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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

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

Let us pray.

Gracious God, our hiding place, how often we take refuge in Your forgiveness. Thank You for Your unlimited mercy. Today, we are aware of how we do not always measure up to what we know to be right; forgive us. Also, we know of the times we have done wrong because of our failure to act; forgive us. Help us, Lord, to lean on Your grace, trusting You to save us from ourselves.

Today, bless the Members of this great body. Give them the strength and commitment to lead our Nation to new levels of greatness. Empower them to use their talents, abilities, and energies to make a better world. As they walk in the path of truth and honor, give them Your peace. We pray in Your saving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER, a Senator from the State of Montana, 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, June 28, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. TESTER 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. This morning the Senate will immediately resume consideration of S. 1639, the immigration legislation. There will be an hour of debate only prior to the cloture vote on the legislation. The time is divided between Senators KENNEDY and SPECTER or their designees.

Following the hour, the leaders will each receive 10 minutes if they choose to utilize the time, with the majority leader controlling the final 10 minutes. If all time is used, the cloture vote would occur about 10:50 this morning.

Members are reminded that there is a 10 a.m. filing deadline for any germane second-degree amendments.

### RESERVATION OF LEADER TIME

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

### COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of S. 1639, which the clerk will report.

The legislative clerk read as follows: A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) modified amendment No. 1934, of a perfecting nature.

Division VII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division VIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division IX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division X of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXIV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXVI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXVII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Kennedy Amendment No. 1978 (to Division VII of Reid (for Kennedy/Specter) modified amendment No. 1934), to change the enactment date.

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

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



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Mr. KENNEDY. Mr. President, I understand that at the hour of 10:30 we will be having the cloture vote on the immigration legislation. Am I correct?

The ACTING PRESIDENT pro tempore. The vote may actually be at 10:50.

Mr. KENNEDY. Fine. I yield myself 5 minutes.

Mr. President, this has been a long journey to try and bring our broken immigration system and our broken borders to the place where this Senate can take action. Today's action is going to be absolutely key to whether we will be able to continue and finalize this legislation at the end of the week. So today's vote is a critical vote, key vote, perhaps the most important vote we have had here on this issue over the period of the last 3 years.

Our Judiciary Committee has been working on this legislation. Senator SPECTER has been a key part of this whole effort. It has been a bipartisan effort. Our quest has been a bipartisan effort here on the floor of the Senate.

Those of us who are committed to this issue believe we have an important responsibility to try to achieve something. We believe the reason for us being here, whether it is from Massachusetts or Pennsylvania or from other States, is to deal with the public's business, the Nation's business. This is the Nation's business. I think outside of the issue of the war in Iraq, this is front and center for our country.

People in my State are concerned and affected by it, and they are in other parts of the country as well. We have 900,000 nonnative-born individuals in my State of Massachusetts. Of those 900,000, 200,000 are undocumented. We have more than 3,000—in the city of Boston—more than 3,000 small businesses directly responsible for 34,000 jobs, more than half a billion dollars in pay and sales taxes in my State by those who are born in other countries. They represent probably less than 10 percent of the State's population, and 17 percent of the job market. The workers in our State, 17 percent are nonnative born, a demonstration that those individuals who have come here to the United States want to work. They want to work. They also are men and women of faith. They are men and women who care about their families, by the fact that more than \$48 billion is returned every single year to the countries in Central and South America.

They care about their families. They want to work. More likely than not, they are all men and women of deep faith and religious belief. That is reflected in many of our communities in my State and in travels around the country. You see that day in and day out.

Also they want to be a part of the American dream. We have seen that reflected in the total numbers of individuals who have served in the Armed Forces of our country. Some 70,000 have served in Iraq and Afghanistan, and many have lost their lives. But in

a number of instances, individuals, the undocumented, have crossed the line in terms of immigration, drawn here by the great economic magnet, the economic magnet that is on this side of the border that says: Look, we need you over here to make the American economy work. We want to pay you over here when you are unemployed over here. We will provide you the resources so you can look after your family. People have been attracted to that magnet. We have them here.

For those toward the end of this discussion and debate, as we have heard on the floor, we know what they are against. We do not know what they are for. Time and time again they tell us: We do not like this provision; we do not like that provision; we do not want that part of it. They ought to be able to explain to the American people what they are for. What are they going to do with the 12½ million who are undocumented here? Send them back? Send them back to countries around the world, more than \$250 billion; buses that would go from Los Angeles to New York and back again? Try and find them? Develop a type of Gestapo here to seek out these people who are in the shadows? That is their alternative? That is their alternative?

This country and this Senate is better. We have a process that said: Look, okay, you are here and undocumented. You are going to have to pay a price. We are going to take people who are in the line who have said they want to play by the rules. They go and they wait, and you wait and you wait and you wait. You pay and pay, and you pay and you pay. You pay your fees, you pay your processing fees, your adjustment fees. You pay not only for yourself but the other members of the family. You demonstrate you are going to learn English, you demonstrate you worked here, that you are a good citizen, that you have not had any run-in with crime, and then maybe you get on that pathway with a green card, and, perhaps, in 15, 18 years you will be able to raise your hand and be a citizen here in the United States. This is the issue. Are we going to have a constructive and positive resolution of this issue, or are we going to be naysayers, bumper sticker sloganeers who say: We are against amnesty, or, we are against this bill?

