33 today.

The impact of these increased prices is being felt across the country by working families, farmers, businesses, and industry. The increased cost for energy has the potential to jeopardize our economic security, our economic vitality.

Because we are dependent upon foreign countries for over 60 percent of our crude oil, our dependence on them is a threat to our national security.

In recent years, many Members of the Senate have touted the value of increasing our domestic energy resources. I have been one of those—particularly for ethanol and particularly for biodiesel. In Iowa, I am the father of the wind energy tax credit. Iowa is the third leading State in the production of electricity from wind energy.

Increasing domestic resources, whether it is ethanol, biodiesel, wind, biomass, you name it—all of these are from alternative sources that are good for our economy and particularly good for our national security. Diversity of supply can go a long way toward reducing the impact of price spikes and volatility. That is why I have been such an ardent supporter of the development of these domestic renewable fuels. Each gallon of homegrown, renewable ethanol or biodiesel is 1 gallon of fuel that we are not importing from countries such as Iran, or Venezuela, which are very unpredictable—or Nigeria, where we get 10 percent of our oil, which might be unpredictable because of revolutionaries there kidnapping American workers, such as they did 2 weeks ago, or German workers over the period of the last year. It is a very nervous environment we are in.

The supply from the Saudi oil wells to our gas tank is maybe a 17-day inventory. So any little thing happening, according to the business pages of the newspaper, causes the price to spike. So I have been an ardent supporter of these domestic renewable fuels.

In the past few years, domestic ethanol production has grown tremendously. Right now, we are consuming about 5 billion gallons of ethanol annually. With all of the new ethanol biorefineries under construction, we will be producing as much as 11 billion gallons annually by 2009.

Ethanol's contribution is a significant net increase to our Nation's fuel supply. But as the industry grows, it is imperative that higher ethanol blends be available to consumers. When I say higher ethanol blends, I mean beyond the 10 percent mixture that we have right now. We even have cars right now that can burn up to 85 percent ethanol. That is why we refer to it as E85. That is what we are talking about, increasing the 10 percent as cars are manufactured, to be able to consume it without hurting the engine. That is where the automobile companies are headed. That is where the ethanol industry is headed to back it up. But the point I will make in a minute is that the distribution for E85 is a problem, and it looks to me like big oil is a major part of that problem. That is what I am going to point out.

We are quickly approaching a time when ethanol will be produced in a quantity greater than that needed for the blend market as we continue down the road that has been pioneered by Brazil—and that is the best example—to use cars that will, in fact, burn 100 percent ethanol. For sure, we must continue on this path of reducing foreign oil dependence and greater renewable fuel use.

To do that, then, it is critical that we develop the infrastructure and the demand for E85, an alternative fuel comprised of 85 percent ethanol, 15 percent gasoline.

Our domestic auto manufacturers are leading the effort to expand what we call the flex-fuel—meaning flexible fuel—market. Our domestic manufacturers of automobiles are doing this. Our domestic automakers have produced approximately 6 million flex-fuel vehicles over the past decade. In fact, you might be driving a flex-fuel vehicle and don't even know it, burning 100 percent gasoline, or the 90/10 percent mixture of gasoline and ethanol. Look at your book. If you can burn E85, do it—if you can buy it. I am going to point out how that is a problem—the distribution—and the oil companies' involvement in it.

In a visit to the White House in March of this year, the chief executive officers of Ford, General Motors, and DaimlerChrysler committed to double their production of E85 vehicles by 2010. By 2012, they committed to have 50 percent of their production of vehicles E85 capable. Listen, there is a big price difference here—$2.85 for E85 a gallon versus $3.33 for gasoline today. So when they get 50 percent of their production E85 capable, this is then, as they say, a highly achievable goal with very little impact on consumers because you can buy these cars for as little as $200 in additional cost. So you can burn the E85 as well as 100 percent gasoline. If you would rather pay more and buy the 100 percent gasoline, you can still burn it in the same car. This is very inexpensive for the money that can be saved.

However, a very important component of the alternative fuel market is ensuring that the fuel is available to the consumers. The ethanol industry is working hard to increase production of ethanol, and they are on target to have 11 billion gallons in a little while.

The automobile makers are ramping up production of their vehicles. So everybody seems to be doing their part.

But where is the oil industry? I thought a year ago, when they appeared before the Judiciary Committee, they were on the road to cooperating with the distribution of E85, but I read in the Wall Street Journal quite a different story. So I think I can legitimately ask, if we got the car manufacturers producing E85 cars that can burn that and the ethanol industry producing it, where is the oil industry? Because that is the distribution of this. There is not an independent distribution of E85. You have to go to your filling station, where you can buy 100 percent gasoline and have the alternative of filling up with E85.

What have they done to ensure a robust growth of the alternative fuels market? Well, Mr. President, it appears they have been less than helpful. I have referred to this article in the Wall Street Journal. It details many of the obstacles the major oil companies use to block service stations from selling E85.

Now, imagine my surprise when I read this story, because just over a year ago, I questioned many of the CEOs of the major oil companies on this very issue when they appeared before the Senate Judiciary Committee about whether there was any sort of violation of antitrust laws, any sort of collusion. There was a whole range of questions that were being asked by the members of the Judiciary Committee, wanting to know if the marketplace is working, because if the marketplace is working, you cannot have any complaints. But if it is not working, we have to do something about it. The CEOs of ExxonMobil, British Petroleum, Chevron, ConocoPhillips, and others testified before this Senate Judiciary Committee under oath. The bottom part of this picture depicts the CEOs I named from ExxonMobil, British Petroleum, Chevron, ConocoPhillips—I will not name them all, the major oil companies testifying, taking their oath, as they swore to tell the truth in the Judiciary Committee.

I remind my colleagues of another very famous group of CEOs on the top of this picture back in 1994 taking the oath to tell the truth to a House committee. Those are the CEOs of the major tobacco companies. At that hearing, our great colleague from Oregon, Senator WYDEN, who was then a Member of the other body, went down the line of these CEOs and asked each of them whether they believed nicotine or cigarettes were addictive. We all know how that hearing went, with each of the CEOs testifying that nicotine was not addictive when, in fact, it is. There is the photo of those CEOs who got themselves in trouble a little bit later when there was plenty of evidence brought out that they knew what the situation was with tobacco being addictive and what they did to make it addictive. Of course, the second photo is from March 2006, before the Senate Judiciary Committee, of the chairmen of the major oil companies taking an oath to tell the truth as well.

Much like my colleague, Senator WYDEN, when he was a Member of the House of Representatives asking the tobacco company executives about tobacco being addictive, I questioned the oil company executives, in the bottom picture, at the time of this hearing, about their policies regarding alternative fuels, meaning mostly ethanol. I was leading up to E85. I asked the CEOs quite clearly if they would commit to allowing independent owners of branded stations to sell E85 or biodiesel, B20, which is a 20-percent mixture with petroleum diesel. Remember, as I was asking them questions, these folks were under oath.

I also asked them if they would allow those station owners to purchase the alternative fuel from any outlet because if they didn't sell it and oil companies are not selling ethanol but people who produce it can, will they let their stations buy it from an independent outlet. Each of these CEOs, when I asked that question, testified that they were perfectly willing to allow the sale of alternative fuels at their stations. ExxonMobil CEO Rex Tillerson stated:

> We've denied no request from any of our dealers who have asked for permission to sell unbranded E85. We've granted every request by our dealers who wanted to install separate pump facilities under their canopy for E85.

Mr. David O'Reilly, the CEO of Chevron—I am referring to people who took an oath to tell the truth, and we can see their picture here—Mr. David O'Reilly, CEO of Chevron, responded, similarly stating that E85 was already available at Chevron stations and that it was available under the canopy. He offered with pride that Chevron was probably the largest seller of ethanol. According to the CEO for British Petroleum, all of BP's 8,900 independently owned stations are free to deploy E85. Finally, the CEO of ConocoPhillips simply associated himself with the comments of the other witnesses.

Mr. President, I ask unanimous consent that the relevant pages of the March 14, 2006, Senate Judiciary Committee transcript be printed in the RECORD.

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

CONSOLIDATION IN THE OIL AND GAS INDUSTRY: RAISING PRICES?

Senator GRASSLEY. I want to ask a question of any of you, and this is in regard to alternative energy. And most of you know I am a big promoter of ethanol. I have heard stores after stories about independent owners of franchised or branded stations who are prohibited from selling alternative or renewable fuels, so I would like to hear from some of you—will you commit to allowing independent owners of branded stations who choose to sell E–85 or B–20 to do so? Would you allow independent owners to produce alternative fuels from any outlet so that they can puchase a fuel at the lowest cost?

Mr. TILLERSON. Senator, we have denied no request from any of our dealers who have asked for permission to sell unbranded E–85 at their sites. We have asked that they make it clear that it is not an ExxonMobil product, that we do not manufacture it, therefore we can't stand behind the quality. But we have granted every request by our dealers who wanted to install separate pump facilities under their canopy for E–85.

Senator GRASSLEY. I would like to hear from other companies, maybe not all of you, but at least——

Mr. O'REILLY. Senator, I would be willing to say that we have already asked for. It is already out there. It can be under the canopy. Same quality issue. I would also add that we are probably the largest, certainly one of the largest sellers of ethanol today already.

Mr. HOFMEISTER. Senator, we are in the same position as has been described. You may be aware that we are currently launching a pilot in Chicago, in conjunction with one of the automobile manufacturers, to test E–85. And I think that is an important point. E–85 needs to be tested in the marketplace before we go full-scale into E–85 supply. The reason for that is we don't fully understand or know the implications of E–85, and as a major brand, of course, the provider of that fuel will often be considered liable for such fuel. And until we understand it, I think we need to really work at what are the conditions under which this would be sold.

Senator GRASSLEY. Most of the people I hear complaints from will assume liability. You don't have to have that liability.

Other companies? Are you willing to cooperate with E–85?

Mr. KLESSE. Senator, I would agree with what has been said.

Mr. PILLARI. Senator, of our 9,300 stations, 8,900 of them are independently operated and they are free to deploy E–85. We are also running a test program on E–85 in California to test its efficacy and its air pollution impacts, because California restricts how much ethanol can be used in gasoline today.

Mr. MULVA. Senator, we have the same comments that you have heard from the responses from the others already.

Senator GRASSLEY. My time is up, but this business of you having to test something

when you have the president of—I think it is the CEO of Ford on television all the time saying how they are promoting their E–85 cars, it seems to me if you have the president of a major corporation like that, that is all the test you need. Leave it up to the consumer to make the decision.

Chairman SPECTER. Thank you, Senator Grassley.

Mr. GRASSLEY. So the CEOs of the major integrated oil companies testified under oath before the Judiciary Committee stating their willingness to allow independent stations to offer E85. But the Wall Street Journal told a much different story. It highlighted tactics used by the big oil companies to block alternative fuel. The obstacles included contracts restricting the purchase by the station owners of alternative fuel. They also required the installation of completely separate pumps, sometimes far away from the main canopy, and in many cases station owners are prohibited from advertising the product or even posting the price of that fuel, E85. British Petroleum goes so far as to prohibit station owners from placing signs that include E85 on gasoline dispensers, perimeter signs, or light poles. These tactics don't sound consistent with a company—meaning British Petroleum—with a marketing slogan ''beyond petroleum.''

The big oil companies on many occasions cited ''customer confusion'' as the rationale for their policies or that they don't want to ''deceive their customers'' about the product. I happen to believe that it has more to do with limiting the availability of a product that they don't control and the sale of alternative fuels much more than it is customer deception.

After I read the Wall Street Journal article, which is so contrary to what I remember them telling me 1 year, 13 months before, I wrote letters to the CEOs who testified. Their picture is here. I pointed out the contradictions in their testimony before the Senate Judiciary Committee and the allegations that were made in the Wall Street Journal.

I wish to refer to these letters so my colleagues will know what I asked them based on this article.

I have a letter to Mr. Rex Tillerson of ExxonMobil. I am not going to read the whole letter, but I am going to read what I am after here:

In fact, Exxon Mobil's standard contract bars Exxon stations from buying fuel from anybody but Exxon—a fact you chose not to disclose to our committee. It also appears that even in cases where exceptions are made, Exxon requires those station owners to install entirely separate dispensers. . . .

I refer to a letter I sent to Mr. Robert Malone, chairman of British Petroleum:

The Wall Street Journal article indicated that BP prohibits branded stations from including E–85 on gasoline dispensers, perimeter signs or light poles. Another obstacle employed by your company is the prohibition of using pay-at-the-pump credit card machines for E–85 purchases. . . .

That seems to be very contrary to what they told us, that they were allowing the sale of E85 at their stations.

Mr. James J. Mulva, ConocoPhillips:

The Wall Street Journal article indicated that Conoco Phillips does not allow E–85 sales on primary islands under the canopy. This policy directly contradicts the statement to which you associated yourself during the March 2006 hearings.

And lastly, Mr. David J. O'Reilly, Chevron:

. . . Chevron's agreement with franchisees discourages selling E–85 under the main canopy and includes policies that are claimed to prevent franchisees from deceiving customers as to the source of the product. The Wall Street Journal article indicated that Chevron recommends that E–85 pumps be outside the canopy and that Chevron prohibits branded stations from including E85 on signs listing fuel prices.

I ask unanimous consent that these letters to ExxonMobil, British Petroleum, ConocoPhillips, and Chevron be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 3, 2007.

Mr. REX TILLERSON,
Chairman and Chief Executive Officer, Exxon Mobil Corporation, Irving, Texas.

DEAR MR. TILLERSON: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E–85. This represents less than one percent of fuel stations.

As you may recall, on March 14, 2006, you testified under oath before the Senate Judiciary Committee. At the hearing, I asked if you would commit to allow independent owners of branded stations to sell E–85 or B–20, and if you would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In your response to me, you stated that Exxon Mobil has denied no request from any dealers who sought permission to sell unbranded E–85. In addition, you stated that every request to sell the fuel under the canopy has been granted. Your testimony before the committee clearly stated that Exxon Mobil was perfectly willing to allow the sale of alternative fuels at Exxon Mobil stations. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

In fact, Exxon Mobil's standard contract bars Exxon stations from buying fuel from anybody but Exxon—a fact you chose not to disclose to the committee. It also appears that even in cases where exceptions are made, Exxon requires those station owners to install entirely separate dispensers, for the purpose of ''minimizing customer confusion,'' according to an Exxon spokeswoman. It seems this policy has much more to do with limiting the availability of alternative fuels than customer confusion.

I would appreciate hearing your explanation as to why you led me, the Judiciary Committee and the American people to believe that Exxon Mobil supports making E–85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what Exxon Mobil is doing to grow the E–85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senate.

U.S. SENATE,
Washington, DC, May 3, 2007.

Mr. ROBERT A. MALONE,
Chairman and President, British Petroleum America, Inc., Houston, Texas.

DEAR MR. MALONE: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E–85. This represents less than one percent of fuel stations.

On March 14, 2006, Mr. Ross Pillari, former Chairman of BP America, testified under oath before the Senate Judiciary Committee. At the hearing, I asked Mr. Pillari if BP would commit to allow independent owners of branded stations to sell E–85 or B–20, and if BP would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In his response to me, Mr. Pillari stated that British Petroleum was already allowing independently owned stations to freely deploy E–85. His testimony before the committee clearly stated that British Petroleum was perfectly willing to allow the sale of alternative fuels at BP stations. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

The Wall Street Journal article indicated that BP prohibits branded stations from including E–85 on gasoline dispensers, perimeter signs or light poles. Another obstacle employed by your company is the prohibition on using pay-at-the-pump credit card machines for E–85 purchases. It seems these policies are in place simply to limit the availability and sale of alternative fuels, rather than prevent customer confusion.

I would appreciate hearing your explanation as to why Mr. Pillari led me, the Judiciary Committee and the American people to believe that British Petroleum supports making E–85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what BP

is doing to grow the E–85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

U.S. SENATE,
Washington, DC, May 3, 2007.

Mr. JAMES J. MULVA,
Chairman and Chief Executive Officer, Conoco Phillips Company, Houston, Texas.

DEAR MR. MULVA: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E–85. This represents less than one percent of fuel stations.

As you may recall, on March 14,2006, you testified under oath before the Senate Judiciary Committee. At the hearing, I asked if you would commit to allow independent owners of branded stations to sell E–85 or B–20, and if you would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In your response to me, you simply associated yourself with the statements made by the other witnesses. That association led me to believe that Conoco Phillips was already allowing independently owned stations to freely deploy E–85 under the canopy. Your testimony before the committee clearly indicated that Conoco Phillips was perfectly willing to allow the sale of alternative fuels at branded stations. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

The Wall Street Journal article indicated that Conoco Phillips does not allow E–85 sales on the primary island under the canopy. This policy directly contradicts the statements to which you associated yourself during the March 2006 hearing.

I would appreciate hearing your explanation as to why you led me, the Judiciary Committee and the American people to believe that Conoco Phillips supports making E–85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what Conoco Phillips is doing to grow the E–85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

U.S. SENATE,
Washington, DC, May 3, 2007.

Mr. DAVID J. O'REILLY,
Chairman and Chief Executive Officer, Chevron Corporation, San Ramon, CA.

DEAR MR. O'REILLY: For many years, I've been supporting and promoting ethanol and biodiesel fuels as a way to reduce our dependence on foreign and traditional energy sources, and increase our national security and rural economies. Our nation is now consuming five billion gallons of ethanol annually, and is estimated to produce as much as eleven billion gallons annually by 2009.

In an effort to further reduce America's oil dependence, it's imperative that higher ethanol blends be available to consumers. While our domestic auto manufacturers are leading the effort to expand the flex-fuel vehicle market, more must be done to expand the fuel's availability. Of the 170,000 stations nationwide, only 1,100 currently offer E–85. This represents less than one percent of fuel stations.

As you may recall, on March 14, 2006, you testified under oath before the Senate Judiciary Committee. At the hearing, I asked if you would commit to allow independent owners of branded stations to sell E–85 or B–20, and if you would allow those station owners to purchase the alternative fuel from any outlet. For your benefit, I've enclosed a copy of the hearing transcript.

In your response to me, you stated that Chevron was already allowing station owners to sell E–85, and that it was available and under the canopy. Your testimony before the committee clearly stated that Chevron was perfectly willing to allow the sale of alternative fuels at Chevron stations. You proudly stated that Chevron is one of the largest sellers of ethanol. However, a recent Wall Street Journal article, which I've enclosed, detailed many of the obstacles your company and other major integrated oil companies apparently use to effectively prohibit or strongly discourage the sale of alternative fuels.

In fact, Chevron's agreement with franchisees discourages selling E–85 under the main canopy and includes policies that are claimed to prevent franchisees from deceiving customers as to the source of the product. The Wall Street Journal article indicated that Chevron recommends that E–85 pumps be outside the canopy, and that Chevron prohibits branded stations from including E–85 on signs listing fuel prices. It seems these policies are in place simply to limit the availability and sale of alternative fuels, rather than prevent customer deception.

I would appreciate hearing your explanation as to why you led me, the Judiciary Committee and the American people to believe that Chevron supports making E–85 available to your customers, yet your company is described by the Wall Street Journal as a key obstacle to expanding the availability of alternative fuels. I would appreciate knowing exactly what Chevron is doing to grow the E–85 market, and why you believe your tactics aren't simply obstacles, as claimed by the Wall Street Journal.

I look forward to receiving your response not later than May 25, 2007.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

Mr. GRASSLEY. Mr. President, in my letters, I ask for an explanation of their policies that are seemingly used to block alternative fuels. I hope to get a thorough explanation as to why these CEOs led me, led the Senate Judiciary Committee members, and the American people to believe they support making E85 available to their customers when there is plenty of evidence that they do not practice what they preach, that they do not practice what they told our committee under oath.

What I am afraid of is that these companies are not serious about expanding the availability and use of alternative fuels. I say this for a couple reasons. First, if one takes a close look at the E85 stations in my home State of Iowa, it is rather telling. I have a map. What might look like missiles are ears of corn because ethanol comes from corn. We have 65 stations in Iowa selling E85 today. Only one of those 65 stations selling is a major branded station, and it is down where the yellow arrow is—only one of 65.

A second reason I am skeptical of big oil's claims comes straight from the words of their chief lobbyist, the head of the American Petroleum Institute. Red Cavaney recently stated that there is not enough ethanol or flex-fuel vehicles available to economically justify widespread installation of E85 pumps.

For argument's sake, let's assume that is an accurate statement. Why, then, would big oil undertake such an effort to block independent station owners from deciding for themselves whether to invest in the infrastructure? Let the station owners make that decision. Let's not have, as this article in the Wall Street Journal implies, all these obstacles, particularly since we were led to believe when they testified under oath before our committee that they were fully cooperating with allowing the installation of E85 pumps. If big oil sees no competitive threat from E85 pumps, why not just let the independent-minded station owner decide if there is a demand for the product? The market will make that decision. Why erect all these discriminatory tactics if you believe there is no threat from alternative fuels?

When I get answers to my letters—and I am going to wait until I get all the answers back before I draw any conclusions—maybe they will say the Wall Street Journal article is wrong. I hope that is what I find out and that they did not mislead us under oath when they testified before the committee.

All I can say is, as I conclude, if our Nation is serious about reducing our dependency on fossil fuels and imported crude oil, more must be done to expand the infrastructure for ethanol and particularly E85. America's farmers are demonstrating daily their desire to reduce our dependence on foreign oil by producing more corn in the United States. More acres of corn were planted this year than any time since 1944. And our ethanol industry has invested to make sure we can be less dependent on imported crude oil.

So I look forward to hearing from big oil companies on what they are doing to help. I hope I get answers that are contrary to what the Wall Street Journal said.

Mr. President, I yield the floor.

NOMINATION OF MICHAEL BAROODY

Mr. NELSON of Florida. Mr. President, the White House has just announced the President has withdrawn the nomination of Michael Baroody to be the Chairman of the Consumer Product Safety Commission. I think this is a wise move on the part of the White House because of the perceived conflict of interest of Mr. Baroody—an employee of the National Association of Manufacturers being nominated to be the Chairman of the very regulatory agency that governs the regulation and the safety of the very products of the industry from which he comes.

It would be like, in my former life as the elected insurance commissioner, if in a State where the Governor appointed the insurance commissioner, a regulator, the Governor would pick an executive of an insurance company to regulate the very industry he came from as the insurance commissioner.

By the way, that happens with tremendous frequency in the 50 States, that they appoint the insurance commissioner, and they are usually there for less than a year. Then the revolving door turns again, and they go right back into the very industry from which they came and of which they had just been the regulator.

Putting someone from the National Association of Manufacturers at the head of the Consumer Product Safety Commission is a similar kind of potential conflict of interest.

I will give you another example. My former colleague and friend in the House, Billy Tauzin—a distinguished public servant, Congressman formerly from Louisiana—now is the head of Pharmaceutical Research and Manufacturers of America. This would be like the White House appointing Billy Tauzin—the very head of an association in the industry—to regulate that industry by making him head of the Food and Drug Administration, the regulatory body that would regulate the pharmaceutical industry.

Of course, I do not think the White House would even think of doing such a thing.

Well, a similar kind of conflict of interest arose. But a more serious note even arose than the potential conflict when it became apparent there was a severance package that had been created for Mr. Baroody while he was still in the employ of the National Association of Manufacturers that was for $150,000; and subsequently we learned of an additional amendment to that severance package, after it was announced he was nominated to be Chairman of the Consumer Product Safety Commission.

Mr. Baroody came in and we had a discussion about this issue. He had his own explanation. I do not take anything from that explanation. So, naturally, the next request that I made was that I think the Commerce Committee ought to see the documents of the $150,000 severance package and its amendments, its subsequent modification.

Mr. Baroody said he would consider that request. Of course, the clock was ticking because there was going to be a hearing in front of the Commerce Committee tomorrow on his nomination. But, in the meantime, the White House has just announced it is having the President withdraw the nomination.

I will conclude by saying we have a saying down in the South in regard to avoiding a conflict of interest. It is like putting a fox in charge of the hen house, the very hen house with the hens you want to protect. It is an apparent conflict of interest. I think the White House was well served to withdraw the nomination.

TRIBUTE TO SENATOR TED STEVENS

Mr. SPECTER. Mr. President, I seek recognition to congratulate my friend Senator TED STEVENS on becoming the longest serving United States Republican Senator in the history of the Senate. He has had a long and distinguished career in public service representing the State of Alaska in the Senate for over 39 years, casting over 14,000 votes, and never receiving less than 67 percent of the vote in any election.

My recollections of TED STEVENS, during the 27 years we have served together in the Senate, focus on his chairmanship of the Defense Appropriations Subcommittee, where he has done so much to promote our national security. For example, his management of the $87 billion supplemental appropriations bill for fiscal year 2003 earned him high praise by President Bush during the signing ceremony.

TED's temper is generally misunderstood except by those who know him well. He doesn't lose it, but he does use it—and very effectively. However, it is true that on occasion he makes Vesuvius look mild. I recollect one all-night session during Senator Howard Baker's tenure as majority leader when TED expressed himself in an unusually emphatic way. As I recall it, the debate arose over Senator Proxmire's comments about submitting vouchers for travel expense in Wisconsin on his contention that Washington, DC, was his home base. That prompted a reaction from TED, who was aghast at the thought of Washington, DC, being any Senator's home when he had the majestic Alaska to claim as his home.

Some thought that the middle-of-the-night incident might have cost him a couple votes, which could have been decisive, on his election for majority leader in November of 1984, when the count was 28 to 25 in favor of Senator Dole, but it was reliably reported that his loss occurred because of the significant slippage in votes caused by the tobacco interests.

In any event, Senator STEVENS has had a profound effect on the Senate and the Nation in his roles as chairman of the Defense Appropriations Subcommittee, chairman of the full Appropriations Committee, and as President pro tempore.

It is also important to note that Senator STEVENS' career in public service began even before he arrived in the U.S. Senate. He is a distinguished veteran of the U.S. Army Air Corps, having flown support missions for the Flying Tigers of the 14th Air Force during World War II, for which he was awarded numerous medals, including the Distinguished Flying Cross. He had a strong academic career, graduating from UCLA and Harvard Law School. In the 1950s, he practiced law in Alaska before moving to Washington, DC, to work in President Eisenhower's administration. He subsequently returned to Alaska and was elected to the Alaska House of Representatives in 1964 and soon became majority leader. Finally, in 1968, he was appointed U.S. Senator from Alaska and has represented his State ever since with pride and devotion.

His recognition as ''Alaskan of the Century'' is a real tribute, and I have no doubt that when the passage of time calls for the designation of ''Alaskan of the Millennium,'' it will be Senator TED STEVENS.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JEFFREY AVERY

Mr. SALAZAR. Mr. President, I rise to remember a Coloradan lost to us in Iraq.

Army PFC Jeffrey A. Avery was just 19 years old when he was lost to this life late last month in Muqudadiyah, Iraq.

Jeffrey attended Coronado High School in 2005 and went on to attend Pikes Peak Community College, where he was studying criminal justice with the hopes of becoming a police officer. He enjoyed the outdoors and would spend his summers in California with his grandparents.

But instead of these pursuits, Jeffrey decided to answer his Nation's call.

In Iraq, Specialist Avery served as a military police officer, training for his future. At the time he was killed, he was manning a checkpoint, helping to keep others safe from harm.

President John F. Kennedy once said, ''Every area of trouble gives out a ray of hope, and the one unchangeable certainty is that nothing is certain or unchangeable.''

Private First Class Avery embodied this hope with his service to our Nation. He chose to put himself into the area of trouble and to assume the responsibility of hope for millions of Iraqis and Americans.

He will be missed by all those around him, and he and his family will remain in our prayers.

CORPORAL CHRISTOPHER DEGIOVINE

Mr. President, I wish to take a moment to remember a fallen Marine Cpl

Christopher Degiovine of Lone Tree, CO. Corporal Degiovine lost his life late last month in Fallujah, Iraq. He was just 25 years old.

Christopher Degiovine was a native of Essex Junction, VT, and had made Colorado his home for only a few months. He majored in criminal justice at Champlain College, where he graduated in 2005, and was looking to pursue a career in law enforcement.

After moving to Colorado, Christopher Degiovine answered his Nation's call and joined the Marine Corps in December 2005. He was excited about the opportunity, and proud to be serving his Nation. He was promoted to corporal a year later, and had only just been sent to Iraq when he was killed.

Christopher Degoivine's life was one of extraordinary promise cut far too short. His patriotism compelled him to a higher calling, and for that every American is humbled and grateful. His service to each of us and his sacrifice on behalf of all us is a debt we can never repay.

Matthew 5:9 reminds us: ''Blessed are the peacemakers: for they shall be called the children of God.'' Corporal Degiovine was one of these very peacemakers, and his place will always be reserved in our hearts. He and his family will remain in my prayers, and those of the Nation, tonight and always.

CORPORAL WADE OGLESBY

Mr. President, I rise to reflect on the memory of Army Cpl Wade Oglesby, of Grand Junction, CO. Corporal Oglesby was killed late last month in Taji, Iraq. He was only 28 years old and was looking forward to returning home and joining the Mesa County Sheriff's Office.

Wade Oglesby's life was not an easy one. He was a young man who had to grow up far too soon. His father left his family when Wade was just 5, and his mother relocated the family from Denver to the city Grand Junction, on the other side of the Great Divide.

As a sophomore in high school, Wade Oglesby's mother Linda fell terribly ill, and Wade left high school to care for his dying mother. After she passed on, Wade stayed with his younger sister Samantha until she became an adult.

August 2004 was a turning point for Corporal Oglesby he found his ''true calling in life,'' as his family said. He joined the Army and found a place that he belonged. Wade's brother Richard observed that Wade ''was a soldier long before joining the Army.''

In the Army, Corporal Oglesby found his mission. He was proud of his service to his Nation. It makes perfect sense that serving his country fit so naturally to Corporal Oglesby's character: he had spent his whole life in selfless service to those around him whom he loved. Helping and protecting others came naturally to him, and the Army carried him on his way.

One newspaper in my home State reported that Wade Ogelsby's motto in life was ''float on.'' Even as his life became heavy as a young man, Corporal Oglesby found a way to ''float on'' and to continue moving forward.

To his sister Samantha and brother Richard: As you mourn the loss of your brother, know that our Nation mourns with you the loss of another exemplary soldier and American. He will live on our memories for his courage, service, and sacrifice.

SPECIALIST DAVID W. BEHRLE

Mr. GRASSLEY. Mr. President, it is with great sadness that I announce to the Senate today that SPC David W. Behrle has lost his life in Iraq. David Behrle died in the service of his country, and it is absolutely appropriate that we take this opportunity to salute his patriotism and his sacrifice.

Specialist Behrle died Saturday night, May 19, 2007, after his patrol vehicle was hit by a roadside bomb south of Baghdad. My thoughts, prayers, and sincere condolences go out to his mother, Dixie Pelzer of Tipton, IA, and his father, John Behrle of Columbus, NE, as well as the Tipton community that is now dealing with the loss of their second native son in Iraq. While we try to prepare ourselves for the loss of life that comes with war, it is impossible to prepare for the very personal experience of losing a young life so close to home. David is best described by a former classmate as ''not only our class president, he's now our class hero.'' He served his country with vigor and enthusiasm, and his presence will be missed in both Tipton and our Armed Forces.

TRIBUTE TO VERMONT FALLEN

Mr. LEAHY. Mr. President, words and numbers are often used on this floor to describe the ongoing war in Iraq. In recent weeks, we have found ourselves debating the policy decisions that created the current climate in Iraq, the current strategy in Baghdad, and the policy shifts that need to occur to bring our men and women home. We frequently cite the fast-rising numbers of military fatalities and injuries and the growing number of innocent civilian deaths.

A central element of this picture and of this discussion should always be the sacrifices and the suffering of the families at home. Vermont, small State that we are, bears the burden of the highest fatality rate in the country, with more deaths per capita in Iraq than any other State. These losses have left dozens of families searching for comfort as they mourn their loved ones.

But in the darkest and saddest of times, a new Vermont family has emerged, brought together by the efforts of students at Norwich University, the Nation's oldest military college, which calls Northfield, VT, its home. ''Vermont Fallen,'' developed and produced by students at Norwich for a media course, profiles the journeys of families from across our State as they grieve the loss of their sons, fathers, husbands, and friends. Many of these families, brought together by community screenings of the documentary, now are able to turn to each other for comfort.

With this remarkable project, these students from Norwich University—many of whom have friends, family, and colleagues serving on the front lines of the wars in Iraq and Afghanistan—have given a great gift to these families and to us all. They have honored in this special way those from Vermont who have fallen and they have offered a glimpse into the searing and highly personal grief and mourning that have touched thousands of American families and scores of American communities, across Vermont and across the country. They have produced a tribute that speaks directly to each human heart.

NBC's ''Today'' recently aired a segment about ''Vermont Fallen.'' I ask unanimous consent that the transcript be printed in the RECORD.

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

NBC'S TODAY—MAY 9, 2007

Class project by students at Norwich University pays tribute to Vermont soldiers lost in Iraq and Afghanistan

ANCHORS: DAVID GREGORY
REPORTERS: DAWN FRATANGELO

DAVID GREGORY, co-host:

Vermont has lost more soldiers per capita in Iraq than any other state. Now students at Vermont's Norwich University, the nation's oldest military academy, are paying tribute in a unique way. Here's NBC's Dawn Fratangelo.

(Beginning of clip of ''Vermont Fallen'')

Unidentified Woman #1: I screamed and said, 'No, not Eric. My only boy.'

Unidentified Woman #2: Colonel Williams told me immediately that Mark didn't make it.

(End of clip)

DAWN FRATANGELO reporting:

Three of them were named Mark. There were also three Chrises. Half of them were under the age of 24. They are the Vermont fallen, 25 men from this small state killed in Iraq and Afghanistan. Now, subjects of a powerful documentary told through the shattered families left behind.

Unidentified Man: (From ''Vermont Fallen'') You're upset with everybody when your son dies, and you don't think rationally. I don't know if I'll ever think rationally again.

FRATANGELO: There was something more here than just the raw pain and tears you see on screen. It's about those behind the camera, and the incredible bond that it formed.

So as young filmmakers, were you intimidated at all about approaching these families?

Ms. AMANDA BENSON: Yes. Absolutely.

FRATANGELO: Amanda Benson and Steve Robitaille, along with Craig McGrath, are the senior producers of the film. They're students—college students at Norwich University in Northfield, Vermont, the nation's oldest military school. The film was their media project. But Amanda knew from that first interview, this was more than just school work.

Ms. BENSON: So walking into it, I really didn't think too much of it. But after about

maybe 25 minutes, you know, sitting right across from Marion, she started crying, and then I would start crying.

Unidentified Woman #3: (From ''Vermont Fallen'') My last words to him . . .

Ms. BENSON: No way did we think we'd be so emotionally involved in the interview.

FRATANGELO: Word spread, and eventually the students, guided by Professor Bill Estill . . .

Professor BILL ESTILL: Go frame by frame.

FRATANGELO: . . . had 50 hours worth of interviews with families all over Vermont. Every interview is heartbreaking.

Mr. CRAIG McGRATH: This is Patty Holmes, whose son Jeffrey was a lance corporal in the Marines, was killed in Iraq.

Ms. PATTY HOLMES: (From ''Vermont Fallen'') When he had been home in April, I said, 'Jeff, I have to ask you something.' And he goes 'What?' 'I have to ask you for your forgiveness.' And he said 'Why?' And I said, 'Because I wasn't the mother I wanted to be.' All he did was hug me, and he told me he loved me.

FRATANGELO: Patty Holmes, and her husband Scott would have never guessed that simply taking part in this project would help them heal.

Ms. HOLMES: I just felt that nobody knew how I felt, and nobody could possibly understand. And meeting these other families, they understand.

FRATANGELO: Because of a documentary, all the families get together now for dinners, a trip to Washington, mostly for support.

It's as though this—being involved in this gave you permission to sort of let . . .

Mr. SCOTT HOLMES: Let your heart out. Let your heart—let the world know how you feel.

FRATANGELO: And people are listening. The film is being shown at the same high schools the fallen servicemen attended.

While the students at Norwich were documenting the pain of the Vermont families, they themselves were not immune to it. Four of their classmates have been killed in Iraq.

Ms. BENSON: Thank you to both—for I guess, is the second family for some of us.

FRATANGELO: All this talk about loss has made the young filmmakers reflect on their own lives. Steve will join the military after graduation. Amanda's sister is about to be deployed.

Have you had these conversations with your sister?

Ms. BENSON: Not yet.

FRATANGELO: Will you?

Ms. BENSON: Yeah, I think so. But I really, I just—I can't imagine.

FRATANGELO: No one imagined the lessons of this class project.

Mr. STEVE ROBITAILLE: Just unbelievable feeling knowing that you didn't just make a documentary, you know, you changed people's lives, and they changed ours.

FRATANGELO: Changed lives. Twenty-five families sat before cameras to talk about lost loved ones, and a new family emerged. For TODAY, Dawn Fratangelo, NBC News, Northfield, Vermont.

VISIT OF VICE PREMIER WU YI

Mr. OBAMA. Mr. President, I wish to comment on the visit of Chinese Vice Premier Wu Yi to Washington. This visit comes at an important time for the U.S.-China relationship and highlights the enormous stakes involved.

As I have said in the past, China's rise offers great opportunity but also poses serious challenges. It is critical the U.S. do all it can to ensure that China's rise is peaceful and its trade practices fair, and under those conditions, the United States should welcome China's continuing emergence and prosperity.

At the same time, we must remain prepared to respond should China's rise take a problematic turn. This means maintaining our military presence in the Asia-Pacific region, strengthening our alliances, and making clear to both Beijing and Taipei that a unilateral change in the status quo in the Taiwan Strait is unacceptable. Also, though today China's military spending is one-tenth of ours, we must monitor closely China's strategic capabilities while also pushing for greater transparency of its defense activities.

Although we must remain vigilant in monitoring these potential developments, our two nations also should strive to build a relationship that broadens areas of cooperation where we share mutual interests, as we have done to respond to the nonproliferation challenge posed by North Korea. And we should strengthen our ability to manage our differences effectively. While we must never hesitate to be clear and consistent with China where we disagree—whether on protection of intellectual property rights, the manipulation of its currency, human rights, or the right stance on Sudan and Iran—these differences, as a general rule, should not prevent progress in areas where our interests intersect.

Trade and economic issues, the subject of the upcoming Strategic Economic Dialogue, are one crucial example of the significant opportunities and challenges China's rise presents.

China is now the third largest economy in the world and is an increasingly formidable commercial competitor. But China also is our fastest growing overseas market, fueling over $50 billion in U.S. exports that help support thousands of export-related jobs. Many Americans also benefit from inexpensive Chinese products that keep down our cost of living, and China is an important link in the global supply chain that benefits U.S. commercial interests.

But none of that constitutes a reason to turn a blind eye to those ares of the economic relationship that are troubling. China ran a trade surplus with the United States of over $200 billion last year—the largest ever between any two countries—accounting for nearly a third of our total global trade deficit. Neither America nor the world can accept such imbalances, and if they remain, it is inevitable that there will be demands for protection in America and elsewhere.

I believe that the answer to the Chinese economic challenge is not to build walls of protection but to knock down barriers, demand fair treatment for our products and services, and increase our own competitiveness.

Much of the hard work to be done lies at home. We must implement policies to reduce our budget deficits and increase national savings—in order to reduce our dependence on borrowing to finance our deficits. We must ensure that our companies and workers have the tools they need to compete in the global economy. Among other things, this means stepping up our investments in education, training, and science and technology. We must make sure those Americans whose livelihoods are threatened by our changing economic relationship with China have access to the resources and support they need.

But China must bear a substantial share of the responsibility for restoring greater balance in its economic relations with the United States and the rest of the world. Just as the United States cannot unilaterally restore balance to China's economic relations, the United States alone cannot mute protectionist demands. China must itself act to bring greater balance in its global trade, so that all countries benefit from its growth.