America deserves better. The issue is too important. Now is the time, this is the place. The Senate is the forum where we have to take this action.

I am hopeful that America is watching this and will understand what is at stake here. This is an issue and this is a vote of enormous importance. We talk of votes here. Some are more important than others. A few are of enormous significance and consequence. A few of them are going to have a defining impact about what kind of society we are going to be in, how we are going to treat each other, whether we have a respect for our fellow human beings and our fellow individuals who are here

in this country, and whether we believe that our greatest days are yet to come.

Are we going to respond to the voices of fear? And that is the issue. Are we going to have a positive resolution, a constructive resolution, that is going to continue to be shaped as it goes to the House of Representatives, shaped there as well by different responsible figures? It may have somewhat of a different view. Or are we going to say no, no, we have listened to those voices of fear who say: Absolutely not. We are going to take the status quo. Every person who votes "no" is going to know that this situation is going to get worse and worse and worse.

We are going to say that: Oh, yes, sure, we will do something down on the border. But you are never going to have the kind of workforce enforcement, you are never going to have the kind of absolutely essential identification system that any responsible immigration system is absolutely required to have.

This is a vital vote about the future of our country or the past. That is going to be the issue in question when the time comes to vote.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield myself 5 minutes.

The legislation now pending is the very best that can be done by very extensive work on the immigration problems in the United States.

Last year in the 109th Congress, the Judiciary Committee, which I chaired, produced a bill. This year we went to a little different procedure and we have structured a bill which is the best that can be done as of this moment. It may yet be improved in the balance of the amendments yet to be voted upon, if cloture is invoked on this vote this morning, a 60-vote tally, obviously very difficult to get to.

Had I written the bill, it would have been substantially different. I would have agreed with Senator MENENDEZ that there ought to be more consideration to families. I would have agreed with Senator DODD that we ought to have more parents coming into this country. I would have agreed with those who oppose the touchback, which I think is punitive and formalistic and not related to anything, necessarily.

But this is an accommodation. The art of politics is to compromise and to accommodate. We have constantly said to the opponents: If you have something better, tell us what it is.

Not only have the opponents not told us what they have in mind for something better, but they have refused to come forward and offer any amendments and have used Senate procedure to stop others from offering amendments. So for hours I sat here as manager of the bill doing nothing. That is why we have utilized the unusual procedure we have today. Some are complaining that they have not had an opportunity to offer amendments but,

candidly, it is their own fault. When they had a chance to do so, they didn't. Beyond that, they stopped others from offering amendments.

We have the advocates for the immigrants. They have a very strong case. What this bill started out to do was to deal with the 12 million people who are so-called "living in the shadows" in fear. This bill does deal with that issue.

Those who say it doesn't go far enough have a point, but I think they lose sight of the core reason the bill is structured, as it is for the 12 million. It accommodates them in a realistic way and puts them on the path to citizenship. That has led many to cry "amnesty." I don't think it is amnesty for the reasons that have been enumerated many times. But amnesty, like beauty, is in the eye of the beholder. These 12 million are going to be here whether we legislate or not. So if it is amnesty, to do nothing is to have silent amnesty. They are going to stay here. To do nothing is to perpetuate anarchy.

Those who have argued strenuously and cogently to have border protection and employer verification to eliminate the magnet and to reimpose the rule of law are right. But they are not going to get the core of what they want if no bill is passed. So we ought to come to grips with the basic reality that the fundamentals on both sides have been realized, not the periphery and not the fringes, but the fundamentals.

We have had some votes which really defy the tradition of the Senate. We had the Dorgan amendment early on where many voted against their preferences, their policy judgments, to kill the bill. They had a position as to what they thought was right. They had expressed it. We knew what their policy position was. They voted the other way to kill the bill.

Yesterday, on the Baucus amendment, it was really extraordinary. I have been here a while. Twenty-three Senators changed their votes. You can tell on the cards, there is a check one way and a cross-off and a check the other way. Twenty-three Senators changed their votes. We talk about profiles in courage, this is a profile in cynicism. Votes were changed in order to defeat the bill, not because they expressed the preferences of the Senators. There were colleagues who said how they would vote, and then they didn't vote the way they said they were going to. I am not going to call them commitments which were breached, but that term might be used. It is a little strong to say that a Senator broke his word and breached a commitment. Let me simply say that some said how they would vote and then didn't. That is an unusual occurrence in the Senate.

It has been a common practice for Senators to vote in favor of cloture and then to vote against the bill. That expresses a middle ground that the Senator doesn't think there ought to have to be a supermajority that is, 60 votes—to carry the bill. But the Senator doesn't want to vote for the bill

and so expresses himself or herself by voting for cloture so the bill can go forward but then votes against the bill on the merits. Those who vote against cloture will be responsible for killing the bill. They can then vote against the bill so that they won't be responsible for passing the bill. Around here, we like to avoid being responsible for one thing or another, but if we do not have cloture on this bill, the bill is dead. If we have cloture, then Senators are not responsible for its passage when they vote against it.

I urge my colleagues to bear that in mind. We pride ourselves in the Senate on being courageous. President Kennedy's book as a Senator was titled "Profiles in Courage." We have one illustration of that in the senior Senator from Arizona, Mr. McCain, who is on the front page of the Washington Post today with the reports about his courageous stand on immigration costing him votes, perhaps costing him the Republican nomination. No one knows for sure, but it isn't helping him any.

It would be my hope that the Senate would rise to the occasion and would not kill this bill because if it is done, it is finished for the year. Next year is a Presidential/congressional election. We are off to 2009 and beyond. Then it will only be worse.

I leave my colleagues with the essential point that a responsible position would be to let the bill go forward. There is another 60-vote margin coming on the issue of a budget point of order. Don't be responsible for killing the bill by voting against cloture. Then you don't have to be responsible for the bill when voting no, and let the majority rule but not call for a supermajority on this very critical issue.

I reserve the remainder of my time.

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. CASEY). The Senator from California.

Mrs. FEINSTEIN. Mr. President, this is really a very difficult time because probably in the 14 years I have been here, there is no more important bill than this one. There is no more difficult bill. There is no bill that calls upon the courage of every single Senator more than this bill. I know what has been happening out there. I know the calls that have been made. I know some of the threats that have been made. Yet we have a chance in this bill to do the right thing.

Many people don't understand the bill. They don't understand the large amount of the bill that is dedicated to enforcing our borders. They don't understand the money that the fees and fines put into the process to be able to do what we need to do with respect to immigration. They don't understand the reforms that are made in employment verification. They also don't understand the threat to our national security—that having so many people in this country and not knowing who they are, having more people coming into this country every day and not know-

ing who they are—the threat this presents to the security of every man, woman, and child.

This bill is aimed to fix what is broken in our system. I have had individual Senators say to me: Well, if the bill was just this part, I would vote for it; if the bill was just that part, I would vote for it. The point is, this part or that part won't get 60 votes. Only a combination of parts to accomplish a broad fix of broken borders, broken identification, a totally broken system will get enough votes.

We are very close to the votes required. I don't know what to say to Members who are not yet decided to bring them on board. I agree with what Senator KENNEDY and Senator SPECTER have said: If we miss this opportunity, there is not likely to be another one in the next few years to fix the system. What will that mean? That will mean every year 700,000 to 800,000 more people will come across our borders unobserved, unknown. They will disappear into the shadows. If there is period of "do nothing" for the next 10 years, that will be 7 to 8 million more people illegally in the country. If we don't fix our visa overstay system, which is in this bill—40 percent of the illegal population are visas overstays; many of them don't go home—that will remain unfixed. If we don't come up with fraud-proof identification cards, employers will never really be able to know whom they employ and whether that individual is a legal person. This is an opportunity to fix all of that.

The fixes may not be to everyone's liking, but they are positive. It is the most positive immigration bill we have considered yet.

Additionally, never before in the history of the country is more being done to fix our broken borders, to fix interior enforcement, to fix employer sanctions. One thing is happening that has turned this bill by talk show hosts into something it is not, and that is for those people who are opposed, this is an amnesty bill. I don't know how we could say more strongly that it is not. I don't know how we could say more strongly that what is out there now is a silent amnesty. People are here 15, 20, 25 years. They are working, owning property. They now have a state of amnesty. This bill reconciles that. This bill changes that. This bill prevents it from happening in the future. It is hard for me to understand why that doesn't measure big-time with many of our colleagues. Apparently, it does not.

I can only come to the floor to plead: Let us finish this bill. If you are concerned about enforcement, Senator GRAHAM's amendment coming down the pike next has many very interesting improvements. Give him a chance to offer that amendment, then vote no. But I think to cut this bill off now is a huge mistake. We are so close. There are still a series of amendments to be passed. Please, give them an opportunity postcloture. Please vote for cloture.

I yield the floor.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in my last election my constituents sent me a couple of clear messages, one of which was do something about illegal immigration. In my State, we have a majority of people who are entering the country illegally coming across the border from Mexico, creating huge environmental problems, law enforcement problems, people victimized on both sides, costs to the State, lawlessness literally on street corners. The people of my State are saying: What is happening to our country when we can't enforce the laws at the border? Are we not a sovereign country? They have a point.

We understand politically that in order for us to enforce the law, we have to have an enforceable law. As a result, this bill we have put together for the first time creates a strong bipartisan consensus for all of the things that are needed to control our border. But it does more in two key ways. The reason these other two things are important is because a lot of my constituents have said: Why should we believe that a new law is going to be enforced when the existing law isn't enforced? That is a very good question. Presidents, both this administration and the previous administration, and Congresses have not done an adequate job of enforcing the law. But it is also true that we have two laws that are not very enforceable. We know that 40 percent of the people who are here illegally have overstayed visas. They didn't cross the border illegally. It is very hard to enforce the visa overstay laws because they are not adequate. We don't have adequate resources, either.

Secondly, the employee verification system in place today is a joke. Everyone knows that. One can use counterfeit driver's licenses and Social Security cards, and we all know there are millions of people working here illegally though they presented documents to an employer. The 1986 bill wrote a very bad provision for employment verification. It doesn't work.