I commend Treasury Secretary Paulson for pursuing a strategic economic dialogue with China, but it must produce meaningful and lasting results. Even as we develop a better understanding of how Chinese leaders view their own economic priorities, we need to confirm that these same leaders understand how the policies they pursue affect the United States and the global economy.

As a principal beneficiary of globalization, China needs to support and strengthen the international economic system as well. For example, it can and should take steps to increase consumption—drawing in more imports and reducing dependence on exports for growth. China needs a modem financial system to achieve this. American companies can help develop such a system but not if the playing field is unfairly tilted toward Chinese companies.

China can and should contribute to bolstering the world's economic system by allowing its currency, the renminbi, to be determined by market forces. Today, Beijing amasses as much as $20 billion a month in foreign currency, with the effects of keeping the renminbi substantially undervalued and giving China an undue advantage in trade. The recent move to widen the currency trading band is useful, but China must move more quickly toward a market-based currency.

China can and should contribute to the success of globalization by providing stronger protection of intellectual property rights. The fact that 80 percent of the pirated goods seized by U.S. Customs come from China is unacceptable. It suggests just how much work needs to be done in this area.

China can and should contribute to the world's economic health by altering its energy policies—addressing the needs of its people at home while not exacerbating problems abroad. Domestically, China's priority should be to increase energy efficiency. A system

that requires twice as much energy as the United States to produce each dollar of economic growth is problematic.

At the same time, China needs to find cleaner sources of energy. Sixteen of the twenty cities with the worst air in the world are in China, and China is poised to overtake the United States in greenhouse gas emissions in 2 to 3 years. Just this week, a new report found that worldwide carbon dioxide levels have accelerated rapidly since 2000, in part because of China's reliance on coal.

China should rely on international energy markets to provide its oil and gas imports and work with the United States and others to develop common approaches to energy supplies and security. To continue seeking privileged arrangements with countries such as Sudan and Iran—states that commit gross human rights violations and that threaten to develop weapons of mass destruction—is to dramatically complicate efforts of the international community to address these questions and, in effect, to ratify these deeply troubling practices.

I hope Treasury Secretary Paulson can persuade the Chinese to change their practices. We will all be better off with a China whose emergence strengthens the international system rather than disrupts it.

China's economic growth is a good thing for China's 1.3 billion people, and can be a good thing for the United States. China is increasingly a constructive participant in the international system, and that trend should be supported and encouraged. But China cannot expect the United States and its overseas partners to tolerate unfair practices and glaring imbalances triggered by its rise. China needs to take steps that not only benefit its people but sustain the international system from which China itself benefits so greatly.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Mr. INOUYE. Mr. President, when the Congress passed Public Law 106–50 in 1999, it was impossible to imagine the positive impact it would have on all veterans and, in particular, all those young men and women now returning from active duty in Afghanistan and Iraq. The Veterans Corporation, TVC, is a not-for-profit organization that amplifies business opportunities and the tools our veterans need to start and grow their businesses. Through unparalleled public and private sector business, and strategic partnerships with the U.S. Department of Defense, the Veterans Affairs Administration, the Small Business Administration, and the U.S. Department of Labor, veterans have the three main ingredients for success: access to capital; access to bonding, and the important educational, mentorship and program case work followup.

Today, more than ever, our Nation's veterans present an opportunity for entrepreneurship. Entrepreneurship based on the skills and practiced discipline they embraced as part of their service to our Nation. Membership in TVC remains free to our veterans because the Congress invested wisely in this organization.

In partnership with the Surety and Fidelity Association of America, SFAA, we have a 50-State surety bonding program that includes a comprehensive education curriculum and a three-step process for veterans to secure the bonding they need on government contracts. Bonding is critical to service-disabled veteran entrepreneurs and to the Federal Government if the 3-percent goal, mandated by the President's Executive Order, is to be achieved. TVC's partnership with SFAA provides a complete solution to the mandate by fulfilling the needs for identification and qualification of service-disabled veteran-owned small businesses, along with casework followup as veteran entrepreneurs experience growth in their businesses.

Access to capital for both business start-up and infusion growth remains the number one need of veteran entrepreneurs. To address this issue, TVC has formed a strategic partnership with the National Economic Opportunity Fund, NEOF. Through this partnership, TVC is able to assist veterans in obtaining micro-loans of $500 to $25,000 through ACCION USA. PNC Bank has also begun accepting referrals from TVC and has already funded one veteran-owned business. In addition, TVC is in the process of finalizing partnerships with several banking institutions to provide veterans with larger loan programs for their increasing business needs.

TVC's leadership has made extraordinary progress in addressing the broad scope of issues facing veteran entrepreneurs. While embracing the existing community networks of the Small Business Development Centers, the Department of Labor's One Stop Centers, and the Procurement Technical Assistance Centers, PTAC, TVC has been able to develop programs that complement and enhance the resources already available to current and aspiring business owners. By doing so, TVC is now providing the programs and services most needed by the veteran community, including access to capital and bonding, and is more effectively meeting the real needs of veteran entrepreneurs.

TVC's strength is in its ability to bring together the best in public and private entities to leverage scarce federal dollars in effectively and efficiently assisting veterans, service-disabled veterans, and members of the National Guard and Reserves, who want to start or promote growth in small businesses. By benefiting from the strong resources already available from national business networks, and by eliminating duplication of efforts through strategic partnerships, TVC has the programming and the capacity to serve the needs of all veterans in 50 States.

TVC is working for our Nation's veterans and we have an obligation to continue funding programs that respond to all business entrepreneurial needs. We must build a solid transition from active military service to veterans' entrepreneurship. I am confident TVC is that investment.

ADDITIONAL STATEMENTS

WE THE PEOPLE HONORABLE MENTION

• Mr. LUGAR. Mr. President, I wish to congratulate Hamilton Southeastern High School's We the People class on receiving an Honorable Mention at the We the People: The Citizen and the Constitution national competition held April 28 to 30 in Washington, DC. I am pleased that the members of the Hamilton Southeastern High School We the People class were among the 1,200 students from across the country who participated in this important event specifically designed to educate young people about the U.S. Constitution and Bill of Rights.

I join family, friends, and the entire Hamilton Southeastern High School community in recognizing the hard work and dedication of the following members of the Hamilton Southeastern High School We the People class: Ben Anderson, Lauren Bowser, Austin Brady, Kristin Buckingham, Jesse Hawkins, Kirk Higgins, Chris Hill, Tiernan Kane, Nika Kim, Ryan Landry, Julie Lux, Rachel Morris, Jeff Neufer, David Ostendorf, Ryan Puckett, Taylor Schueth, Matt Stein, Amy Thomas, Aleks Vitolins, and Edward Wolenty. I also wish to commend Jill Baisinger, the teacher of the class, who committed her time and talent to prepare the students for the national competition.

The success of the Indiana We the People program is also attributed to the hard work of Stan Harris, the State coordinator, and Lisa Hayes, the district coordinator, who are among those responsible for implementing this program in our state.

The We the People national competition is a 3-day academic competition that simulates a congressional hearing in which the students ''testify'' before a panel of judges on constitutional topics. Students are able to demonstrate their knowledge and understanding of constitutional principles as they evaluate and defend positions on relevant historical and contemporary issues.

The We the People: The Citizen and the Constitution program is administered by the Center for Civic Education and funded by the U.S. Department of Education through congressional appropriations. I am proud to note that between 2003 and 2006, Indiana had 176,653 students participate in the programs offered through the Center for Civic Education, with 8,439,873 participating nationally.•

CONGRATULATING CAITLIN SNARING

• Mrs. MURRAY. Mr. President, I congratulate Caitlin Snaring, a bright young woman from my home State of Washington. Today, she won the National Geographic Bee, a competition that starts with nearly 5 million students each year. Caitlin is from Redmond, WA, and this was her second time representing our State in the national competition held in Washington, DC.

On Monday, Caitlin and I sat near each other on the plane flight from Seattle to Washington, DC. While everyone else was reading magazines or watching a movie, Caitlin was studying her notebooks and preparing for the competition. I had a chance to talk with her, and I could see that she was really determined and focused. I remember thinking to myself, ''She's going places.''

After her victory today, I called her and said: ''Caitlin, I can tell that when you decide what you're going to be and what you want to do, you are going to achieve any dream you have.'' And I really believe that.

Caitlin won a $25,000 college scholarship. I understand that she is the second girl to win the geographic bee since the competition started in 1989 and the fifth winner from Washington State. In fact, Washington has produced more national winners than any other State.

I want to congratulate Caitlin, her family, and friends on this great achievement and on the wonderful example she has set for young people in Washington State and around the country.•

HONORING OAK ISLAND SEAFOOD, INC.

• Ms. SNOWE. Mr. President, I wish today to recognize for the week of May 20 an outstanding small business from my home State of Maine that will on May 31 receive the Maine Exporter of the Year Award for 2007 from the Maine International Trade Center. Oak Island Seafood, Inc., of Rockland, MA is a scallop processing company. In addition to providing quality seafood products to U.S. retailers, Oak Island Seafood has expanded to include Europe and Asia in its distribution network. Incredibly, 70 percent of its finished product is exported to other countries, most notably to nations within the European Union. Clearly, Oak Island Seafood is a Maine company that has wide, international reach.

Oak Island Seafood, founded in 1995, has expanded to serve many comers of the globe over the past 12 years, while simultaneously maintaining its status as a unique small business. The company employs roughly 30 year-round employees in Rockland, an historic seaport community in Maine's well-known midcoast region where Penobscot Bay converges with the Atlantic Ocean. Their use of state-of-the-art equipment to deliver Maine seafood to the rest of the world exemplifies the innovation that small businesses can use to do exceptional things.

With Maine's 5,500 miles of coastline, its fishing and seafood industries are clearly vital to the State's economy. And while everyone knows Maine for its lobster—which I would argue is the best—Maine's fruitful portion of the Atlantic Ocean and our many waterways provide a variety of delicious and often healthy fish and shellfish, including salmon, shrimp, and scallops. Oak Island Seafood's commitment to providing Maine seafood to not only the region but also to the rest of the world is remarkable. As fish and other fresh and frozen seafood products comprise Maine's No. 4 export industry, it is crucial that we find ways to continue augmenting the work that Oak Island Seafood and other companies do in seeking foreign markets to showcase Maine seafood. Equally necessary, we need to do all that we can to protect and preserve our seafaring families and the crucial work they undertake.

The Maine International Trade Center, which is presenting the Maine Exporter of the Year award to Oak Island Seafood, is Maine's small business link to the rest of the world. It is a public-private partnership between the State of Maine and its businesses. The center's goal is to increase international trade in Maine and in particular to assist Maine's businesses in exporting goods and services. Clearly it sees in Oak Island Seafood the entrepreneurial spirit and innovation that make Maine's small businesses so unique and successful.

I again congratulate Oak Island Seafood on being recognized Maine Exporter of the Year and wish them well. The award, which will be presented to them on Thursday, May 31, at the 27th annual Maine International Trade Day, is truly something of which we can and should all be proud.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 and withdrawals which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 11:57 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 1525. An act to amend title 18, United States Code, to discourage spyware, and for other purposes.

H.R. 1615. An act to amend title 18, United States Code, to provide penalties for aiming laser pointer at airplanes, and for other purposes.

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the ''Leonard W. Herman Post Office''.

H.R. 2264. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal.

H.R. 2399. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 128. Concurrent resolution authorizing the printing of a commemorative document memory of the late President of the United States, Gerald Rudolph Ford.

The message further announced that the House has passed the following bill, without amendment:

S. 214. An act to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may admitted to the United States as special immigrants.

At 4:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. Hinchey of New York, Mr. Hall of New York, Mr. McHugh of New York, and Mr. Tiahrt of Kansas.

MEASURES REFERRED

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

H.R. 1525. An act to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

H.R. 1615. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the ''Leonard W. Herman Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2399. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2264. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal.

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–2031. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–2032. A communication from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's progress in improving homeless data collection and preparing a homeless assessment report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2033. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–2034. A communication from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled ''Affordable Housing Needs 2005''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2035. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense services associated with the Ballistic Missile Defense Expansion Project and sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2036. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of defense articles abroad, including J79 engine parts, in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–2037. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, including CH–47F Chinook helicopters, in the amount of $100,000,000 or more to the Netherlands; to the Committee on Foreign Relations.

EC–2038. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the International Traffic in Arms Regulations: Policy with Respect to Somalia'' (22 CFR Part 126) received on May 21, 2007; to the Committee on Foreign Relations.

EC–2039. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on efforts taken by the agencies and departments of the U.S. Government relating to the prevention of nuclear proliferation from January 1, 2006, to December 31, 2006; to the Committee on Foreign Relations.

EC–2040. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–44, ''School Modernization Funds Submission Requirements Waiver Temporary Amendment Act of 2007'' received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2041. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–43, ''Closing of a Public Alley in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes Clarification Temporary Amendment Act of 2007'' received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2042. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–45, ''National Capital Revitalization Corporation and Anacostia Waterfront Corporation Freedom of Information Temporary Amendment Act of 2007'' received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2043. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–46, ''Vacancy Conversion Fee Exemption Reinstatement Temporary Amendment Act of 2007'' received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2044. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–42, ''Solid Waste Disposal Fee Temporary Amendment Act of 2007'' received on May 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2045. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Department of Justice Implementation of OMB Guidance on Nonprocurement Debarment and Suspension'' (RIN1121–AA73) received on May 22, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 495. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information (Rept. No. 110–70).

By Mr. KOHL, from the Special Committee on Aging:

Special Report entitled ''Economic Developments in Aging'' (Rept. No. 110–71).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Brigadier General Michael D. Dubie, 0000, to be Major General.

Air Force nomination of Maj. Gen. Kevin J. Sullivan, 0000, to be Lieutenant General.

Army nomination of Maj. Gen. Charles H. Jacoby, Jr., 0000, to be Lieutenant General.

Army nomination of Col. Charles W. Hooper, 0000, to be Brigadier General.

Army nomination of Col. Loree K. Sutton, 0000, to be Brigadier General.

Army nomination of Brig. Gen. Douglas L. Carver, 0000, to be Major General.

Army nomination of Col. Juan A. Ruiz, 0000, to be Brigadier General.

Army nomination of Lt. Gen. Ronald L. Burgess, Jr., 0000, to be Lieutenant General.

Army nomination of Maj. Gen. Michael A. Vane, 0000, to be Lieutenant General.

Army nomination of Maj. Gen. David P. Fridovich, 0000, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John G. Castellaw, 0000, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Richard C. Zilmer, 0000, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Joseph F. Weber, 0000, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Michael J. Lyden, 0000, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Christine S. Hunter and ending with Rear Adm. (lh) Adam M. Robinson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2007.

Navy nomination of Capt. Richard C. Vinci, 0000, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. William M. Roberts and ending with Capt. Alton L. Stocks, which nominations were received by the Senate and appeared in the Congressional RECORD on April 11, 2007.

Navy nominations beginning with Capt. Robert J. Bianchi and ending with Capt. Thomas C. Traaen, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Navy nominations beginning with Rear Adm. (lh) Gerald R. Beaman and ending with Rear Adm. (lh) Richard B. Wren, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007. (minus 1 nominee: Rear Adm. (lh) Victor G. Guillory).

Navy nominations beginning with Captain Joseph P. Aucoin and ending with Captain Nora W. Tyson, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Jennifer S. Aaron and ending with Robert S. Zauner, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nomination of Anil P. Rajadhyax, 0000, to be Major.

Air Force nominations beginning with Daren S. Danielson and ending with Colleen M. Fitzpatrick, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Air Force nominations beginning with Bret R. Boyle and ending with Chad A. Weddell, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Air Force nominations beginning with Lillian C. Conner and ending with Jonathan L. Rones, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Air Force nominations beginning with Nancy J. S. Althouse and ending with Phick H. Ng, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Army nomination of Timothy E. Trainor, 0000, to be Colonel.

Army nomination of Glen L. Dorner, 0000, to be Major.

Army nominations beginning with Shirley S. Miresepassi and ending with Scott L. Diering, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nomination of George N. Thompson, 0000, to be Captain.

Navy nomination of Dea Brueggemeyer, 0000, to be Lieutenant Commander.

Navy nominations beginning with Neal P. Ridge and ending with Ralph L. Raya, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.

*Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2012.

*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 Mr. THUNE (for himself and Mr. NELSON of Nebraska):

S. 36. A bill to amend the Farm Security and Rural Investment Act to establish a biofuels promotion program to promote sustainable production of biofuels and biomass, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BURR, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. HAGEL, Mr. THOMAS, Ms. MURKOWSKI, Mr. BUNNING, and Mr. MARTINEZ):

S. 37. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. OBAMA):

S. 38. A bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARPER (for himself, Mr. ALEXANDER, Mrs. FEINSTEIN, Mr. VOINOVICH, and Mr. ENZI):

S. 1453. A bill to extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI:

S. 1454. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE:

S. 1455. A bill to provide for the establishment of a health information technology and privacy system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 1456. A bill to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. BINGAMAN, Mrs. MURRAY, and Mr. LEAHY):

S. 1457. A bill to provide for the protection of mail delivery on certain postal routes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

S. 1458. A bill to amend the Food Security Act of 1985 to provide incentives for improved agricultural air quality; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1459. A bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. BAUCUS, and Mr. BROWN):

S. 1460. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 1461. A bill to prohibit the Secretary of Health and Human Services from imposing penalties against a State under the Temporary Assistance for Needy Families program for failure to satisfy minimum work participation rates or comply with work participation verification procedures with respect to months beginning after September 2006 and before the end of the 12-month period that begins on the date the Secretary approves the State's work verification plan; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1462. A bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. COCHRAN, Mr. CRAIG, Mr. ROBERTS, Mr. SCHUMER, and Mr. CHAMBLISS):

S. 1463. A bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. VOINOVICH, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. COCHRAN):

S. 1464. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. CONRAD (for himself, Mr. ENZI, and Mr. REID):

S. 1465. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices; to the Committee on Finance.

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

S. 1466. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding; to the Committee on Finance.

By Mr. BIDEN:

S. 1467. A bill to establish an Early Federal Pell Grant Commitment Demonstration Program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI:

S. 1468. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN:

S. 1469. A bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself and Mr. DURBIN):

S. 1470. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. GREGG, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 15, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. 22

At the request of Mr. WEBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 60

At the request of Mr. INOUYE, the names of the Senator from Utah (Mr. HATCH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from

North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 82

At the request of Mr. AKAKA, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 82, a bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

S. 156

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 223

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

At the request of Mr. VITTER, his name was added as a cosponsor of S. 231, supra.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 331

At the request of Mr. THUNE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 331, a bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

S. 392

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 392, a bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period.

S. 442

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

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 675

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) 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. 807

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) 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. 901

At the request of Mr. KENNEDY, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Virginia (Mr. WARNER) and the Senator from Georgia (Mr. CHAMBLISS) 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. 911

At the request of Mr. COLEMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 921

At the request of Mr. THOMAS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 994

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1155

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1155, a bill to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor 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. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1339

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1339, a bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes.

S. 1370

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1370, a bill to amend the Internal Revenue Code of 1986 to ensure more investment and innovation in clean energy technologies.

S. 1389

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1389, a bill to authorize the National Science Foundation to establish a Climate Change Education Program.

S. 1410

At the request of Mr. COLEMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. HAGEL), the Senator from Florida (Mr. NELSON) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

AMENDMENT NO. 1146

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Washington (Ms. CANTWELL) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 1146 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1151

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. CORKER), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), the Senator from Alabama (Mr. SHELBY) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 1151 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1157

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 1157 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 1158 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. COLEMAN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 1159 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. ALEXANDER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1161 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1165

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 1165 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BURR, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. HAGEL, Mr. THOMAS, Ms. MURKOWSKI, Mr. BUNNING, and Mr. MARTINEZ):

S. 37. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, today I am introducing legislation that I believe will place the Department of Energy's nuclear waste program back on

track. I am joined by Senator CRAIG and others to introduce the Nuclear Waste Access to Yucca Bill, or Nu-Way Bill, which I believe will help to resolve the issue of nuclear waste once and for all.

As we all know, the history of the Yucca Mountain project has been rocky at best. The Yucca Mountain project has a very long pedigree, starting back to the late 1950s when the National Academy of Sciences, NAS, reported to the Atomic Energy Commission that burying radioactive high-level waste in geologic formations should receive consideration. NAS stated that ''radioactive waste can be disposed of safely in a variety of ways and at a large number of sites in the United States.''

In 1982, Congress passed the Nuclear Waste Policy Act after a solid consensus had been reached around the major elements of the approach broadly outlined by President Carter. When President Reagan signed it into law the following January, he called the Act ''a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue.''

The Congress was quite optimistic then, so optimistic that we told the Department of Energy, DOE, to enter into contracts with utilities to begin taking nuclear waste off their hands by 1998 in return for the payment of fees. Well, obviously that didn't happen, but the United States government continues to collect the fee at 1mil/KWH electricity generated by nuclear plants. What did happen was that the utilities began to sue DOE for failing to meet its contractual obligation to remove spent nuclear fuel from storage at commercial reactor sites. DOE has been negotiating with various reactor owners since 1999 over the missed deadline for settlement agreements. The first agreement was reached in July 2000 which allowed DOE to pay PECO Energy Co. up to $80 million in nuclear waste fee revenues during the subsequent 10 years. However, other utilities sued DOE to block the settlement, contending that nuclear waste fees may be used only for the DOE Waste Program and not as compensation for missing the disposal deadline. The U.S. Court of Appeals for the 11th Circuit agreed that any compensation would have to come from general revenue or other sources than the waste fund.

Today, commercial spent nuclear fuel continues to be stored at plant sites, and DOE is facing more than $6 billion in judgments for failure to dispose the spent nuclear fuel. As for the nuclear waste fund, we now have more than $19 billion of the ratepayer's money in principal and interest.

In addition to civilian spent nuclear fuel, the Department of Energy stores about 2,500 metric tons of defense waste, which includes unreprocessed spent nuclear fuel from its plutonium production reactors, naval propulsion reactors, and research reactors at Hanford, Savannah River, and the Idaho National Laboratory.

While moving more slowly than planned, DOE's nuclear waste program has made progress toward making the goal of a permanent geologic repository for nuclear waste a reality. Originally, the Nuclear Waste Policy Act required DOE to characterize more than one site for two repositories. As the most promising site considered, the Yucca Mountain site was selected by DOE to be the first site to be characterized. In 1987, the act was amended and the Congress directed DOE to focus its siting effort on Yucca Mountain alone and terminated the second repository program.

On February 14, 2002, after carrying out the required ''appropriate site characterization activities'' at Yucca Mountain to determine its suitability, the President recommended Yucca Mountain to Congress as being ''qualified for application for a construction authorization for a repository.''

The Nuclear Waste Policy Act provided the Governor of Nevada the opportunity to object to the site selection and to submit to Congress the reasons. On April 8, 2002, the Governor of Nevada exercised this authority and submitted his notice of disapproval and statement of reasons. Under the terms of the Act, the Governor's notice had the effect of terminating further consideration of the Yucca Mountain site until both Houses of Congress passed and the President signed into law a joint resolution approving the site.

The State veto provisions of the act accomplished their intent, which was to afford Congress another opportunity to review and determine if the objection was sufficient to terminate the program. Based on expert opinion, both Houses concluded that the objection was not sufficient, and that the Yucca Mountain site is geologically suitable for development of the repository. In the national interest, Congress approved the Yucca Mountain site, and instructed DOE to file a license application for the repository with the Nuclear Regulatory Commission, NRC. The decision has been made. All the scientific work performed to date supports the decision.

With the siting decision made, it will now be up to the EPA to issue general standards and for the Nuclear Regulatory Commission to license the facility by evaluating the scientific data and determining whether the repository will permanently, and safely, isolate nuclear waste.

Yucca Mountain is the cornerstone of our national comprehensive spent nuclear fuel management strategy for this country. Let me be clear: We need Yucca Mountain. We must make this program work. I believe the bill introduced today will do that.

This bill will remove unintended legal barriers that will allow DOE to meet its obligation to accept and store spent nuclear fuel as soon as possible, without prejudging the outcome of the NRC's repository licensing decision.

The bill I am introducing today authorizes DOE to permanently withdraw 147,000 acres of Federal land from public use currently controlled by the Bureau of Land Management, the Air Force, and the Nevada Test Site, to satisfy a license condition of the NRC.

This legislation will repeal the arbitrary 70,000 metric ton statutory limit on emplacement of radioactive material at Yucca Mountain. The cap was imposed when Congress was considering two rounds of repositories. I believe that the capacity of the mountain should be determined by scientific and technical analysis, and not by political compromises.

Today, the major facility at the Yucca Mountain site is an ''exploratory studies facility'' with a 25-foot-diameter, 5-mile long, tunnel with ramps leading to the surface. This legislation will allow the DOE to begin construction of needed infrastructure for the repository and surface storage facilities as soon as they complete an environmental impact statement that evaluates these activities.

The ''Nu-Way'' bill also begins to consolidate the defense nuclear waste and spent nuclear fuel from defense activities at the Yucca Mountain site. The bill requires DOE to file for a permit to build a surface receipt and storage facility at the Nevada Test Site at the same time it files its license application for a repository at Yucca Mountain.

As soon as the department receives the permit for the surface receipt and storage facility from the NRC, it may begin moving defense fuel and waste to the Nevada Test Site. We are not giving DOE any new authority to move spent fuel. DOE currently has authority to transport and consolidate defense waste at DOE facilities, with the sole exception of Yucca Mountain site. The spent nuclear fuel from our Navy and defense activities that kept us safe during the Cold War should be consolidated and stored securely at the Nevada Test Site. The defense waste is currently stored temporarily in Hanford, Idaho and Savannah River sites.

This legislation further provides that only after the NRC issues a construction permit for Yucca Mountain, may the Department of Energy begin moving civilian spent fuel to the Nevada Test Site. This legislation also lays the foundation to integrate Yucca Mountain Repository Program and Global Nuclear Energy Partnership, GNEP, by providing that before civilian spent nuclear fuel is shipped to Yucca Mountain, the Secretary of Energy must determine if it can be recycled within a reasonable time. I might add that the current plans for GNEP do not include recycling all 55,000 metric tons of civilian spent fuel that has already been generated. This proposal will would avoid moving waste to Yucca Mountain Site that should be shipped instead to a GNEP facility.

In the long run, this measure provides DOE with the authorities needed to execute the Yucca Mountain project for long term emplacement and for the

GNEP program to reduce the volume and toxicity of the material to be placed in the repository, thereby eliminating the need for a second waste repository.

This bill will also withdraw land for a rail route Yucca, a vital transportation component. There is also a provision that provides that appropriations from the nuclear waste fund will not count against the allocations for discretionary spending. DOE will have access to the full funds in the nuclear waste fund, moneys collected from electricity rate payers, our constituents, specifically for developing and constructing the waste repository.

To address the liability problem created by Congress when DOE could not remove spent nuclear fuel from the reactor sites, this legislation will authorize DOE to revise the standard contract to accept waste from new nuclear reactors at a more reasonable schedule. By doing all of these things, this bill will establish a comprehensive program that will provide confidence that our Nation's nuclear waste will be managed safely both for current and future reactors.

The issue of Yucca Mountain has been addressed repeatedly by Congress and Presidents. The legislation I am introducing today will not circumvent any environmental standards or regulations, nor will it preempt any State or local government rights.

Despite the great advances that we have made in this Nation on nuclear energy, we are still faced with challenges. EIA estimates that even with a projected increase in nuclear capacity and generation in large, the nuclear share of total electricity is estimated to fall from 19 percent in 2005 to 15 percent in 2030. This is because our energy needs will be great over the next 25 years. For energy security reasons, economic reasons and environmental reasons, we must make nuclear energy a larger part of our mix. To meet the challenge of reducing carbon emissions in order to address climate change, we need nuclear energy. And, if we need nuclear energy, we need Yucca Mountain.

Solving nuclear waste is in the national interest. We can solve this problem and I hope we can move forward together in a new way.

By Mr. DOMENICI (for himself and Mr. OBAMA):

S. 38. A bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DOMENICI. Mr. President, I rise today with my colleague Senator OBAMA to introduce the Veterans' Mental Health Outreach and Access Act. This bill will require the Secretary of Veteran's Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, with a particular emphasis on those soldiers who served in the National Guard and Reserves.

Operation Enduring Freedom, OEF, and Operation Iraqi Freedom, OIF, are unique in their extensive use of National Guard and Reserve troops and their reliance on repetitive deployments. More than 1,500 National Guard and Reservists from New Mexico have been deployed in support of OIF and OEF. Several hundred of these soldiers have been deployed multiple times. This is a new era for our National Guard and for the Reserve. The role of these organizations in defending our national security has significantly increased. Guard and Reserve members are seeing significant combat action and we know that a number of these soldiers will return with mental and physical wounds suffered in these wars, including post traumatic stress disorder, depression, brain injuries and other traumatic illnesses.

Virtually all returning veterans and their families will face readjustment problems. These soldiers and their families deserve the best care and treatment possible, but where do our National Guard and Reserve soldiers fit into the military and veterans' systems of care? These ''citizen-soldiers'' are not returning to military bases, but rather to communities that are frequently remote from VA medical centers and clinics.

We're quick to urge that VA provide veterans needed treatment for service-related mental health problems, but we also need to do more to remove the barriers such as travel and distance that oftentimes will prevent a veteran from seeking and continuing treatment. The Domenici-Obama bill calls on the Secretary of Veterans Affairs to develop a national program to reach vets who can't or won't seek VA care. It requires the Secretary to mount a national program to train a cadre of returning servicemembers for positions as peer outreach workers and peer-support specialists. In any remote area of the country in which the VA determines there is inadequate access to a VA medical center, the bill directs the Secretary of the VA to contract with community mental health centers and other qualified entities to provide peer outreach and support services, readjustment counseling and mental health services. However, any resulting contracts would require centers to first train and adhere to the VA's expertise and standards of care in mental health. It also will require any contract-provider to hire a trained peer specialist as well as have its clinicians participate in a training program to be certain they'll provide ''culturally competent'' services.

This bill also gives needed attention to the toll these military operations have on the mental health needs of our veterans' families. These deployments are causing great stress for the spouses and children of these soldiers. Yet despite the recognition of the mental health needs of the family members of the returning veterans, current law limits the ability of the VA to work with these family members. This bill will expand access to mental health services for the immediate family of the veteran so that they may help the veteran recover in the case of injury or illness incurred during deployment. It will also help expand access to services so that the family can better help the veteran adjust back to civilian life, and also help the readjustment of the family to the return of the veteran.

Lastly, this bill will extend the eligibility for health care services from the Department of Veterans Affairs for veterans who served in combat from 2 years to 5 years. Two years is often insufficient time for symptoms related to PTSD and other mental illness to manifest. In many cases, it takes years for symptoms to present themselves, and the difficulty is often compounded by the fact that many servicemembers do not immediately seek the care that they need. Five years provides a more adequate window to address these risks.

Outreach and access to treatment are essential to prevent readjustment problems for our returning veterans and their families. Left untreated, mental disorders like PTSD and depression can become chronic and debilitating. We need systems in place to ensure that OEF/OIF veterans who are returning to their homes have access to the services they need. It is my hope that this legislation will help close the gaps we currently have in our service delivery systems and provide help to those who have experienced mental health problems as a result of their service to their country.

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. 38

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 ''Veterans' Mental Health Outreach and Access Act of 2007''.

SEC. 2. PROGRAM ON PROVISION OF READJUSTMENT AND MENTAL HEALTH CARE SERVICES TO VETERANS WHO SERVED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to provide—

(1) to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, particularly veterans who served in such operations while in the National Guard and the Reserves—

(A) peer outreach services;

(B) peer support services;

(C) readjustment counseling and services described in section 1712A of title 38, United States Code; and

(D) mental health services; and

(2) to members of the immediate family of such a veteran, during the three-year period beginning on the date of the return of such veteran from deployment in Operation Iraqi Freedom and Operation Enduring Freedom, education, support, counseling, and mental health services to assist in—

(A) the readjustment of such veteran to civilian life;

(B) in the case such veteran has an injury or illness incurred during such deployment, the recovery of such veteran; and

(C) the readjustment of the family following the return of such veteran.

(b) CONTRACTS WITH COMMUNITY MENTAL HEALTH CENTERS AND QUALIFIED ENTITIES FOR PROVISION OF SERVICES.—In carrying out the program required by subsection (a), the Secretary shall contract with community mental health centers and other qualified entities to provide the services required by such subsection in areas the Secretary determines are not adequately served by other health care facilities of the Department of Veterans Affairs. Such contracts shall require each contracting community health center or entity—

(1) to the extent practicable, to employ veterans trained under subsection (c);

(2) to the extent practicable, to use telehealth services for the delivery of services required by subsection (a);

(3) to participate in the training program conducted in accordance with subsection (d);

(4) to comply with applicable protocols of the Department of Veterans Affairs before incurring any liability on behalf of the Department for the provision of the services required by subsection (a);

(5) to submit annual reports to the Secretary containing, with respect to the program required by subsection (a) and for the last full calendar year ending before the submission of such report—

(A) the number of the veterans served, veterans diagnosed, and courses of treatment provided to veterans as part of the program required by subsection (a); and

(B) demographic information for such services, diagnoses, and courses of treatment;

(6) for each veteran for whom a community mental health center or other qualified entity provides mental health services under such contract, to provide the Department of Veterans Affairs with such clinical summary information as the Secretary shall require; and

(7) to meet such other requirements as the Secretary shall require.

(c) TRAINING OF VETERANS FOR THE PROVISION OF PEER-OUTREACH AND PEER-SUPPORT SERVICES.—In carrying out the program required by subsection (a), the Secretary shall contract with a national not-for-profit mental health organization to carry out a national program of training for veterans described in subsection (a) to provide the services described in subparagraphs (A) and (B) of paragraph (1) of such subsection.

(d) TRAINING OF CLINICIANS FOR PROVISION OF SERVICES.—The Secretary shall conduct a training program for clinicians of community mental health centers or entities that have contracts with the Secretary under subsection (b) to ensure that such clinicians can provide the services required by subsection (a) in a manner that—

(1) recognizes factors that are unique to the experience of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including their combat and military training experiences); and

(2) utilizes best practices and technologies.

(e) REPORTS REQUIRED.—

(1) INITIAL REPORT ON PLAN FOR IMPLEMENTATION.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the plans of the Secretary to implement the program required by subsection (a).

(2) STATUS REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the program. Such report shall include the following:

(A) Information on the number of veterans who received services as part of the program and the type of services received during the last full calendar year completed before the submission of such report.

(B) An evaluation of the provision of services under paragraph (2) of subsection (a) and a recommendation as to whether the period described in such paragraph should be extended to a five-year period.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out this section.

SEC. 3. EXTENSION OF ELIGIBILITY FOR HEALTH CARE SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS FOR VETERANS OF SERVICE IN COMBAT THEATER.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking ''2 years'' and inserting ''5 years''.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. BINGAMAN, Mrs. MURRAY, and Mr. LEAHY):

S. 1457. A bill to provide for the protection of mail delivery on certain postal routes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. HARKIN. Mr. President, since it was created the U.S. Postal Service has provided trusted, reliable delivery to tens of millions of households throughout the country. Today, the USPS stands as the second largest employer in the country with over 700,000 employees and is the most efficient postal service in the world. Last year, the Postal Accountability and Enhancement Act was passed and signed into law, ensuring the sustainability of the USPS for years to come.

However, recent decisions by the Postal Service have put the success and reliability of mail delivery in jeopardy. Postal delivery managers are now being encouraged to contract out delivery services for all new deliveries, of which there are approximately 1.8 million per year.

Outsourcing the mailman bypasses the process that ensures that only qualified people handle America's mail, leaving open the possibility that convicted felons, identity thieves, or other undesirable workers could have access to the mail stream.

Furthermore, it limits the ability of the Postal Service to prevent, investigate, and prosecute mail theft, mail fraud, and other illegal uses of the mail.

The USPS employs dedicated postal employees who earn solid middle-class wages and have health benefits and pension plans. The quality of service and reliability that the USPS has been known for is threatened if our mail carriers are replaced by low-paid, short-term workers.

This is why I am introducing the Mail Delivery Protection Act of 2007. This bill would prevent the USPS from contracting out the delivery of mail to postal patrons to private individuals and firms.

Each day millions of sensitive materials, including financial statements, credit cards, Social Security checks, passports, and ballots, pass through the mail stream. We cannot afford to allow the safe delivery of these personal, private documents to be granted to the lowest bidder.

In 2006, 379 Members of the House of Representatives voted against a pilot program testing the feasibility of contracted delivery.

However, postal management has increasingly chosen to contract out the delivery of mail, therefore outsourcing their core service function. A fancy restaurant would not contract out its chefs to a cheap fast-food chain to save money. Why should the Post Office outsource its delivery?

We must remember that this is the U.S. Postal Service. This bill will ensure that the safety and reliability we have all come to know from our local mail carriers will continue.

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. 1457

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

SECTION 1. MAIL DELIVERY PROTECTION.

(a) SHORT TITLE.—This Act may be cited as the ''Mail Delivery Protection Act of 2007''.

(b) MAIL DELIVERY PROTECTION.—Section 5212 of title 39, United States Code, is amended—

(1) by inserting ''(a)'' before ''The Postal Service may''; and

(2) by adding at the end the following:

''(b)(1) Except as provided under paragraph (2), the Postal Service may not enter into any contract under this section with any motor carrier or other person for the delivery of mail on any route with 1 or more families per mile.

''(2) Notwithstanding paragraph (1)—

''(A) any contract described under that paragraph in effect on the date of enactment of the Mail Delivery Protection Act of 2007—

''(i) shall remain in effect until terminated under the terms of such contract or as otherwise provided by law; and

''(ii) may be renewed 1 or more times; and

''(B) service on a rural route may be converted to contract delivery service when such route no longer serves a minimum of 1 family per mile.''.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1459. A bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study

access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act of 2007. According to the National Institutes of Health, as many as 7.5 million Americans are affected by psoriasis, a chronic, inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. In my State of New Jersey, the National Psoriasis Foundation estimates that 219,000 people have psoriasis.

Ten to thirty percent of people with psoriasis also develop psoriatic arthritis, which causes pain, stiffness, and swelling in and around the joints. Moreover, of further concern is that people with psoriasis are at elevated risk for a myriad other comorbidities, including but not limited to heart disease, diabetes, obesity, and mental health conditions. Despite the serious adverse effects that psoriasis and psoriatic arthritis have on individuals, families and society, psoriasis and psoriatic arthritis are underrecognized and underfunded by our Nation's research institutions and public health agencies. At the historical and current rate of psoriasis funding, NIH funding is not keeping pace with research needs. For that reason, I am introducing legislation to boost psoriasis and psoriatic arthritis research, improve and expand psoriasis and psoriatic arthritis data collection, increase access to care and treatment for these diseases, and help debunk the myths associated with psoriasis.

I know that this legislation will go a long way in achieving these important public policy goals. The bill calls on the Secretary of Health and Human Services, HHS, to convene a summit of researchers, public health professionals, representatives of patient advocacy organizations and policymakers to review current efforts in psoriasis and psoriatic arthritis research, treatment, and quality-of-life being conducted by Federal agencies whose work involves psoriasis and psoriatic arthritis and psoriasis and psoriatic arthritis related comorbidities. The legislation also calls on the Secretary of HHS to commission a study from the Institutes of Medicine, IOM, to evaluate and make recommendations to address health insurance and prescription drug coverage as they relate to medications and treatments for psoriasis and psoriatic arthritis. Lastly, the bill directs the Centers for Disease Control and Prevention to develop a patient registry to collect much-needed longitudinal data on psoriasis and psoriatic arthritis so we can begin to understand the long-term impact of these conditions and evaluate the effects of various therapies.