So for those who say, "Well, let's enforce the law, and then there will be the attrition of illegal immigrants and we will get back to a good situation," the answer is, of course, if you do not have a good law to enforce, you cannot work that strategy. The law has to be changed. It is very clear that in order to change the law so it can be enforceable—both with respect to visa overstayers and at places of employment—we are going to have to have a group of people get together, Democrats and Republicans, willing to support some things that each other wants in order to pass such a law. That is the genesis of the bill that is before us.

I hope my colleagues will recognize that doing nothing is not acceptable. It

is pretty clear, when we come down to this cloture vote, that is going to be very close, that 40 Senators might be able to stop the Senate dead in its tracks here, thwarting the will of the majority. Those 40 Senators would be people on one side who want it all their way and on the other side who want it all their way, thwarting the will of the majority, which recognizes that neither side can have it all their way but that doing nothing is not acceptable. That will be the result if cloture is not invoked.

The final point I would like to make is there are several amendments we should be voting on to improve this legislation. Only by moving forward with the cloture vote will we be able to vote on those amendments. One of those is an important amendment, a very large amendment, which was put together by Senator GRAHAM and myself and Senator MARTINEZ and several others which really tries to fill in all of the gaps in enforcement, some of which have been pointed out to us by our constituents, by critics of the bill, by folks on the talk shows, by people who oppose the bill. We have taken a lot of those suggestions—many of them are great ideas—and put them into this enforcement amendment. It will, for example, make it very difficult for a visa overstayer to be able to be here illegally in the future. We are going to know when they overstay their visa. We are going to detain them until they can be removed from the country. That is just one example. So in order to be able to vote on those strong and strengthening amendments, we have to invoke cloture, we have to be able to proceed.

There are still two more opportunities for those who want to express their opposition to the bill to do so. There will be a budget point of order, and there will be the vote on final passage. But surely our colleagues would, I hope, respect the will of the majority, which is to keep moving to make this bill as good as we possibly can, and then everybody has the ability to vote however they want to at the end of the day. I hope my colleagues will agree that doing nothing is not an option and that we can continue to move the bill forward by supporting cloture.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have 5 allotted minutes for Senator SESSIONS, and I see he is on the floor.

I ask the Senator, would you like to take that time now, Senator SESSIONS?

Mr. SESSIONS. Mr. President, I understood it was 10 minutes.

Mr. SPECTER. Mr. President, I say to the Senator, you have 5 minutes from each side. You have 5 from me and 5 from Senator KENNEDY.

I say to the Senator, I was going to yield you 5 minutes now.

Mr. SESSIONS. Mr. President, I would be pleased to use 5 minutes now. I believe some of the other Members I wanted to share time with are available and can speak.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will be pleased to yield 2 minutes to the Senator from North Carolina, Mrs. DOLE.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, first of all, I thank Senator SESSIONS, Senator DEMINT, and Senator VITTER for their hard work on this matter, and other Senators as well.

Certainly, there is one area in which we have much agreement; that is, securing our borders. Clearly, the American people do not have any confidence at all in the promises this will be done when there is track record of total failure. In 1986, there were 3 million illegal aliens, and today, of course, there are 12 million or more. The Government does not seem to know how many.

I have an op-ed piece from the Charlotte Observer. Just quoting from 1986: This bill will help us provide the immediate relief on the border that we need. In my view, it is a good bill. We should all support it, be glad that this long controversy has finally been put to rest.

Well, CHUCK GRASSLEY made it very clear in strong points that he was wrong in the 1986 vote, that this did not provide the security at the border we have been promised again today.

In 2006, we had the Secure Fence Act, 700 miles of fencing to be built. Only 2 miles have been built.

So my view, my strong view, is it is not just promises, it is proof people want. The American people want to see results, control of our borders. We need to establish standards or metrics and then show they have been achieved—for example, having a significant decrease in the number of illegal aliens who cross our border, having a significant decrease in those who overstay their visas, a high rate of deporting those where courts have said a person needs to be removed from this country and deal with contentious provisions at a later date. But these are the key issues people are concerned about.

The first order of business must be that we ensure that the mess we are faced with now never, ever occurs again. We should be laser-focused on our resources, our energy, and ensuring our borders are secure.

My staff and I have been meeting with sheriffs across our State. Section 287(g), which is law now, provides that these local officials can be deputized to enhance the ICE agents. This is very important.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. DOLE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator DOLE and yield 2 minutes to the Senator from Tennessee, Mr. CORKER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Alabama for yielding me time.

I just wish to say I appreciate the efforts of all involved in what has happened over the last month. I really do. I have voted three times against cloture and will vote for a fourth time today against cloture. But at the same time, I really have tried to play a constructive role in voting on each amendment based on the merits of that amendment.

This bill is about a lot of things. Certainly, people have put a lot of effort into it—based on compassion, based on trying to solve a problem. It also, no doubt, has some more sinister components. I hate to say it: cheap labor, party politics, who is going to gain the majority. So there are a lot of different things at play here. I think we all understand that. But I really do appreciate the efforts of all involved.

Today, this is going to get down to four or five Senators. I encourage them to vote against cloture, for this reason: I think this bill is not good for America because I believe America has lost faith in our Government's ability to do the things it says it will do. We have had intelligence gaffs. We have had evolving reasons as to why we are involved in military conflicts. We have seen what has happened at the local, State, and Federal level on things such as Katrina. We have ministers who want to go on mission trips today but who cannot get passports renewed. This is about competence. It is about credibility. I think Americans feel they are losing their country. They are not losing it to people who speak differently or talk differently or are from different backgrounds; they are losing it to a government that has seemed to not have the competence or the ability to carry out what it says it will do.

I believe this bill is going to fail. What I would urge people to do is not what they have said today—and that is, to let it pass—but to move, meaning to pass into another time, but approaching it on a more modest basis, where we do the things we say we will do and build a foundation that will cause the American people to actually have faith in this Government.

The PRESIDING OFFICER (Mr. OBAMA). The Senator's time has expired.

Mr. CORKER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee and would recognize the Senator from South Carolina, thanking him for his leadership. As the Senator from Pennsylvania, Mr. SPECTER, said, this has been a tough battle. I thank Senator DEMINT for his courage. I yield him 1 minute, I believe.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator for his leadership.

Mr. President, this immigration bill has become a war between the Amer-

ican people and their Government. The issue now transcends anything related to immigration. It is a crisis of confidence between what the American people believe our Government is and should be, what it is to them now, and what they perceive it to be.

This vote today is really not about immigration. It is about whether we are going to listen to the American people and realize we need to proceed more carefully, in a more sensitive manner, and appear to be listening to the concerns of the American people.

The allocation of time, as we approach this vote, is very symbolic of where we stand. The supporters of this bill, out of an hour's time, have allocated 10 minutes to the opinion of the American people. I think we should listen to the American people. I hope all of my colleagues will decide not to move ahead with this bill and vote against cloture today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. I thank the Chair.

Mr. SESSIONS. Mr. President, I reserve my 5 minutes remaining.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask Senator SPECTER, may I be recognized?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank the Chair.

To my colleagues who have participated in this debate, I think it has been a once-in-a-lifetime experience, I hope for all of us, because if we did this every week, the Senate would fall apart because this is tough politics, there is no question about it.

I do not pretend to know that I am on the wrong side or the right side of the American people. I can tell you what polls say—that once you tell people what is in this bill, about border enforcement, employer verification, merit-based immigration, the temporary worker program, it is 2 to 1 in about every poll I have seen. I guess you can get the poll to respond to the way you ask the question.

What I am trying to do is provide a solution to a problem that affects the American people. Here is the formula for this problem to be solved: bipartisanship.

To my friends on this side, if you think you can ignore Democrats, good luck. They exist. There are a bunch of them over there. Yes, raise your hand if you are a Democrat. Why don't you all leave? Well, they are not going away. Now, there are a bunch of us over here. Good luck ignoring us.

I would like to secure the border. How many Democrats would? Everybody raises their hand, right? Wouldn't you like to have an employer verification system where an employer

would know the difference between somebody who is illegal and legal?

Enforce the current law. To my friends who call me endlessly and say, "Just enforce the current law, LINDSEY," well, here is LINDSEY's response: I have looked at it. It is unenforceable. You can get a job in America based on a driver's license and a Social Security card being presented. What did all the hijackers on 9/11 have in common? They all had fake ID cards. They all had fake driver's licenses. I can get you a Social Security card. To my good friend from South Carolina, JIM DEMINT, we can go to the Jockey Lot in Anderson, and I can get both of us a Social Security card by midnight with whatever name you want, whatever number you want.

Until we address that problem, we are never going to solve illegal immigration because it is about jobs. Current law is a failure. The public should be cynical. Are we helping them when we fail? We are at 20 percent approval, and we deserve it. We do not deserve our pay raise. But who are the 20 percent? What do you like about this Congress? I cannot believe there are 20 percent of the American people who like what we are doing up here because we are doing nothing but talking about what we will not do, and we are playing a game that the American people do not understand, like the other side does not exist.

You are never going to deal with this issue until you embrace the 12 million. No Democrat is going to let you build a fence and do all the things we want to do without addressing the 12 million. That is never going to happen.

I want to address the 12 million. The reason I want to address the 12 million, it bothers me there are 12 million people here that we do not know who they are and what they are up to. I wish they would go away, but they are not. It is a problem America has to deal with, and we want someone else to do it because we are afraid if we do a plea bargain it is amnesty. We are afraid that the people who don't want to deal with the 12 million will come and take our jobs away. This is about our jobs.

Well, this is bigger than my job. The 12 million will be dealt with. They are not going to be ignored. They will be dealt with firmly and fairly eventually. They are not going to be deported. They are not going to jail. They can't be wished away. So we need to come together in a bipartisan manner and have principled compromise where we deal with the 12 million, we deal with broken borders, we get a temporary worker program.

To my Republican friends, remember this day if you vote no. You will never, ever have this deal again. There will never be a merit-based immigration system such as we have negotiated because President Bush has helped us. To my friends on this side who say President Bush would sign anything, you don't understand what is going on here. President Bush has given us as Republicans things we will never get without

him being President. We have lost the majority, but we have a good deal because we have hung together. A temporary worker program and a merit-based immigration system is a good deal for this country. If we say no today, good luck of ever getting it again.