I would like to thank the National Psoriasis Foundation for all of its efforts and leadership over the last four decades and am grateful to the Foundation and its members and staff for their ongoing commitment to improving quality of life for people with psoriasis and psoriatic arthritis. Again, I urge my colleagues to join me in supporting the Psoriasis and Psoriatic Arthritis Research Cure, and Care Act.

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. 1459

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 ''Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Expansion of biomedical research.
Sec. 5. National patient registry.
Sec. 6. National summit.
Sec. 7. Study and report by the Institute of Medicine.

SEC. 3. FINDINGS.

The Congress finds as follows:

(1) Psoriasis and psoriatic arthritis are autoimmune-mediated, chronic, inflammatory, painful, disfiguring, and life-altering diseases that require life-long sophisticated medical intervention and care and have no cure.

(2) Psoriasis and psoriatic arthritis affect as many as 7.5 million men, women, and children of all ages and have an adverse impact on the quality of life for virtually all affected.

(3) Psoriasis often is overlooked or dismissed because it does not cause death. Psoriasis is commonly and incorrectly considered by insurers, employers, policymakers, and the public as a mere annoyance, a superficial problem, mistakenly thought to be contagious and due to poor hygiene. Treatment for psoriasis often is categorized, wrongly, as ''life-style'' and not ''medically necessary''.

(4) Psoriasis goes hand-in-hand with a myriad of co-morbidities such as Crohn's disease, diabetes, metabolic syndrome, obesity, hypertension, heart attack, cardiovascular disease, liver disease, and psoriatic arthritis, which occurs in 10 to 30 percent of people with psoriasis.

(5) The National Institute of Mental Health funded a study that found that psoriasis may cause as much physical and mental disability as other major diseases, including cancer, arthritis, hypertension, heart disease, diabetes, and depression.

(6) Psoriasis is associated with elevated rates of depression and suicidal ideation.

(7) Each year the people of the United States lose approximately 56 million hours of work and spend $2 billion to $3 billion to treat psoriasis.

(8) Early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage.

(9) Treating psoriasis and psoriatic arthritis presents a challenge for patients and their health care providers because no one treatment works for everyone, some treatments lose effectiveness over time, many treatments are used in combination with other treatments, and all treatments may cause a unique set of side effects.

(10) Although new and more effective treatments finally are becoming available, too many people do not yet have access to the types of therapies that may make a significant difference in the quality of their lives.

(11) Psoriasis and psoriatic arthritis constitute a significant national health issue that deserves a comprehensive and coordinated response by State and Federal governments with involvement of the health care provider, patient, and public health communities.

SEC. 4. EXPANSION OF BIOMEDICAL RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary''), acting through the Director of the National Institutes of Health, shall expand and intensify research and related activities of the Institutes with respect to psoriasis and psoriatic arthritis.

(b) RESEARCH BY NIAMS.—

(1) IN GENERAL.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall conduct or support research to expand understanding of the causes of, and to find a cure for, psoriasis and psoriatic arthritis. Such research shall include the following:

(A) Basic research to discover the pathogenesis and pathophysiology of the disease.

(B) Expansion of molecular genetics and immunology studies, including additional animal models.

(C) Global association mapping with single nucleotide polymorphisms.

(D) Identification of environmental triggers and autoantigens in psoriasis.

(E) Elucidation of specific immune receptor cells and their products involved.

(F) Pharmcogenetic studies to understand the molecular basis for varying patient response to treatment.

(G) Identification of genetic markers of psoriatic arthritis susceptibility.

(H) Research to increase understanding of joint inflammation and destruction in psoriatic arthritis.

(I) Clinical research for the development and evaluation of new treatments, including new biological agents.

(J) Research to develop improved diagnostic tests.

(K) Research to increase understanding of co-morbidities and psoriasis, including shared molecular pathways.

(2) COORDINATION WITH OTHER INSTITUTES.—In carrying out paragraph (1), the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall coordinate the activities of the Institute with the activities of other national research institutes and other agencies and offices of the National Institutes of Health relating to psoriasis or psoriatic arthritis.

SEC. 5. NATIONAL PATIENT REGISTRY.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with an eligible national organization, shall establish a national psoriasis and psoriatic arthritis patient registry.

(b) COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary shall enter into cooperative agreements with an eligible national organization and appropriate academic health institutions to develop, implement, and manage a system for psoriasis and psoriatic arthritis patient data collection and analysis, including the creation and use of a common data entry and management system.

(c) LONGITUDINAL DATA.—In carrying out subsection (a), the Secretary shall ensure the collection and analysis of longitudinal data

related to individuals of all ages with psoriasis and psoriatic arthritis, including infants, young children, adolescents, and adults of all ages including older Americans.

(d) ELIGIBLE NATIONAL ORGANIZATION.—In this section, the term ''eligible national organization'' means a national organization that—

(1) has expertise in the epidemiology of psoriasis and psoriatic arthritis; and

(2) maintains an established patient registry or biobank.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $1,000,000 for fiscal year 2008 and $500,000 for each of fiscal years 2009 through 2012.

SEC. 6. NATIONAL SUMMIT.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall convene a summit on the current activities of the Federal Government to conduct or support research, treatment, education, and quality-of-life activities with respect to psoriasis and psoriatic arthritis, including psoriasis and psoriatic arthritis related co-morbidities. The summit shall include researchers, public health professionals, representatives of voluntary health agencies and patient advocacy organizations, representatives of academic institutions, and Federal and State policymakers.

(b) FOCUS.—The summit convened under this section shall focus on—

(1) a broad range of research activities relating to biomedical, epidemiological, psychosocial, and rehabilitative issues;

(2) clinical research for the development and evaluation of new treatments, including new biological agents;

(3) translational research;

(4) information and education programs for health care professionals and the public;

(5) priorities among the programs and activities of the various Federal agencies involved in psoriasis and psoriatic arthritis and psoriasis and psoriatic arthritis related co-morbidities; and

(6) challenges and opportunities for scientists, clinicians, patients, and voluntary organizations.

(c) REPORT TO CONGRESS.—Not later than 180 days after the first day of the summit convened under this section, the Secretary shall submit to Congress and make publicly available a report that includes a description of—

(1) the proceedings at the summit; and

(2) the research, treatment, education, and quality-of-life activities conducted or supported by the Federal Government with respect to psoriasis and psoriatic arthritis, including psoriasis and psoriatic arthritis related co-morbidities.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized such sums as may be necessary for each of fiscal years 2008 through 2010.

SEC. 7. STUDY AND REPORT BY THE INSTITUTE OF MEDICINE.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the Institute of Medicine to conduct a study on the following:

(1) The extent to which public and private insurers cover prescription medications and other treatments for psoriasis and psoriatic arthritis.

(2) The payment structures, such as deductibles and co-payments, and the amounts and duration of coverage under health plans and their adequacy to cover the costs of providing ongoing care to patients with psoriasis and psoriatic arthritis.

(3) Health plan and insurer coverage policies and practices and their impact on the access of such patients to the best regimen and most appropriate care for their particular disease state.

(b) REPORT.—The agreement entered into under subsection (a) shall provide for the Institute of Medicine to submit to the Secretary and Congress, not later than 18 months after the date of the enactment of this Act, a report containing a description of the results of the study conducted under this section and the conclusions and recommendations of the Institutes of Medicine regarding each of the issues described in paragraphs (1) through (3) of subsection (a).

By Mr. ROCKEFELLER:

S. 1461. A bill to prohibit the Secretary of Health and Human Services from imposing penalties against a State under the Temporary Assistance for Needy Families program for failure to satisfy minimum work participation rates or comply with work participation verification procedures with respect to months beginning after September 2006 and before the end of the 12-month period that begins on the date the Secretary approves the State's work verification plan; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing a simple bill to try and provide some fairness to States as they struggle to try and implement the new, stringent standards of the welfare reform reauthorization imposed as part of the Deficit Reduction Act on 2007. As a former member of the West Virginia State Legislature and as a Governor, I know that implementation of such mandates can take time.

Let me share the timeline that States face in coping with the new rules on welfare reform, or Temporary Assistance to Needy Families, TANF. Most of the pending legislation on TANF, including President Bush's plan had a multiyear phase in proposals for tougher work requirements.

But the legislation that passed was a stark change with no time for States to develop new policy and no time for State legislature to react to new policy. Additionally States could be penalized for their policy even before they get guidance from officials at the Department of Health and Human Services, HHS, that their work verification plan is approved. This is just not fair.

Here is the history. In October of 2005, the House Workforce Committee passed legislation to phase-in higher work standards.

In November of 2005, the Senate approved a budget reconciliation bill without new work requirements. Later that month, the House approved a reconciliation bill that phased-in higher work requirements.

On December 19, 2005, the conference agreement on the Deficit Reduction Act imposed tougher work standard that will take effect on October 1, 2007. States will also face penalties if they do not meet new, unpublished work verification requirements.

The President signed the bill into law in February 2006.

The Department of Health and Human Services did not issue regulations to define work activities and outlining the requirements for work verification plans until June 29, 2006.

States had just 3 months to develop their work verification plans based on the new regulations, and the plans are due on September 30, 2006.

On October 1, 2006, the tougher work standards as measured by work verification took effect.

Today, May 22, 2006, no State has received approval of their work verification plans submitted over 7 months ago. But States could be penalized for failing participation standards today before they have gotten guidance from HHS that their work verification plans are approved, and they know what is expected of them.

This is just not fair. States need to know what the rules are for work, and what they can count for work before any penalties should be assessed, even if they are not due until a future date. Some of the potential penalties are harsh, including a 5 percent cut in the State's block grant in the first year, and a requirement to increase State matching funds. Such cuts could be imposed when the value of TANF block grant has shrunk by more than 20 percent since 1996.

My bill is simple fairness. It states that no financial penalties can be imposed on a State until 12 months after a State gets official approval by HHS of its work verification plans. This allows each State a year to come into compliance. States are trying, but they do not yet know what officially counts as work so they should not face any penalties until after the rules are clear.

Welfare reform is not supposed to be about penalties and pushing families off the caseload. Welfare reform is supposed to be about promoting responsibility and self-sufficiency. States, and the families, on the program deserve to know with certainty what it takes to ''play by the rules.''

By Mr. ROCKEFELLER:

S. 1462. A bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Adoption Equality Act of 2007. This legislation is an issue of fairness. It clearly states that every special needs child who needs adoption assistance in order to gain a safe, permanent home deserves it.

Throughout my career in the Senate, I have sought to strengthen and improve policies for the most vulnerable children, children who are at-risk of abuse and neglect in their own homes. While foster care is able to provide for the basic needs of these children, we must ultimately be able to provide them with a safe permanent home.

Congress demonstrated their dedication to this when they passed the 1997 Adoption and Safe Families Act, which led to the number of nationwide adoptions nearly doubling. But even with

these significant gains we cannot forget over 100,000 children in foster care are waiting for adoption. In West Virginia, there are 94 children waiting for adoption. For some of these children, described as having ''special needs,'' placement in a safe permanent home is especially difficult. Special needs children face increased obstacles in adoption due to factors such as their age, disability, or status as part of a group of siblings needing to be placed together.

In an effort to offer additional support to those in foster care who have the most difficulty finding a safe and permanent home, adoption subsidies are provided to encourage the adoption of ''special needs'' children. These subsidy payments provide essential income support to help families finance the daily basic costs of raising these children, as well as support for special services like therapy, tutoring, or special equipment for disabled children.

Yet, the current law does not make these Federal subsidies available to all families adopting ''special needs'' children. Under this law, only a fraction of the children waiting to be adopted would qualify for support. Federal subsidies are only given to families who adopt special needs children whose biological family would have qualified for welfare benefits. This is, simply, wrong. A child's eligibility for these important benefits should not be dependent on the income of his or her biological parents, these are the parents whose legal rights to the child have been terminated, the parents who have abused or neglected the child.

It is time to create a Federal policy that levels the playing field and gives all children with special needs an equal and fair chance at being adopted. The Adoption Equality Act of 2007 will do this by removing the requirement that an income eligibility determination be made in regard to the child's biological parents, thereby making all children who meet the definition of ''special needs'' eligible for Federal adoption subsidies. The bill would also give States an incentive to make additional improvements to their welfare systems by requiring that States reinvest the moneys they save as a result of this bill back into their State child abuse and neglect programs.

The lack of modest financial resources to support these adoptions is often the only barrier that stands between an abused child and a safe, loving home. This bill is a wise investment if we want to truly help our most vulnerable children find a permanent home.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. VOINOVICH, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. COCHRAN):

S. 1464. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Global Service Fellowship Program Act. This important bill would provide more Americans the opportunity to volunteer overseas and strengthen our existing Federal international education and exchange system. I believe the U.S. government needs to be taking a greater leadership role in providing opportunities for U.S. citizens to volunteer overseas and my bill will enhance U.S. efforts to be a global leader in people-to-people engagement.

People-to-people engagement is one of the United States' most effective public diplomacy tools and, today more than ever, we need to be investing in every opportunity to improve the perception of the U.S. overseas. Bad policy decisions by this administration have led to an alarming increase in negative opinions of the United States and we have not done enough to reverse this trend.

Studies have shown that, in areas where U.S. citizens have volunteered their time, money, and services, opinions of the United States have improved. A 2006 Terror Free Tomorrow poll found that, ''In Indonesia, almost two years after the tsunami, American aid to tsunami victims continues to be the single biggest factor resulting in favorable opinion towards the United States. Almost 60 percent of Indonesians surveyed nationwide in August 2006 said that American assistance made them favorable to the United States. This number has remained solid following tsunami relief, despite a growing number of Indonesians who oppose American-led efforts to fight terrorism.''

Greater investment in volunteer opportunities has significant potential to improve the image of the U.S. overseas and while we have important programs already in place, the Peace Corps and programs administered through the Department of State's Bureau of Education and Cultural Affairs, we can and should be doing more.

My bill would not only provide more opportunities for people-to-people engagement, but it reduces barriers that the average citizen faces when trying to volunteer internationally. First of all, my bill would reduce financial barriers by awarding fellowship awards designed to defray some of the costs associated with volunteering. The fellowship awards can be applied towards airfare, housing, or program costs, to name a few examples. By providing financial assistance, the Global Service Fellowship program opens the door for every American to be a participant, not just those with the resources to pay for it.

Secondly, my bill reduces volunteering barriers by offering flexibility in the length of the volunteer opportunity. I often hear from constituents that they do not seek opportunities to participate in Federal volunteer programs because they cannot leave their jobs or family for years at a time. The Global Service Fellowship Programs offers volunteers the opportunity to volunteer on a schedule that works for them, a month up to a year. My bill provides a commonsense approach to the time limitations of the average American.

Not only does this bill open the door for any U.S. citizen to apply for fellowship consideration, it calls on Congress to be part of the decision-making process. The Global Service Fellowship Program integrates members of Congress by calling on them to nominate volunteer applicants to the Department of State for consideration. Through this process, Congress will see firsthand the benefit international volunteering brings to their communities and the nation.

My bill would cost $150 million, which is more than offset by a provision that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. CBO has estimated that this offset will save $559 million over 5 years for net deficit reduction of approximately $409 million.

I am pleased that my colleagues, Senators COLEMAN, VOINOVICH, CASEY, MENENDEZ, and LAUTENBERG have joined me in introducing this bill. This program would be a valuable addition to our public diplomacy and humanitarian efforts overseas and I encourage my colleagues to support the bill.

By Mr. BIDEN:

S. 1467. A bill to establish an Early Federal Pell Grant Commitment Demonstration Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, I rise today to introduce the Early Federal Pell Grant Commitment Demonstration Program Act of 2007.

This legislation addresses some of the disparities in our current system with an innovative way to clear the hurdles that lack of information and high costs often form to prevent low-income students from planning for a college education. A recent report by the Urban-Brookings Tax Policy Center concluded that grant programs ''that are well targeted and have more predictable and larger awards tend to have larger impacts on college-going rates.'' This bill, I am pleased to say, establishes such a program.

Right now, students do not find out if they are eligible for Federal aid until their senior year, much less how much they will receive. If you have ever put kids through college, like I have, you know that this time frame doesn't allow much leeway for planning ahead. An earlier promise of Federal aid will begin the conversation about college early and continue it through high school. That way, students and their families can visualize college in their future, and this goal can sustain them through the moment they open their letter of acceptance. This promise can be especially important in changing the expectations of low-income students whose future plans often don't include college.

My bill would provide funding for a demonstration in four states, each of which would work with two cohorts of up to 10,000 eighth grade students; one in school year 2007–2008, and one in school year 2008–2009. By using the same eligibility criteria as the National School Lunch Program, students would be identified based on need in the eighth grade. Eligible students would qualify for the Automatic Zero Expected Family Contribution on the Free Application for Federal Student Aid, FAFSA, guaranteeing them a maximum Pell Grant. Local educational agencies with a National School Lunch Program participation rate above 50 percent would be eligible for the program.

The Early Federal Pell Grant Commitment Demonstration Program would also provide funding for states, in conjunction with the participating local educational agencies, to conduct targeted information campaigns beginning in the eighth grade and continuing through students' senior year. These campaigns would inform students and their families of the program and provide information about the cost of a college education, State and Federal financial assistance, and the average amount of aid awards. A targeted information campaign, along with a guarantee of a maximum Pell grant, would allow families and students to plan ahead for college and develop an expectation that the future includes higher education.

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. 1467

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

SECTION 1. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

Subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

"SEC. 401B. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

''(a) DEMONSTRATION PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

''(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

''(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

''(2) GRANTS.—

''(A) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which students in 8th grade who are eligible for a free or reduced price meal receive a commitment to receive a Federal Pell Grant early in their academic careers.

''(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

''(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

''(1) PARTICIPANTS.—

''(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

''(i) 1 cohort of 8th grade students who begin the participation in academic year 2007–2008; and

''(ii) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009.

''(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

''(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project.

''(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA) during the student's senior year of secondary school and during succeeding years.

''(4) APPLICABILITY OF FEDERAL PELL GRANT REQUIREMENTS.—The requirements of section 401 shall apply to Federal Pell Grants awarded pursuant to this section, except that the amount of each participating student's Federal Pell Grant only shall be calculated by deeming such student to have an expected family contribution equal to zero.

''(5) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

''(6) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutritional Act of 1966, shall be eligible to participate in the demonstration project.

''(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS.—Each application shall include—

''(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

''(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

''(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

''(D) such other information as the Secretary may require.

''(d) SELECTION CONSIDERATIONS.—

''(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program, the Secretary shall consider—

''(A) the number and quality of State educational agency applications received;

''(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

''(C) a State educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) the ability and plans of a State educational agency to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

''(v) ensuring the participation in the demonstration program of a diverse group of students with respect to ethnicity and gender.

''(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

''(A) the number and quality of local educational agency applications received;

''(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

''(C) a local educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) the ability and plans of a local educational agency to run an effective and thorough targeted information campaign for students served by the local educational agency; and

''(v) ensuring the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

''(e) EVALUATION.—

''(1) IN GENERAL.—From amounts appropriated under section (g) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

''(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

''(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

''(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

''(B) identify the barriers to the effectiveness of the demonstration program;

''(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

''(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

''(E) identify intermediate outcomes (relative to postsecondary education attendance), such as whether participants—

''(i) were more likely to take a college-prep curriculum while in secondary school;

''(ii) submitted any college applications; and

''(iii) took the PSAT, SAT, or ACT;

''(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, as well as other forms of postsecondary education;

''(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

''(H) identify the impact on the parents of students eligible to participate in the demonstration program.

''(4) DISSEMINATION.—The findings of the evaluation shall be widely disseminated to the public by the organization conducting the evaluation as well as by the Secretary.

''(f) TARGETED INFORMATION CAMPAIGN.—

''(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

''(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

''(A) OUTREACH.—Outreach to students and their families, at a minimum, at the beginning and end of each academic year of the demonstration project.