The 12 million stay here on our terms. They have to learn English. They have to pay fines. They can't be citizens unless they go back and start over. This is as good as it is going to get.

Now, if we lived in a perfect world where the Republicans could write this bill, it would be different, and I can assure you, my Democratic friends would have written a different bill. All I can tell you is, the American people have a low opinion of us because we can't seem to do the things we need to do—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Because we are too worried about us and not them.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we have 11½ minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 4 minutes to the Senator from Colorado and the remaining time between the Senator from Illinois and myself.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come to the floor this morning to urge my colleagues to vote yes on cloture as we bring this debate to a very pivotal point.

As I come to the floor this morning, I am reminded of the millions of phone calls and letters that everybody has received in this Chamber. Many of those phone calls and those letters, those demonstrations have been filled with hate and with venom. They have been filled with hate and with venom.

We are the United States of America because we are able to bring our Government together to function on behalf of the people of this country. So for all of those who have sent arrows in the direction of the profiles in courage who have been working on this issue for the last 2 years, I say to them: Remember the prayer of Cesar Chaves of the United Farm Workers in which he said: Help us love even those who hate us. Help us love even those who hate us so that we can change the world—so that we can change the world.

Much of the venom we have seen around this issue has to do with the fact that people are afraid. People are afraid. I ask my colleagues to join us in looking forward and not being afraid because what makes people afraid today is that we have a system of chaos, a system of broken borders, a system of victimization.

So how do we move forward to create a system of law and order of which we in the United States of America can be

proud? How do we do that? Well, we have done our best. We have put forward a proposal that says the porous borders we have in America are not good for America. The national security of the United States of America demands—demands—that we move forward and secure those borders. So we have done it in this legislation, and we have included the funding to be able to secure those borders.

Second of all, for more than the last 20, 25 years, what has happened is that the United States of America has looked the other way as our immigration laws have been broken time after time. So for the first time, what we have done with this legislation is we have said we are going to enforce the laws. We are going to have tough employer sanctions against employers who hire those who are unauthorized to work in our country. We are even going to criminalize their conduct. So we will enforce the laws of our Nation.

Thirdly, we take the 12 million undocumented workers who are here in America, and we say: You are going to pay a fine. You are going to be punished. You are going to learn English. You are going to have to go to the back of the line, and then after some time on the average of 11, 12 years, between 8 and 13 years, if you do all the things we require of you, including paying these very high fines and paying all of the processing fees required, then at that point in time, you will have an opportunity to become a citizen if you so choose.

To me, that is a commonsense solution to the national security issue which is at stake in this debate. It also is a commonsense solution for a nation that prides itself in enforcing our laws. We are not like other countries around the world that don't enforce our laws, but we will be.

So I say this to my colleagues on the other side: I respect you. I respect you for what you do here and for how you bring a civil debate to the issues that we deal with every day. But at the end of the day, if we don't get this done today with this cloture vote, it is going to mean the national security of the United States of America will continue to be compromised into the future for who knows how long. It will mean we will continue to be a nation that does not enforce our laws on immigration within this country, and it will mean we will have failed to develop a realistic and honest solution to the 12 million undocumented workers who labor in America every day.

So I urge my colleagues to vote "yes" on this cloture motion that we have coming up.

I yield the floor.

Mr. SESSIONS. Mr. President, I believe there is 5 minutes on this side.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I know good people have worked on this bill, and they are promoting it as a good step forward on immigration. But

our own Congressional Budget Office has answered that question. They have said if this bill becomes law, we will see only a 13-percent reduction in illegal immigration into America, and in the next 20 years we will have another 8.7 million illegals in our country. How can that be reformed? I submit this would be a disaster.

The American people, I do not believe, desire to double illegal immigration. That is what this bill—legal immigration. That is what this bill does.

Mr. President, I ask that I be notified after I have spoken for 2 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. The bill is promoted as providing security, but the Border Patrol Association, the former Border Patrol Officers Association, two former chairmen, chiefs of Border Patrol of the United States, former Assistant Attorney General in charge of immigration and security say it will not work, and they are scathing in their criticism and steadfastly reject this bill. I believe it will further diminish, therefore, the rule of law.

The procedure used to get us to this point is unprecedented in the history of the Senate. It allows the leadership to approve every single amendment that gets voted on and gives us only 10 minutes in opposition this morning, while the masters of the universe get over 40 minutes, 50 minutes to promote their side. It is typical of the way this debate has gone, and it will breed more cynicism by the public.

I have just seen a notice this morning from the Sergeant at Arms to tell us that the telephone systems here have shut down because of the mass phone calls Congress is receiving. A decent respect for the views of the American people says let's stop here now. Let's go back to the drawing board and come up with a bill that will work.

The PRESIDING OFFICER. The Senator has used 2 minutes. He has 3 minutes remaining.

Mr. SESSIONS. I thank the Chair. I yield 2 minutes to the Senator from Louisiana who has been effective and courageous in his advocacy on this issue.

Mr. VITTER. Mr. President, if the Chair could inform me when I have used 2 minutes.

Mr. President, we all stand here on the floor of the Senate and regularly acknowledge and even praise the common sense and the wisdom of the American people. Well, this vote this morning for each of us is about whether you really believe that or whether it is just a cheap political line to use.