''(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

''(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

''(i) the estimated statewide average higher education institution cost data for each academic year, which cost data shall be disaggregated by—

''(I) type of institution, including—

''(aa) 2-year public colleges;

''(bb) 4-year public colleges; and

''(cc) 4-year private colleges;

''(II) by component, including—

''(aa) tuition and fees; and

''(bb) room and board;

''(ii) Federal Pell Grants, including—

''(I) the maximum Federal Pell Grant for each academic year;

''(II) when and how to apply for a Federal Pell Grant; and

''(III) what the application process for a Federal Pell Grant requires;

''(iii) State-specific college savings programs;

''(iv) State-based merit aid;

''(v) State-based financial aid; and

''(vi) Federal financial aid available to students, including eligibility criteria for the Federal financial aid and an explanation of the Federal financial aid programs.

''(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

''(A) 1 cohort of 8th grade students who begin the participation in academic year 2007–2008; and

''(B) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009.

''(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve $200,000 of the grant funds received each fiscal year for each of the 2 cohorts of students (for a total reservation of $400,000 each fiscal year) served by the State to carry out their targeted information campaign described in this subsection.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $1,300,000 for fiscal year 2008, of which—

''(A) $500,000 shall be available to carry out subsection (e); and

''(B) $800,000 shall be available to carry out subsection (f)(2)(C);

''(2) $1,600,000 for fiscal year 2009, of which $1,600,000 shall be available to carry out subsection (f)(2)(C);

''(3) $1,600,000 for fiscal year 2010, of which $1,600,000 shall be available to carry out subsection (f)(2)(C);

''(4) $2,100,000 for fiscal year 2011, of which—

''(A) $500,000 shall be available to carry out subsection (e); and

''(B) $1,600,000 shall be available to carry out subsection (f)(2)(C);

''(5) $1,600,000 for fiscal year 2012, of which $1,600,000 shall be available to carry out subsection (f)(2)(C);

''(6) $14,600,000 for fiscal year 2013, of which—

''(A) $800,000 shall be available to carry out subsection (f)(2)(C); and

''(B) $13,800,000 shall be available for Federal Pell Grants provided in accordance with this section; and

''(7) $13,800,000 for fiscal year 2014, of which $13,800,000 shall be available for Federal Pell Grants provided in accordance with this section.''.

By Ms. MIKULSKI:

S. 1468. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Ms. MIKULSKI. Mr. President, I rise to introduce the Veterans Burial Benefits Improvement Act.

We must honor our U.S. soldiers who died in the name of their country. These service men and women are America's true heroes and on this day we pay tribute to their courage and sacrifice. Some have given their lives for our country. All have given their time and dedication to ensure our country remains the land of the free and the home of the brave. We owe a special debt of gratitude to each and every one of them.

Our Nation has a sacred commitment to honor the promises made to soldiers when they signed up to serve our country. As a member of the Senate Appropriations Committee, I fight hard each year to make sure promises made to our service men and women are promises kept. These promises include access to quality, affordable health care and a proper burial for our veterans.

I am deeply concerned that burial benefits for the families of our wounded or disabled veterans have not kept up with inflation and rising funeral costs. We are losing over 1,000 World War II veterans each day, but Congress has failed to increase veterans' burial benefits to keep up with rising costs and inflation. While these benefits were never intended to cover the full costs of burial, they now pay for only a fraction of what they covered in 1973, when the federal government first started paying burial benefits for our veterans.

I want to thank my colleagues on the Veterans' Affairs Committee for working with me in the 107 Congress. Together, we were able to increase modestly the service-connected benefit from $1,500 to $2,000, and the plot allowance from $150 to $300. While I believe these increases are a step in the right direction, they are not a substitute for the amounts included in my bill.

That is why I am again introducing the Veterans Burial Benefits Improvement Act. This bill will increase burial benefits to cover the same percentage of funeral costs as they did in 1973. It will also provide for these benefits to be increased annually to keep up with inflation.

In 1973, the service-connected benefit paid for 72 percent of veterans' funeral costs. Today, this benefit covers just 39 percent of funeral costs. My bill will increase the service-connected benefit from $2,000 to $4,100, bringing it back up to the original 72 percent level.

In 1973, the nonservice connected benefit paid for 22 percent of funeral costs. It has not been increased since 1978, and today it covers just 6 percent of funeral costs. My bill will increase the nonservice connected benefit from $300 to $1,270, bringing it back up to the original 22 percent level.

In 1973, the plot allowance paid for 13 percent of veterans' funeral costs. Yet it now covers just 6 percent of funeral costs. My bill will increase the plot allowance from $300 to $745, bringing it back up to the original 13 percent level.

Finally, the Veterans Burial Benefits Improvement Act will also ensure that these burial benefits are adjusted for inflation annually, so veterans won't have to fight this fight again.

This legislation is just one way to honor our Nation's service men and women. I want to thank the millions of veterans, Marylanders, and people across the Nation for their patriotism, devotion, and commitment to honoring the true meaning of Memorial Day. U.S. soldiers from every generation have shared in the duty of defending America and protecting our freedom. For these sacrifices, America is eternally grateful.

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. 1468

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 ''Veterans Burial Benefits Improvement Act of 2007''.

SEC. 2. INCREASE IN BURIAL AND FUNERAL BENEFITS FOR VETERANS.

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES AND PROVISION FOR ANNUAL COST-OF-LIVING ADJUSTMENT.—

(1) EXPENSES GENERALLY.—Section 2302(a) of title 38, United States Code, is amended by striking ''$300'' and inserting ''$1,270 (as increased from time to time under section 2309 of this title)''.

(2) EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) of such title is amended by striking ''$300'' and inserting ''$1,270 (as increased from time to time under section 2309 of this title)''.

(3) EXPENSES FOR DEATHS FROM SERVICE-CONNECTED DISABILITIES.—Section 2307 of such title is amended by striking ''$2,000,'' and inserting ''$4,100 (as increased from time to time under section 2309 of this title),''.

(b) PLOT ALLOWANCE.—Section 2303(b) of such title is amended—

(1) by striking ''$300'' the first place it appears and inserting ''$745 (as increased from time to time under section 2309 of this title)''; and

(2) by striking ''$300'' the second place it appears and inserting ''$745 (as so increased)''.

(c) ANNUAL ADJUSTMENT.—

(1) IN GENERAL.—Chapter 23 of such title is amended by adding at the end the following new section:

''§ 2309. Annual adjustment of amounts of burial benefits

''With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under sections 2302(a), 2303(a), and 2307 of this title, and in the plot allowance under section 2303(b) of this title, equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2309. Annual adjustment of amounts of burial benefits.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2008.—No adjustments shall be made under section 2309 of title 38, United States Code, as added by subsection (c), for fiscal year 2008.

By Mr. HARKIN:

S. 1469. A bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

Mr. HARKIN. Mr. President, today I am offering legislation to close the U.S. military presence at Guantanamo Bay, Cuba. There is remarkable agreement on the need to find a way to close this prison. Our closest allies have all urged that Guantanamo be closed, as have many leaders from across the political spectrum in the United States.

Last June, after three detainees committed suicide in a single day, President Bush acknowledged that the prison has damaged America's reputation abroad. The President said:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say that the United States is not upholding the values that they're trying to encourage other countries to adhere to.

The President said:

> I'd like to close Guantanamo.

More recently, Secretary of Defense Gates and Secretary of State Rice have urged that the prison be shut down. On March 23, the Washington Post, citing ''senior administration officials,'' reported Secretary Gates had ''repeatedly argued that the detention facility at Guantanamo Bay, Cuba, had become so tainted abroad that legal proceedings at Guantanamo would be viewed as illegitimate.'' According to the Post, Secretary Gates ''told President Bush and others that it should be shut down as quickly as possible.''

Make no mistake, current detainees at Guantanamo include a number of extremely dangerous terrorists with the determination and the ability—if they are given the opportunity—to inflict grave harm on the United States and its citizens. Among the detainees are 14 senior leaders of al-Qaida, including Khalid Sheikh Mohammed, who has confessed to being one of the masterminds of the September 11 attacks, plus others. We must, and we can, hold these enemy combatants in maximum security confinement elsewhere.

But the critics are right. The 5-year-old prison at Guantanamo is a stain on the honor of this country. By holding people at Guantanamo without charge, without judicial review, without appropriate legal counsel, and—in the past—subjecting many of them to torture, we have forfeited the moral high ground and we stand as hypocrites in the eyes of the world.

Perhaps most seriously, from a pragmatic standpoint, maintaining the prison at Guantanamo is simply counterproductive. It has become a propaganda bonanza and recruitment tool for terrorists. It alienates our friends and allies. It detracts from our ability to regain the moral high ground, and rally the world against the terrorists who threaten us.

The administration has repeatedly described detainees at Guantanamo as ''the worst of the worst'' or, as former Secretary of Defense Rumsfeld once described them, the ''most dangerous, best-trained, vicious killers on the face of the earth.'' Unquestionably, some of the detainees fit these descriptions. However, an exhaustive study of Guantanamo detainees conducted by the nonpartisan, highly respected National Journal last year came to the following conclusions: A large percentage, perhaps the majority, of the detainees were not captured on any battlefield, let alone on ''the battlefield in Afghanistan,'' as the President once asserted. Fewer than 20 percent of the detainees have ever been al-Qaida members. Many scores, and perhaps hundreds, of the detainees were not even Taliban foot soldiers, let alone al-Qaida members. The majority were not captured by U.S. forces but, rather, handed over by reward-seeking Pakistanis, Afghan warlords, and by villagers of highly dubious reliability. For example, one of the detainees is a man who was conscripted by the Taliban to work as an assistant cook. The U.S. Government's ''evidence'' against this detainee consists in its entirety of the following:

One, the detainee admits he was a cook's assistant for Taliban forces in Narim, Afghanistan, under the command of Haji Mullah Baki.

Two, the detainee fled from Narim to Kabul during the Northern Alliance attack and surrendered to the Northern Alliance.

This person is still sitting in Guantanamo.

The situation at Guantanamo, I must add, reminds me of an earlier episode in this Senator's life. In July of 1970, I was a staff assistant to a House committee in the House of Representatives. I was working with a congressional delegation on a factfinding trip to Vietnam. I brought back photographs of the so-called tiger cages at Con Son Island, off the coast of Vietnam, where Viet Cong and some North Vietnamese prisoners, as well as civilian opponents of the war, were all being held together, held incommunicado, tortured and killed, with the full knowledge, support, and sanction of the United States Government. We had heard reports about the possible existence of these tiger cages. But our State Department vehemently denied their existence. They dismissed all of these claims as communist propaganda.

Well, I looked into this and believed the reports were credible. I was determined to investigate further to see if they did exist. Thanks to the courage of Congressman William Anderson of Tennessee, Congressman Augustus Hawkins of California, Don Luce, an American working for a nongovernmental organization, and a brave, young Vietnamese man who risked his life and his brother's life, who was still held on Con Son in the tiger cages, who drew us the maps and showed us how to find the tiger cages at these prisons—Nguyen Caoli was the young man's name. He risked it all by trusting us. Thanks to his maps and telling us how to find them, we were able to expose the tiger cages on Con Son Island in July of 1970.

Supporters of the war claimed the tiger cages were not all that bad. But then Life Magazine and other magazines around the world published the pictures I had surreptitiously taken on Con Son, and the world saw the horrific conditions, as I said, with Vietnamese guerrillas, as well as civilian opponents

of the war, all crowded together in these cages, in clear violation of the Geneva Conventions, and in violation of the most fundamental principles of human rights.

At the time, the United States Government had been insisting the North Vietnamese abide by the Geneva Conventions in their treatment of United States prisoners in North Vietnam. Yet, here we were condoning, funding, and even supervising the torture of Vietnamese prisoners and civilians, whose only crime was protesting the war, all in clear violation of the Geneva Conventions.

There are disturbing parallels between what transpired on Con Son Island nearly four decades ago and what happened at Guantanamo in recent years. In both cases, prisons were deliberately set up on remote islands, clearly with the intention of limiting scrutiny and restricting access. In both cases, detainees were not classified as prisoners of war, expressly to deny them the protections of the Geneva Conventions. In both cases, detainees were deprived of any right of due process, judicial review, or a fair trial.

They were simply held indefinitely in isolation, in limbo. In both cases, when the mistreatment of detainees was exposed, the United States stood accused of hypocrisy, of betraying its most sacred values, and of violating international law.

So you can see why I have watched what has transpired at Guantanamo, and I have thought back to that episode in my life when all of this came out about the tiger cages and the inhumane treatment of these several hundred prisoners who were there at the time. There was a happy ending to that event. Because of the international outcry, the tiger cages were closed down, the prisoners were released, and people went back to their homes.

Many of them who were in the tiger cages I met later on in life. One became the mayor of Saigon, several became successful businesspeople, and others went on with their lives. But watching what happened at Guantanamo and seeing that many of these people were swept up in a war which some of them—many of them—well, the National Journal says a majority of them were not even engaged.

So it is time to close it down. We need to reverse the damage Guantanamo has done to America's reputation and to our ability to wage an effective fight against the terrorists who attacked us on September 11, and the essential first step must be to close the prison at Guantanamo as expeditiously as possible. The bill I am introducing today offers a practical approach to accomplishing this within 120 days of enactment of the law.

As I said, there are known hardcore terrorists at Guantanamo, such as Khalid Shaikh Mohammed, who must continue to be held in maximum-security conditions. Under my bill, these prisoners will be transferred to the U.S. detention base at Fort Leavenworth, KS. This is a state-of-the-art maximum-security facility just opened in 2002. It has adequate capacity to receive these prisoners from Guantanamo. Under my bill, the remaining prisoners, some 365 in number, would have their legal status resolved. In each case, the administration will determine whether the prisoner planned or committed hostile acts against the United States. Those who did plan or commit hostile acts would be charged and transferred to Fort Leavenworth. Those who did not would be released to the custody of their home country or, where necessary, to a country where they would not face torture.

There is a pending bill, S. 1249, to close the prison at Guantanamo. However, that bill gives the administration too much leeway to maintain the status quo in terms of the detainees' legal status. It allows an enemy combatant to be detained indefinitely without charge—that is what is getting us into trouble in the first place—and it does not require that the administration abide by the Convention Against Torture, nor does it give detainees a forum in which to lodge credible claims of torture or abuse. The bill I am introducing does all of that.

The United States has lost its way, both in Iraq and at Guantanamo. We need to wage a smarter, more focused, and more effective fight against the terrorists who threaten us, and we must do so in ways that do not give credence to their anti-American propaganda and do not rally more recruits to their cause. To that end, we must close the prison at Guantanamo as soon as possible. The legislation I am offering today will accomplish this.

This legislation has the enthusiastic endorsement of Human Rights Watch, Human Rights First, Amnesty International, and the American Civil Liberties Union. I urge my colleagues to support the bill.

Mr. President, I ask unamimous consent that the text of the bill be printed in the RECORD.

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

S. 1469

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 ''Guantanamo Bay Detention Facility Closure Act of 2007''.

SEC. 2. CLOSURE OF GUANTANAMO BAY DETENTION FACILITY AND DISPOSITION OF DETAINEES.

(a) CLOSURE OF FACILITY.—Not later than 120 days after the date of the enactment of this Act, the President shall close the Department of Defense detention facility at Guantanamo Bay Cuba.

(b) RESTRICTION ON USE OF FUNDS.—

(1) RESTRICTION.—Except as provided in paragraph (2), no amounts appropriated or otherwise made available for fiscal year 2007 or fiscal year 2008 may be used for the Guantanamo Bay detention facility or for detention at the Guantanamo Bay detention facility of any foreign national who was detained at such facility on or after Marach 31, 2007.

(2) EXCEPTIONS.—Amounts appropriated or otherwise made available for fiscal year 2007 or fiscal year 2008 may be used for the following purposes related to the detention of foreign nationals who were detained at the Guantanamo Bay detention facility on any date between March 31, 2007 and the date of enactment:

(A) Transfer to the United States Disciplinary Barracks at Fort Leavenworth, Kansas, for purposes of pretrial detention or detention during a trial or while serving a sentence, of any such person who, not later than 120 days after the date of the enactment of this Act, is charged with an offense under chapter 47A of title 10, United States Code, as added by section 3 of the Military Commissions Act of 2006 (Public Law 109–366), or with a felony offense under title 18, United States Code, or chapter 47 of title 10, United States Code (the Uniform Code of Military Justice); or

(B) Continued detention at the Guantanamo Bay detention facility for an additional 120 day period, not to continue more than 240 days after the date of the enactment of this Act, upon written certification by the Secretary of Defense to the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives that additional time is needed to complete the investigation and preparation of charges, including a detailed factual explanation of the specific reasons why the additional time is needed.

(C) Transfer of any such person to another country, provided that—

(i) the transfer complies with the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951, the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and Federal law; and

(ii) an individual being so transferred who is asserting a well founded fear of torture, abuse, or persecution has an opportunity to have the claim heard by the Executive Office for Immigration Review, subject to the same judicial review provided for in section 242(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(4)).

(c) IMMIGRATION STATUS.—The transfer of an individual under subsection (b)(2)(A) shall not be considered an entry into the United States for purposes of immigration status.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out activities under this Act related to the investigation, prosecution, and defense of cases and claims relating to foreign nationals who were detained at the Guantanamo Bay detention facility on or after March 31, 2007, and the transfer of such persons, including for the reimbursement of costs incurred by local communities.

By Mr. NELSON of Florida (for himself and Mr. DURBIN):

S. 1470. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, I rise to introduce the Drug Free Varsity Sports Act of 2007. This bill would provide States with the resources they need to rid our schools of steroids and other performance-enhancing drugs.

I believe steroid use doesn't begin at the professional level. I am very concerned about performance-enhancing

drug use among young athletes, specifically high school athletes. Steroid use among high school students is on the rise. It more than doubled among high school students from 1991 to 2003, according to the Centers for Disease Control and Prevention. Furthermore, a study by the University of Michigan shows that the percentage of 12 graders who said they had used steroids some time in their lives rose from 1.9 percent in 1996 to 3.4 percent in 2004. This is unacceptable and a health risk to our children.

In 2004, the Polk County School District became the first in Florida to establish random testing for high school athletes, and the Florida House passed a bill that would have made Florida the first State to require steroid testing for high school athletes. That bill stalled in the Senate, but now Florida and other States are considering a similar law. Currently, less than 4 percent of U.S. high schools test athletes for steroids, and no State requires high schools to test athletes. Schools and States say that cost is usually the reason they don't test.

In response, I am introducing this legislation to help States with the resources they need to curb the use of steroids and other performance-enhancing drugs. My legislation would provide federal grants directly to States so that they can develop and implement performance-enhancing drug testing programs.

The Drug Free Varsity Sports Act of 2007 would authorize $20 million in grants to States to create statewide pilot drug testing programs for performance-enhancing drugs. States that receive the grants would be required to incorporate recovery, counseling, and treatment programs for those students who test positive for performance-enhancing drugs.

Stopping the use of performance-enhancing drugs goes beyond testing. That is why my legislation also would require States that receive grants to allocate no less than 10 percent of the funding to establish statewide policies to discourage steroid use, through educational or other related means.

There is no simple solution to the issue of steroids in sports. Congress can do its part by enacting the Drug Free Varsity Sports Act of 2007. But the sports leagues, their players, coaches, and parents all must play an active role.

Mr. President, I request 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. 1470

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 ''Drug Free Varsity Sports Act of 2007''.

SEC. 2. PILOT DRUG-TESTING PROGRAMS FOR PERFORMANCE-ENHANCING DRUGS.

(a) PURPOSE.—The purpose of this section is to supplement the other student drug-testing programs assisted by the Office of Safe and Drug-Free Schools of the Department of Education by establishing, through the Office, a grant program that will allow State educational agencies to test secondary school students for performance-enhancing drug use.

(b) PROGRAM AUTHORIZED.—The Secretary of Education, acting through the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools, shall award, on a competitive basis, grants to State educational agencies to enable the State educational agencies to develop and carry out statewide pilot programs that test secondary school students for performance-enhancing drug use.

(c) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary of Education shall give priority to State educational agencies that incorporate community organizations in carrying out the recovery, counseling, and treatment programs described in subsection (e)(1)(B).

(e) USE OF FUNDS.—

(1) DRUG-TESTING PROGRAM FOR PERFORMANCE-ENHANCING DRUGS.—A State educational agency that receives a grant under this section shall use not more than 90 percent of the grant funds to carry out the following:

(A) Implement a drug-testing program for performance-enhancing drugs that is limited to testing secondary school students who meet 1 or more of the following criteria:

(i) The student participates in the school's athletic program.

(ii) The student is engaged in a competitive, extracurricular, school-sponsored activity.

(iii) The student and the student's parent or guardian provides written consent for the student to participate in a voluntary random drug-testing program for performance-enhancing drugs.

(B) Provide recovery, counseling, and treatment programs for secondary school students tested in the program who test positive for performance-enhancing drugs.

(2) PREVENTION.—A State educational agency that receives a grant under this section shall use not less than 10 percent of the grant funds to establish statewide policies that discourage the use of performance-enhancing drugs, through educational or other related means.

(f) REPORT.—For each year of the grant period, a State educational agency that receives a grant under this section shall prepare and submit an annual report to the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools on the impact of the pilot program, which report shall include—

(1) the number and percentage of students who test positive for performance-enhancing drugs;

(2) the cost of the pilot program; and

(3) a description of any barriers to the pilot program, as well as aspects of the pilot program that were successful.

(g) DEFINITIONS.—In this section, the terms ''State educational agency'' and ''secondary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2008.

(2) SEPARATION OF FUNDS.—The Secretary of Education shall keep any funds authorized for this section under paragraph (1) separate from any funds available to the Secretary for other student drug-testing programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1166. Mr. GRASSLEY (for himself, Mr. DEMINT, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1167. Ms. CANTWELL (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. CRAIG, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1168. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mr. MCCAIN, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1169. Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. OBAMA, Mr. DODD, and Mr. DURBIN) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1170. Mr. MCCONNELL (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1171. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1172. Mr. GREGG (for himself, Mr. DEMINT, Mr. CORNYN, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1173. Mr. GRAHAM (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1174. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1175. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1176. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1177. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1178. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1179. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mrs. CLINTON, Mr. DODD, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1180. Mr. HAGEL (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1181. Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1182. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1183. Mrs. CLINTON (for herself, Mr. HAGEL, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1184. Mr. CORNYN (for himself, Mr. NELSON, of Nebraska, and Mr. DEMINT) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1185. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1186. Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1187. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1189. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1166. Mr. GRASSLEY (for himself, Mr. DEMINT, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

SA 1167. Ms. CANTWELL (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. CRAIG, Mr. CRAPO, and Mr. BAUCUS) 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 appropriate place, insert the following:

SEC. ____. NORTHERN BORDER PROSECUTION REIMBURSEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Northern Border Prosecution Initiative Reimbursement Act''.

(b) NORTHERN BORDER PROSECUTION INITIATIVE.—

(1) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(2) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(3) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(A) Prosecution and related costs.

(B) Court costs.

(C) Costs of courtroom technology.

(D) Costs of constructing holding spaces.

(E) Costs of administrative staff.

(F) Costs of defense counsel for indigent defendants.

(G) Detention costs, including pre-trial and post-trial detention.

(4) DEFINITIONS.—In this section:

(A) The term ''eligible northern border entity'' means—

(i) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(ii) any unit of local government within a State referred to in claluse (i).

(B) The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(C) The term ''federally declined-referred'' means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(D) The term ''case disposition'', for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SA 1168. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mr. MCCAIN, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 6, line 11, strike the second period and insert the following: ''.

(C) in paragraph (2), as redesignated—

(i) in the header, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

SA 1169. Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. OBAMA, Mr. DODD, and Mr. DURBIN) proposed an

amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subparagraph (B) of the quoted matter under section 409(1)(B) and insert the following:

''(B) under section 101(a)(15)(Y)(i), may not exceed 200,000 for each fiscal year; or

In paragraph (2) of the quoted matter under section 409(2), strike '', (B)(ii),''.

SA 1170. Mr. MCCONNELL (for himself and Mr. BOND) submitted an amendment intended to be proposed by him 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 appropriate place, insert the following:

SEC. _____. IDENTIFICATION REQUIREMENT.

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(B) The table of contents of the Help America Vote Act of 2002 is amended by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively, and by inserting after the item relating to section 303 the following new item:

''Sec. 304. Identification of voters at the polls.''.

(b) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements of section 304; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

''PART 7—PHOTO IDENTIFICATION

''Sec. 297. Payments for free photo identification.

''Sec. 298. Authorization of appropriations.''.

SA 1171. Mrs. HUTCHISON 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:

On page 1, line 26, insert ''of which not less than 17,500 shall be trained and deployed to protect the borders of the United States'' after ''agents''.

SA 1172. Mr. GREGG (for himself, Mr. DEMINT, Mr. CORNYN, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike section 1 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the

President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

SA 1173. Mr. GRAHAM (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subsections (a) through (c) of section 276 of the Immigration and Nationality Act, as amended by section 207 of this Act, and insert the following:

''(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

''(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

''(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

''(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

''(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

''(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.''.

SA 1174. Mr. THUNE submitted an amendment intended to be proposed by him 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:

In section 1(a), strike ''the probationary benefits conferred by Section 601(h), the provisions of Subtitle C of title IV,'' and insert ''the provisions of subtitle C of title IV''.

At the end of section 1, add the following:

(d) No probationary benefit established under title VI shall be issued to an alien until this section is implemented.

SA 1175. Mr. THUNE submitted an amendment intended to be proposed by him 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:

On page 2, lines 6 and 7, strike ''the probationary benefits conferred by Section 601(h),''

SA 1176. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him 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 appropriate place, insert the following:

TITLE ____—STUDY OF WARTIME TREATMENT OF CERTAIN PEOPLE

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Wartime Treatment Study Act''.

SEC. ____02. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. ____03. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. ____011. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European

American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. ____012. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section ____011(e).

SEC. ____013. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. ____014. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. ____015. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. ____016. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. ____021. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee

Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. ____022. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section ____021(e).

SEC. ____023. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. ____024. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. ____025. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. ____026. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 1177. Mr. BINGAMAN submitted an amendment intended to be proposed by him 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 appropriate place, insert the following:

SEC. _____. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99–603) is amended—

(1) by striking ''section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))'' and inserting ''subparagraph (H)(ii)(a) or subparagraph (Y) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15))''; and

(2) by inserting ''or forestry'' after ''agricultural''.

SA 1178. Mr. KERRY submitted an amendment intended to be proposed by him 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 appropriate place in title II, insert the following:

SEC. 2____. ARREST AND DETENTION OF ALIENS UNLAWFULLY PRESENT.

(a) ARREST PROCEDURES.—Any immigration enforcement operation by the Department for alleged violations under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which is reasonably calculated to apprehend, or results in the apprehension of, at least 50 aliens, shall be carried out according to the following procedures:

(1) STATE NOTIFICATION.—The Department shall provide State officials with sufficient advance notice of the enforcement operation to allow State law enforcement officials to notify the appropriate State social service agencies (referred to in this section as ''SSA'') of—

(A) the specific area of the State that will be affected;

(B) the languages spoken by employees at the target worksite; and

(C) any special needs of the employees.

(2) NGO NOTIFICATION.—The Department and the applicable SSA shall determine how appropriate nongovernmental organizations will be notified on the day of the enforcement action. At the discretion of the SSA, representatives of the nongovernmental organization who speak the native language of the aliens detained in the enforcement action may be permitted to participate with SSA officials in interviewing such aliens.

(3) DETERMINATION OF RISK TO RELATIVES.—The Department shall provide the applicable SSA with unfettered and confidential access to aliens detained in the enforcement action to assist in the screening and interviews of aliens to determine whether the detainee, the detainee's children, or other vulnerable people, including elderly and disabled individuals, have been placed at risk as a result of the detainee's arrest.

(4) MEDICAL SCREENING.—After SSA officials have met with the alien detainees, qualified medical personnel from the Division of Immigration Health Services of the Department of Health and Human Services shall—

(A) conduct medical screenings of the alien detainees; and

(B) identify and report any medical issues that might necessitate humanitarian release or additional care.

(5) CONSIDERATION OF RECOMMENDATIONS.—The Department shall immediately consider recommendations made by the applicable SSA and the Division of Immigration Health Services about alien detainees who should be released on humanitarian grounds, including alien detainees who—

(A) have a medical condition that requires special attention;

(B) are pregnant women;

(C) are nursing mothers;

(D) are the sole caretakers of their minor children or elderly relatives;

(E) function as the primary contact between the family and those outside the home due to language barriers;

(F) are needed to support their spouses in caring for sick or special needs children;

(G) have spouses who are ill or otherwise unable to be sole caretaker; or

(H) are younger than 18 years of age.

(6) PUBLICITY.—The Department shall provide, and advertise in the mainstream and foreign language media, a toll-free number through which family members of alien detainees may report such relationships to operators who speak English and the majority language of the target population of the enforcement operation and will convey such information to the Department and the applicable SSA.

(b) DETENTION PROCEDURES.—

(1) IN GENERAL.—In order to maximize full and fair visitation by children, immediate family members, and counsel, an alien should be detained, to the extent space is available, in facilities within the physical jurisdiction or catchment area of the local field office of United States Immigration and Customs Enforcement.

(2) RELEASE.—

(A) IN GENERAL.—Not later than 72 hours of an alien's apprehension, the alien shall be released from Department custody, in accordance with subparagraph (B), if the alien—

(i) is not subject to mandatory detention under section 235(1)(B)(iii)(IV), 236(c), or 236A of the Immigration and Nationality Act (8 U.S.C. 1225(1)(B)(iii)(IV), 1226(c), and 1226a);

(ii) does not pose an immediate flight risk; and

(iii) meets any of the criteria set forth in subsection (a)(5).

(B) TYPE OF RELEASE.—An alien shall be released under this paragraph—

(i) on the alien's own recognizance;

(ii) by posting a minimum bond under section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a));

(iii) on parole in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)); or

(iv) through the Intensive Supervision Appearance Program or another comparable alternative to detention program.

(c) LEGAL ORIENTATION PRESENTATIONS.—Any alien arrested in an immigration enforcement operation that is reasonably calculated to apprehend, or results in the apprehension of, at least 50 aliens shall have access to legal orientation presentations provided by independent, nongovernmental agencies through the Legal Orientation Program administered by the Executive Office for Immigration Review.

(d) REGULATIONS CONCERNING THE TREATMENT OF ALIENS IN A VULNERABLE POPULATION IN THE UNITED STATES.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this section, in accordance with the notice and comment requirements under subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).

(e) REPORT TO CONGRESS.—The Secretary shall submit an annual report that describes all the actions taken by the Department to implement this section to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on the Judiciary of the House of Representatives;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(4) the Committee on Homeland Security of the House of Representatives.

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

SA 1179. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mrs. CLINTON, Mr. DODD, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him 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 Title VII, insert the following:

Subtitle __—Humanitarian Relief

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''September 11 Family Humanitarian Relief and Patriotism Act''.

SEC. ___2. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—In this subtitle, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

SEC. ___3. ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The Secretary shall adjust the status of any alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to section ___5, the benefits under subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), unless the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. ___4. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and section ___5 of this Act, the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. ___5. EXCEPTIONS.

Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. ___6. EVIDENCE OF DEATH.

For purposes of this subtitle, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. ___7. AUTHORITY OF THE ATTORNEY GENERAL.

The requirements and authorities under this subtitle pertaining to the Secretary, other than the authority to grant work authorization, shall apply to the Attorney General with respect to cases otherwise within the jurisdiction of the Executive Office for Immigration Review.

SEC. ___8. PROCESS FOR IMPLEMENTATION.

The Secretary and the Attorney General—

(1) shall carry out this subtitle as expeditiously as possible;

(2) are not required to promulgate regulations before implementing this subtitle; and

(3) shall promulgate procedures to implement this subtitle not later than 180 days after the date of the enactment of this subtitle.

SA 1180. Mr. HAGEL (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him 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:

In section 616, strike subsection (a) and insert the following:

(a) RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.—

(1) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(2) EFFECTIVE DATE.—The repeal under paragraph (1) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SA 1181. Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him 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 section 401, add the following:

(d) SUNSET OF Y–1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y–1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) after the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y–2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, or any visa program other than the Y–1 visa program.

SA 1182. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) 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 section 101 of the amendment, insert the following:

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the ''Secretary''), to establish new units of Customs Patrol Officers (commonly known as ''Shadow Wolves'') during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

SA 1183. Mrs. CLINTON (for herself, Mr. HAGEL, and Mr. MENENDEZ) 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:

On page 238, line 13, strike ''567,000'' and insert ''480,000''.

On page 238, line 19, strike ''127,000'' and insert ''40,000''.

On page 247, line 1, insert ''or the child or spouse of an alien lawfully admitted for permanent residence'' after ''United States''.

On page 247, line 5, insert ''or lawful permanent resident'' after ''citizen''.

On page 247, line 6, insert ''or lawful permanent resident'' after ''citizen''.

On page 247, line 6, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 7, insert ''or lawful permanent resident'' after ''citizen''.

On page 247, line 8, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 9, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 15, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 24, insert ''or lawful permanent resident'' after ''citizen''.

On page 248, strike lines 2 through 11.

On page 248, line 13, strike the first ''(3)'' and insert ''(2)''.

On page 249, line 1, strike ''(4)'' and insert ''(3)''.

On page 250, between lines 42 and 43, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),''; and

(ii) by striking ''(b)(2)(A)(i)'' and inserting ''(b)(2)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''(b)(2)(A)'' and inserting ''(b)(2)''.

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)'';

(ii) in subparagraph (A), by striking ''becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)'', and inserting ''became available for the alien's parent,''; and

(iii) in subparagraph (B), by striking ''applicable'';

(B) in paragraph (2), by striking ''The petition'' and all that follows through the period and inserting ''The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b).''; and

(C) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''.

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting ''or legal permanent resident'' after ''citizenship'';

(II) in clause (iv)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) by inserting ''or legal permanent resident'' after ''citizenship'';

(III) in clause (v)(I), by inserting ''or legal permanent resident'' after ''citizen''; and

(IV) in clause (vi)—

(aa) by inserting ''or legal permanent resident status'' after ''renunciation of citizenship''; and

(bb) by inserting ''or legal permanent resident'' after ''abuser's citizenship'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking ''subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''clause (iii) or (iv) of subparagraph (A)''; and

(v) in subparagraph (I), as so redesignated—

(I) by striking ''or clause (ii) or (iii) of subparagraph (B)''; and

(II) by striking ''under subparagraphs (C) and (D)'' and inserting ''under subparagraphs (B) and (C)'';

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking ''or a petition filed under subsection (a)(1)(B)(ii)''; and

(D) in subsection (j), by striking ''subsection (a)(1)(D)'' and inserting ''subsection (a)(1)(C)''.

SA 1184. Mr. CORNYN (for himself, Mr. NELSON of Nebraska, and Mr. DEMINT) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 47, line 25, insert '', even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements,'' after ''15 years''.

On page 47, beginning with line 34, strike all through page 48, line 10, and insert:

(3) in subparagraph (N), by striking ''paragraph (1)(A) or (2) of'';

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ''(c),'' after ''924(b)'' and by striking ''or'' at the end, and

(B) by adding at the end the following new clauses:

''(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

''(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);''; and

(7) by amending subparagraph (F) to read as follows:

''(F) either—

''(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

''(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 204. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

''(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

''(B) shall be binding upon any court regardless of the applicable standard of review;''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

SEC. 204A. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

''(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(K) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(L) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.''; and

(2) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (J), and (L) of subsection (a)(2)'';

(B) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' in the next to last sentence and inserting ''if since the date of such admission the alien''; and

(C) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(b) DEPORTABILITY FOR CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

''(F) CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal,

deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 48, line 36, insert ''including a violation of section 924 (c) or (h) of title 18, United States Code,'' after ''explosives''.

On page 49, lines 7 and 8, strike '', which is punishable by a sentence of imprisonment of five years or more''.

On page 49, beginning with line 44, through page 50, line 2, strike ''Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any'' and insert ''Any''.

On page 50, lines 20 through 22, strike ''The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.''.

On page 282, strike lines 32 through 38, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a));

On page 284, strike lines 1 through 7, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 284, line 21, strike ''(9)(C)(i)(I),''.

On page 284, line 41, strike ''section 212(a)(9)(C)(i)(II)'' and insert ''section 212(a)(9)(C)''.

On page 285, between lines 2 and 3, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 286, between lines 6 and 7, insert:

(5) GOOD MORAL CHARACTER.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

SA 1185. Mr. OBAMA submitted an amendment intended to be proposed by him 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:

Section 1(a) is amended by adding at the end the following:

(6) STAFF ENHANCEMENTS FOR THE DEPARTMENT OF LABOR.—The Department of Labor has hired at least 250 compliance investigators and attorneys who are dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C of the Immigration and Nationality Act (as added by this Act), the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), in geographic and occupational areas in which a high percentage of workers who are Y nonimmigrants will be working.

In section 1(c), strike ''(a)(1)–(5)'' and insert ''(a)(1)–(6)''.

SA 1186. Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. __. EXEMPTION FROM IMMIGRANT VISA LIMIT.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by inserting after subparagraph (G), as added by section 503 of this Act, the following:

''(H) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).''.

SA 1187. Mr. ALLARD submitted an amendment intended to be proposed by him 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 appropriate place in title VI, insert the following:

SEC. 6___. MANDATORY DISCLOSURE.

(a) IN GENERAL.—An alien may not be granted Z nonimmigrant status under this title unless the alien fully discloses to the Secretary all the names and Social Security account numbers that the alien has ever used to obtain employment in the United States.

(b) ENFORCEMENT.—If the Secretary determines that a Z nonimmigrant has not complied with the requirement under subsection (a), the Secretary shall revoke the alien's Z nonimmigrant status.

(c) NOTIFICATION OF RIGHTFUL ASSIGNEES.—The Secretary may disclose information received from aliens pursuant to a disclosure under subsection (a) to any Federal or State agency authorized to collect such information to enable such agency to notify each named individual or rightful assignee of the Social Security account number of the alien's misuse of such name or number to obtain employment.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him 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 appropriate place, insert the following:

SEC. ___. INFORMATION REGARDING EMPLOYMENT AUTHORIZATION.

(a) IN GENERAL.—The Secretary shall submit to the Commissioner of Social Security, in a format established by the Commissioner and the Secretary—

(1) the name, Social Security number, and date of birth of each alien who the Secretary authorizes, or renews or extends such authorization, to engage in employment in the United States;

(2) the date such authority, or renewal or extension of authority, is granted;

(3) the name, Social Security number, and date of birth of each alien whose authority to engage in employment in the United States expires without renewal, is revoked by the Secretary, or otherwise ceases to be authorized to engage in employment in the United States, and

(4) the effective date of such expiration, revocation, or other cessation.

(b) TIME OF SUBMISSION.—The information described in subsection (a) shall be submitted to the Commissioner after any review or appeal under procedures established by the Secretary.

(c) ADMINISTRATIVE REVIEW.—The information submitted pursuant to subsection (a) shall be the final determination of the Secretary and is not subsequently reviewable by the Commissioner.

(d) STORAGE OF INFORMATION.—The Commissioner shall electronically store the information received pursuant to subsection (a) in a format that facilitates the calculation adjustment described in subsection (e).

(e) EFFECT ON SOCIAL SECURITY BENEFITS.—In calculating benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.), the Social Security Administration shall not count, as a quarter of coverage (as defined in section 213(a)(2)(A) of such Act (42 U.S.C. 413(a)(2)(A)), any quarter after the effective date of this section during which the individual, if not a citizen or national of the United States, was not identified by the Secretary pursuant to subsection (a) as an alien authorized to engage in employment in the United States.

(f) EFFECTIVE DATE.—This section shall be effective with respect to determinations made by the Secretary with regard to authority to engage in employment in the United States beginning 1 year after the date of the enactment of this Act.

SA 1189. Mr. ALLARD submitted an amendment intended to be proposed by him 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:

In section 203(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)(A)), as amended by section 502, in the table in that section, strike the items relating to the Supplemental schedule for Zs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the sessions of the Senate on Wednesday, May 23, 2007 at 2:30 p.m. in closed session to mark up the national defense authorization act for fiscal year 2008.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, May 23, 2007, at 10:00 a.m., in room 253 of the Russell Senate Office Building.