The American people get it, and they do have common sense and wisdom on this issue. They know repeating the fundamental mistakes of the 1986 bill, joining a big amnesty with inadequate enforcement, will cause the problem to grow and not diminish. They know promising enforcement after 30 years of broken promises isn't good enough. They know the so-called trigger is a

joke because if the trigger is never pulled, the Z visas, the amnesty happens forever. They know groups like the Congressional Budget Office have estimated that this bill, so big on enforcement, will only decrease illegal immigration 13 percent and will have another 8.7 million illegal aliens coming into the country. They know that. They do have wisdom and common sense.

The question is: Do we or do we decide that Washington knows best? This isn't just a vote about immigration. This is a vote about whether this body is out of touch, whether this body is arrogant, or whether it will respect the true wisdom and common sense of the American people.

I yield the floor.

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

Mr. SESSIONS. I yield to the Senator from South Carolina, Mr. DEMINT.

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

Mr. DEMINT. Mr. President, one of the most encouraging parts about this debate—there is a silver lining—is it has reengaged the American people and shown us that we are truly a government of the people. They have spoken and they have spoken loudly. Our phones have been ringing off the hooks. We have received e-mails and letters. People are trying to get in touch with us. Even now, they are calling in such numbers that it has crashed the telephone system in the Senate.

My question to the Senate today is: What part of “no” don't we understand? We need to vote no against cloture and stop this process that is alienating the American people from what we do, and then enforce the laws that are on the books and prove we are a nation of laws and that we will enforce the laws that have been passed by this Congress.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator has 10 seconds remaining.

Mr. SESSIONS. Mr. President, I wish we had been given more than 10 minutes, while the other side has been given 40 or 50. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I understand we have 7½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 3½ minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in our Nation's history, this Nation of immigrants, we have always struggled with this issue. As soon as people arrive on this shore, there is a question about how many more can we take? What does it mean for our Nation if more people come from strange lands who don't speak our language? Yet this di-

versity has made America what it is today. We have sustained this great Nation because we are different and because we are accepting and because the people who struggle to come to these shores—my mother and her family, the families of all of us—brought with them a special quality: a determination for a better life and a willingness to take a risk to come to America. They brought a willingness to take the hardest, toughest jobs to prove the American dream and hope that their children will have better. Multiply that by millions and you have the story of this great Nation.

Throughout our history, we have always debated how many more we can take. That debate comes to a head this morning in just a few minutes. We will have a chance on the Senate floor to decide whether we step forward.

I have heard the voices against this saying: Not this bill. We can surely do better. We have worked hard on this bill. We have made compromises. There are parts of it which I detest and parts which I embrace, and that is the nature of compromise and cooperation. I thank all of those who have crafted it and put it together.

But I want to tell my colleagues what is at stake is very basic and fundamental as to who we are as a nation. Outside this Chamber, outside this congressional debate, you have heard the voices. Some of them are dark and ugly. They are not the voices of America, a hopeful nation that understands we can be a nation of laws, and with diversity we can grow in this world in the 21st century. No, these are voices of exclusion, people who want to keep those people out, people who want those people to go away. That is not America. That isn't what we are about as a nation. That isn't what distinguished us in the world. What distinguished us is we can stand up—Black, White, and brown, from all across this world—and make a nation. We have done it for over 200 years. We can do it again. Those who argue this diversity will destroy us don't understand the core values of this country.

I beg my colleagues this morning, even if you disagree with this bill, don't end this debate. Give us a chance to continue this debate and bring this to a conclusion and a vote. Give us this procedural vote that is coming up so we can continue this debate. If at the end of the day we step back and say we are surrendering to these negative voices across America, the Senate can't rise to the occasion with an important bill, it won't speak well of the Senate. There are those of us entrusted with the responsibility to serve in this place.

Let us say to people across America that we are going to have strong borders, we are going to enforce the law in the workplace, we are going to have rules that say to those who are here illegally you can only stay if you meet the strictest requirements. I think that is a reasonable standard, a reasonable

compromise in the greatest tradition of America.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask to be notified when I have 30 seconds remaining.

We are called today by the ancients, the Founders of this Republic. Are we going to form a more perfect union? It was in this Chamber a number of years ago that we knocked down the great walls of discrimination on the basis of race, that we knocked down the walls of discrimination on the basis of religion. We knocked them down regarding national origin, we knocked them down with regard to gender, we knocked them down with regard to disability. Here in this Senate we were part of the march for progress.

Today, we are called on again in that exact same way. This issue is of the historical and momentous importance that those judgments and those decisions were. When the Senate was called upon, it brought out its best instincts, values, and its best traditions. We saw this Nation move forward. Who among us would retreat on any of those commitments? Who among us would say no to that great march for progress that we had in this Nation?

The question is: Is it alive? Is it continuing? Is it ongoing? Those who vote “aye” say it is ongoing, that we are continuing that march toward progress.

Year after year, we have had broken borders. Year after year, we have the exploitation of workers. Year after year, we see people who live in fear within our own borders of the United States of America. This is the opportunity to change it. Now is the time. Now is the time to secure our borders. Now is the time to deal with the national security issue. Now is the time to resume our commitment to family values, to people who want to work hard, men and women of faith, people who care about this country and want to be part of the American dream, who have seen their sons and daughters, in many instances, fight and lose their lives in Iraq and Afghanistan. That is the challenge.