The purpose of the hearing is to address the current moratorium that bars state and local taxes on Internet access.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, May 23, 2007, at 11:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 23, 2007, at 10:00 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Funding Social Security's Administrative Costs: Will the Budget Meet the Mission?''

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

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled ''Rising Crime in the United States: Examining the Federal Role in Helping Communities Prevent and Respond to Violent Crime'' on Wednesday, May 23, 2007 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Ted Kamatchus, President, National Sheriffs Association; Russ Lane, Vice President, International Association of Chiefs of Police; Tom Nee, President, National Association of Police Organizations; Douglas Palmer, Mayor of Trenton, NJ, President, United States Conference of Mayors, Trenton, NJ; James Alan Fox, Criminologist, Northeastern University; Rick Gregory, Chief of Police, New Castle, DE.

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

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled ''Ending Taxation without Representation: The Constitutionality of S. 1257'' on Wednesday, May 23, 2007 at 1:30 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: The Honorable Chris Cannon, United States Representative, R–UT, Washington, DC; The Honorable Eleanor Holmes Norton, United States Representative, D–DC Delegate, Washington, DC.

Panel II: Representative from the Department of Justice, Washington, DC, Richard P. Bress, Partner, Latham & Watkins, LLP, Washington, DC; Charles J. Ogletree, Jesse Climenko Professor of Law, Harvard Law School, Cambridge, MA; Kenneth R. Thomas, Congressional Research Service, Washington, DC; Jonathan Turley, Professor, George Washington University Law School, Washington, DC; The Honorable Patricia Wald, Former Chief Judge, United States Court of Appeals for the District of Columbia Circuit, Washington, DC.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to meet during the session of the Senate on Wednesday, May 23, 2007 to hold a hearing on pending health legislation. The hearing will take place in room 562 of the Dirksen Senate Office Building beginning at 9:30 a.m.

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

JOINT ECONIMC COMMUNITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, ''Is Market Concentration in the U.S. Petroleum Industry, Harming Consumers?'', in Room 215 of the Hart Senate Office Building, Wednesday, May 23, 2007, from 10 a.m. to 12:30 p.m.

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

SECURITY AND INTERNATIONAL TRADE AND FINANCE SUBCOMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on May 23, 2007, at 2:30 p.m. to conduct a hearing entitled ''U.S. Economic Relations With China: Strategies and Options on Exchange Rates and Market Access.''

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 23, 2007 at 10:30 a.m. to hold a closed markup.

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

STRATEGIC FORCES SUBCOMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Strategic Forces Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 23, 2007 at 11:30 a.m., in closed session, to mark up the Strategic Forces Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that a staff member in my office, Lauren Weeth, be granted the privileges of the floor during the pendency of this bill.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Amy Meyers and Adam Zimmerman of my staff be granted floor privileges for the duration of today's session.

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

TRIBUTES TO SENATOR STEVENS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the deadline for Senators to submit tributes on Senator STEVENS for the CONGRESSIONAL RECORD be extended until close of business on Monday, June 4, 2007.

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

ORDER FOR STAR PRINT—S. 60

Mr. SALAZAR. Mr. President, I ask unanimous consent that S. 60 be starprinted with the changes at the desk.

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

AUTHORIZING PRINTING OF COMMEMORATIVE DOCUMENT IN MEMORY OF THE LATE PRESIDENT GERALD RUDOLPH FORD

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 128, just received from the House, and which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 128) authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 128) was agreed to.

CALENDAR

Mr. SALAZAR. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 161, S. 1352; Calendar No. 162, H.R. 414; Calendar No. 163, H.R. 437; Calendar No. 164, H.R. 625;

Calendar No. 165, H.R. 988; and Calendar No. 166, H.R. 1402.

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; that the motions to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the RECORD; and that any statements related to the measures be printed in the RECORD, without intervening action or debate.

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

DR. FRANCIS TOWNSEND POST OFFICE BUILDING

The bill (S. 1352) to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building,'' was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1352

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

SECTION 1. DR. FRANCIS TOWNSEND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, shall be known and designated as the ''Dr. Francis Townsend Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Francis Townsend Post Office Building''.

MIGUEL ANGEL GARCIA MENDEZ POST OFFICE

The bill (H.R. 414) to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the ''Miguel Angel Garcia Mendez Post Office Building,'' was ordered to a third reading, read the third time, and passed.

LINO PEREZ, JR. POST OFFICE

The bill (H.R. 437) to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the ''Lino Perez, Jr. Post Office,'' was ordered to a third reading, read the third time, and passed.

ATANACIO HARO-MARIN POST OFFICE

The bill (H.R. 625) to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office,'' was ordered to a third reading, read the third time, and passed.

LIEUTENANT TODD JASON BRYANT POST OFFICE

The bill (H.R. 988) to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the ''Lieutenant Todd Jason Bryant Post Office,'' was ordered to a third reading, read the third time, and passed.

SERGEANT DENNIS J. FLANAGAN LECANTO POST OFFICE BUILDING

The bill (H.R. 1402) to designate the facility of the United States Postal Service located at 320 South Lecanto way in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building,'' was ordered to a third reading, read the third time, and passed.

ORDERS FOR THURSDAY, MAY 24, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, May 24; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, 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 therein 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.

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

ORDER FOR ADJOURNMENT

Mr. SALAZAR. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned, following the remarks of Senator SESSIONS.

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

The Senator from Alabama is recognized.

COMPREHENSIVE IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I thank Senator SALAZAR for his courtesy. I want to share a few thoughts tonight. In particular, I wish to talk about the Grassley amendment that deals with the granting of visas, which, by error or inadvertence, could in fact involve individuals who are very dangerous, who would get into our country on a valid visa, and then it be determined that they should never have been issued that visa.

That happens quite often. The State Department is concerned about it. The FBI is concerned about it. The Grassley amendment would help fix that in a significant way. In any comprehensive immigration reform, it is my view that should be a part of it.

We have talked about this for a number of years, but somehow we never got around to getting it done. I am glad he has offered it. If we are going to pass immigration reform, it certainly should be a part of it.

I think one of the problems we have had in our thinking throughout this process is an insufficient understanding that we as Senators should place our national interests first, and we should set policy that serves our laws, that serves our financial interests, and should validate those who follow the law properly and have consequences for those who do not follow the law.

In 1986, there was this discussion that led to immigration reform. It was admitted to be amnesty, and it was supposed to be the last amnesty of all time, a one-time amnesty, and we are going to enforce the law in the future. They promised.

Of course, the amnesty took place immediately and the promises of enforcement and funding and enough Border Patrol agents and all the things necessary to have enforcement never occurred for two main reasons. No President of the United States cared to do anything about lawlessness at the border, and the Congress didn't. Congress, every now and then, would rise up and suggest that something should be done, and some Congressman or Senator would talk about it, but nothing ever really got done.

Now we are at a point where we have perhaps 12, maybe 20 million people here illegally, and they desire amnesty. What will happen next? How many years will it be until the next time?

I have a simple view that goes to the core of what this bill fails to do, and that is to affirm the rule of law. My view is that a compassionate and kind and very generous thing to do for persons who came into our country illegally, who have not been forced to stay here but stay here because they choose to stay here—presumably the life and the pay and the benefits they have here are sufficient that they would choose to stay here rather than where they came from—that those persons, as a result of coming here illegally and of their own volition, should not be given every single benefit that we would give to persons who come to America legally. That is just it. We said that in 1986 and this will be a defining moment about whether we mean it.

We could take two positions. One is, this is not amnesty and maybe we can go on and the same thing would be prepared to happen a few years from now, 15 years from now. Or we can say: No, sir, nobody from 1986 and forever hereafter who comes to our country illegally will be given the full panoply of benefits we give to persons who come to our country legally.

I just want to mention two or three things I think about that. One is citizenship. You don't get citizenship if you break into this country illegally. You don't receive some of the benefits we would give, such as the earned-income tax credit. The earned-income tax credit was designed to help people with families, who are poor, but who do work. It was an idea that went back to the Nixon days. The theory was there was not enough distinction between the income you could get staying home on welfare and actually going out and working. So they tried to incentivize and encourage poor people to see the advantage of work and would give them the earned-income tax credit, which a lot of people do not know is $41 billion a year in expenditures, which is a lot of money designed to help poor people.

Conservatives talk about it, others talk about it, but fundamentally it was designed to incentivize work for American working poor, particularly if they had children. The average recipient of the earned-income tax credit in America receives from $1,700 to $2,000 a year. That is designed to help them work.

But if somebody comes to our country illegally, I see no reason they should be rewarded with the earned-income tax credit; nor should they get Social Security benefits if they paid benefits over a false Social Security number, working under a fraudulent name in a business where they were illegal. They should not get those benefits.

One cannot, in America today, go to court and enforce an illegal contract. If a person promises to pay a drug dealer money for dope and that person doesn't pay the drug dealer, the drug dealer can't sue that person in court. It is an illegal contract, a contract for dope.

It is an illegal contract. When a person comes here and pays money using a fake name or fake Social Security number, that person is not entitled to receive any benefits, in addition to the problems we would have in determining who paid what money under what number and where and when. Fraud would be rampant, so we should not do that.

I am worried about this legislation. I think it has some containment of the Social Security, a good bit better than last year, although I am not sure it is real tight. But there is no containment of the earned-income tax credit. Those are some things we need to think about as we analyze the cost of the legislation that is before us today.

With regard to the Grassley amendment, this amendment would revise the current law related to visa revocations for visa holders who are on U.S. soil. Under the current law, visas approved or denied by consular officers in foreign countries are nonreviewable. In other words, if you go into the consular office, as I did with Senator SPECTER last summer in the Dominican Republic, and happened to meet one and talked with him about how his day was and what it was like—they make decisions. The consular officers ask for information. If they think somebody has a scheme to go into the United States with a visa and never to return back to the Dominican Republic, or whichever country is involved, they deny the visa. The alien whose visa was denied doesn't get to sue the consular officers. That alien doesn't get to complain. This is a discretionary act by a designated agent of the United States of America, a sovereign nation. A sovereign nation gets to decide who gets into its country, who does not get into its country, and under what conditions they come into their country. That is fundamental.

You don't get to sue over it, if you were denied by the consular official in Cyprus or Poland or the Dominican Republic. That's just it. OK.

However, if you are approved by a consular official, but that is later revoked and that individual has now landed on American soil already, the consular official's decision to revoke is turned into a big court case. The practice has made visa revocations ineffective, in fact, as an antiterrorism tool.

This amendment, the Grassley amendment, would treat visa revocations similar to visa denials because the right of a person to be in the United States would expire once the visa is revoked, regardless of whether that person is in the United States.

I think that is something the 9/11 Commission has suggested we should do. That is a very important issue that I will talk about in a little bit.

At a judiciary hearing in March of this year the Secretary of Homeland Security, Secretary Chertoff, said this:

> The fact is that we can prevent someone who is coming in as a guest. We can say you can't come in from overseas. But once they come in, if they abuse the terms and conditions of their coming in, we have to go through a very cumbersome process. That strikes me as not particularly sensible. People who are admitted as guests, like guests in my house, if a guest misbehaves, I tell them to leave. They don't go to court over it.

In 2003, the General Accounting Office reported that suspected terrorists could stay in this country after their visas had been revoked because of a legal loophole in the wording of revocation papers. GAO found the FBI and the intelligence community suspected ties of terrorism in hundreds of visa applications but did not always share that information with consular officials properly so that the application could be rejected. So the consular officers granted the visa, not knowing that the applicant may have connections to terrorist organizations. Had the consular officials known that, they would not have granted the visa. Maybe the FBI was tardy in giving it to them; maybe it was a product of sensitive information they were not at liberty to reveal; maybe they did not discover the terrorist connections until the person got into our country. By the time they got the derogatory information, it was often too late; the visa had been issued. Immigration officials could not do a thing about it if the person had already arrived here. We were handicapped from locating the visa holders and deporting them, even if they were terrorists or there were other serious reasons to deny the visa.

Revocation of a visa is not a thing done lightly, although as a matter of law, I cannot think there is any constitutional requirement they have any kind of extended procedure. But we have established strong procedures on revocation decisions. To revoke a visa is not done lightly. If a consular officer wants to revoke a visa, the case is thoroughly vetted. In fact, the final decision cannot be made by the consular official in the Dominican Republic or Cypress or Poland; it must be made by a higher official in Washington.

Revocation cannot be based on suspicion. It must be based on an actual finding that the alien is ineligible for the visa; in other words, they should not have received the visa. They had the power to say no to begin with. Once the alien is in our country, without judicial review, you cannot revoke a visa.

The consular official gives the visa holder an opportunity to explain their case. They may have the visa holder come down to the embassy and defend their position. So when a visa is revoked, it is serious business. It takes a good bit of time. But current law handicaps our enforcement and makes it nearly impossible to deport the alien if they have already made it to the United States. Current law allows aliens to run to the steps of our country's courts to take advantage of the litigation system. There is no reason for special treatment of those whose visas we revoke simply because they happen to be on land here after we figured out that their permission to come should have been denied.

Allowing judicial review of revoked visas, especially on terrorism grounds, jeopardizes classified intelligence that led to the revocation. It can force agencies such as the FBI and CIA to be hesitant to share information.

Current law could be reversing this very process we set up after 9/11 so we could share information more readily among agencies. Our poor visa policies contributed to the events of September 11.

Nineteen hijackers used 364 aliases. Two of the hijackers may have obtained passports from family members working in the Saudi passport mission, in other words, fraudulent passports.

Nineteen hijackers applied for 23 visas and obtained 22 visas. The hijackers lied on their visa applications in detectable ways. The hijackers violated the terms of their visas. They came and went at their convenience. The 9/11 Commission pointed out the obvious by stating that:

> Terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country.

The 9/11 Commission recommended that we intercept terrorists and constrain their mobility. This amendment

would do that. Allowing aliens to remain on U.S. soil with a revoked visa or petition is a national security concern. It is something we should do something about.

Think about it. An individual came into America, approved for a visa, and it is now discovered the individual had ties to terrorist organizations, may well be deeply connected in some dangerous way where they could threaten the security of the United States, and all we can do is revoke their visa, eventually ask the person to leave, and they file petitions and object and go to court and turn it into a big process.

It is this kind of thing that has the capacity to overwhelm and flood our courts and to create circumstances such that the immigration laws become unenforceable. It is a realistic concern. We have to go back to the basics of immigration and see what this process is all about.

A person who comes into any sovereign nation, the United States certainly being one, comes at the pleasure of the United States, at the sufferance of the United States. Without a right to stay here, but as a free gift that can be taken away or rejected at any time. An alien is not entitled to stay here. An alien does not have a constitutional right to stay here. An alien has no legal right to stay here if he or she is not in compliance with the rules and regulations of the United States. We have designated officials, agents, and officers with the procedures and plans to make those decisions about visas, and we can't have all of those revoked visas turning into lawsuits. I mean, there are not enough hours in the day. It can subject our Nation to threats in many different and terrible ways.

What I would suggest to my colleagues is, let's think about the basics of what immigration is about. It is not a matter of the right of somebody wants to come here. Nobody has a constitutional right, a legal right, or a moral right, for that matter, to enter the United States. It is a decision we make based on policies that presumably serve the national interests of the United States.

If a person is not in compliance after they get here, if a person did not meet the standards when they were admitted, if the person did not meet the standards when they first applied, they should be rejected without a court hearing or a lawsuit. If they get into this country and we find additional information that would have prohibited them from coming, they can be asked to leave without going through a big trial, because they do not have that property right or legal right that would justify such an action.

This is something I have dealt with for some time. I think we can do better about this area of the law. This was a request from the State Department which deals with this every day. We need to do better to support the State Department.

When I met with the consular official in the Dominican Republic, he talked about the fraud they see, and it is pretty common. Frequently people produce fraudulent marriage licenses. Sometimes people actually pretend to be married. Sometimes they just produce documents; they say they are married when they are not married. That makes people eligible to come.

You know what he said? In all of the time he has been working on it, nobody has ever prosecuted someone for a fake marriage license to get entry into the United States.

When I was U.S. attorney, I prosecuted one or two, anyway. I remember people who created fraudulent marriages to set up to get in the country. For one reason or another it came to our attention and we prosecuted the case. It is a violation of Federal law.

What we have got, our guess is, there are so many that people do not have time to do it. But if a person says they are married and they come here to the country, and you find out they are not married, they should be able to depart without having a big trial. You can try them, as I did, and convict them and send them to jail, or give them a probationary sentence for filing a false claim to the Government or false document to the Government or false claim for entry into the United States. All that would be criminal, but it takes a tremendous amount of time, effort, and money to prosecute a case like that, more than probably we can afford to do today. So the better thing is to give our people the power to make that decision and move people out if they are here on a visa.

Now, if they have legal permanent residence or citizenship, of course, that is not so. If you get a legal permanent resident status, then you have certain rights that go beyond what I described.

Mr. President, I thank Senator GRASSLEY for his leadership and for working on this amendment. I think it would be a critically important aspect of any comprehensive reform. I thank the Chair for his patience late into the evening.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR.) Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Thereupon, the Senate, at 8:26 p.m., adjourned until Thursday, May 24, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2007:

DEPARTMENT OF JUSTICE

ONDRAY T. HARRIS, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS, VICE SHAREE M. FREEMAN.

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

LT. GEN. DOUGLAS E. LUTE, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL AUGUSTUS L. COLLINS, 0000
BRIGADIER GENERAL JAMES B. GASTON, JR., 0000
BRIGADIER GENERAL JOE L. HARKEY, 0000
BRIGADIER GENERAL JOHN S. HARREL, 0000
BRIGADIER GENERAL EDWARD A. LEACOCK, 0000
BRIGADIER GENERAL JOSE S. MAYORGA, JR., 0000
BRIGADIER GENERAL KING E. SIDWELL, 0000
BRIGADIER GENERAL JON L. TROST, 0000

To be brigadier general

COLONEL ROBERT K. BALSTER, 0000
COLONEL JULIO R. BANEZ, 0000
COLONEL WILLIAM A. BANKHEAD, JR., 0000
COLONEL ROOSEVELT BARFIELD, 0000
COLONEL GREGORY W. BATTS, 0000
COLONEL THOMAS E. BERON, 0000
COLONEL DAVID L. BOWMAN, 0000
COLONEL GEORGE A. BRINEGAR, 0000
COLONEL JEFFERSON S. BURTON, 0000
COLONEL GLENN H. CURTIS, 0000
COLONEL LARRY W. CURTIS, 0000
COLONEL SANDRA W. DITTIG, 0000
COLONEL ALAN S. DOHRMANN, 0000
COLONEL ALEXANDER E. DUCKWORTH, 0000
COLONEL FRANK W. DULFER, 0000
COLONEL ROBERT W. ENZENAUER, 0000
COLONEL LYNN D. FISHER, 0000
COLONEL BURTON K. FRANCISCO, 0000
COLONEL HELEN L. GANT, 0000
COLONEL TERRY M. HASTON, 0000
COLONEL BRYAN J. HULT, 0000
COLONEL GEORGE E. IRVIN, SR., 0000
COLONEL LENWOOD A. LANDRUM, 0000
COLONEL ROGER L. MCCLELLAN, 0000
COLONEL RONALD O. MORROW, 0000
COLONEL JOHN M. NUNN, 0000
COLONEL ISAAC G. OSBORNE, JR., 0000
COLONEL ROBERT J. PRATT, 0000
COLONEL JERRY E. REEVES, 0000
COLONEL TIMOTHY A. REISCH, 0000
COLONEL JAMES M. ROBINSON, 0000
COLONEL MARK D. SCRABA, 0000
COLONEL DONALD P. WALKER, 0000
COLONEL CHARLES F. WALSH, 0000

WITHDRAWALS

Executive Message transmitted by the President to the Senate on May 23, 2007 withdrawing from further Senate consideration the following nominations:

MICHAEL E. BAROODY, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 5, 2007.

MICHAEL E. BAROODY, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 5, 2007.