Now is the time. This is the place. This bill is strong. It is fair and practical. Today, my friends, we have the choice: Are we going to vote for our hopes, or are we going to vote for our fears? Are we going to vote for our future, or are we going to vote for our past?

This is the place. Now is the time. This is the vote. Vote “aye” for America's future.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, let me first compliment the distinguished Senator from Massachusetts.

I yield 2 minutes to the Senator from Florida.

Mr. MARTINEZ. Mr. President, I have been involved deeply in this debate that we have had over a couple of

years. It comes to a close in the next day or so in the Senate. We have an opportunity to move forward, to move the debate on, and to have an opportunity for the House of Representatives to then add their measure of influence upon what this bill should be about. We should not simply say the bill isn't good enough so we are going to do nothing.

For those who find criticism with the bill, it is much easier to tear down than it is to build. We have crafted a bill over months of discussions and negotiations, which does a tremendous amount to end the illegality, secure the border, to ensure that we have the mechanisms to enforce an employment verification system so we don't have any more illegal workers. We do a measure of justice to those who have been here and worked and made this country their home for, in many instances, two decades.

The fact is, for those who simply say do nothing, they have a measure of responsibility to what comes next. What comes next is a continuation of the illegal system. To say simply "enforce the law," well, the current laws aren't good enough to be enforced. They do not have the enforcement mechanisms necessary to ensure that we do have workplace enforcement, which at the end of the day is the most important measure we can have.

A lot has been said about the cost to our society of illegal immigrants being legalized. The CBO, which we trust on these issues, has said—this is the non-partisan congressional budget office—they find that the new Federal revenue from taxes, penalties, and fees under this bipartisan immigration bill will more than offset the cost of setting up the new immigration system and the cost of any Federal benefit temporary workers, Z visa holders, and future legal immigrants under the bill would receive.

I thank the Senator for yielding me some time. I simply say that it has been a pleasure to work with those who have committed themselves to do something about the problem, and not simply say what is imperfect about the solution but to find a solution to this difficult problem.

Mr. SPECTER. Mr. President, the Senator from Florida has such a background, being an immigrant himself, and I think our cause would be well served if he took another 3 minutes.

Mr. MARTINEZ. I thank the Senator. Let me touch on that issue. As an immigrant to America, I understand what it means to live the American dream. I had the opportunity to come to this country as a 15-year-old child, not speaking the language or understanding this culture; yet the embrace that America gives those of us who are fortunate enough to come to these shores and make America our home made me an American.

Many out there today fear that immigrants don't want to assimilate. The fact is—and I have said this before—im-

migrants come to America not to change this country but to be changed by this country. That was my experience. I think it is the experience that has been repeated to the over 200-year history of this Nation as immigrants have come to these shores, and America has had the magic that it performs on those of us who come here to become Americans to then make a contribution, as I hope I am making today by serving in the Senate.

The fact is, this is a divisive issue, but I believe it will bind and heal our country if we deal with it. Unfortunately, to do nothing will continue this festering debate in our country that is so divisive and, at times, so ugly. Our country is better than that. I think our country has the resourcefulness and the strength of culture to ensure that we not fear they want to change America, but that we change them to be the Americans that we hope all of us are and can be.

I thank the Senator for the additional time. This is something in which I have invested my heart and soul because I believe it to be so right for our country. This isn't about the 12 million immigrants. This is about what that will do to ensure that America continues to be the place it has been for more than 200 years, as a beacon of liberty, the "shining city on a hill" that President Ronald Reagan spoke of. We have to continue that tradition and welcome more people into that tradition by allowing them to be legal citizens, legalize their status, while we make it clear that the game is up, and from now on immigration into America will only be legal and not illegal, as it has been for more than two decades.

Mr. SPECTER. Mr. President, I compliment the Senator from Florida for his statements. Had we more time, all of us could tell our own stories. Mine involves two immigrant parents. My father came here at 18, in 1911, and contributed to this country. My mother came with her family at the age of 6, in 1906, and contributed to this country. I thank the Senator from Florida, Senator MARTINEZ, who has a special story to tell because he himself is an immigrant and is a great testament to what we are trying to accomplish with this bill.

I yield 3 minutes to the Senator from Arizona, who has made such a unique contribution to this bill, coming from a border State and facing irate calls, not that they are necessarily representative of all of Arizona. He said he learned some new words.

The PRESIDING OFFICER. The Senator from Pennsylvania doesn't have 3 minutes. He has 30 seconds. The Senator from Massachusetts has 1½ minutes remaining.

Mr. KENNEDY. I yield that time to the Senator.

Mr. SPECTER. I have 10 minutes 30 seconds because I have been allotted the leader time. I yield him 3 minutes.

Mr. KYL. Mr. President, I can say this in about 90 seconds. The Senator

from Pennsylvania made the point. It is a sad commentary in America today that many Americans have lost faith in their Government. The only group that has poll numbers less than the President these days is the Congress. Americans don't believe their Government is representing them and acting on their behalf. The polls show it.

On one of the most critical issues of our day, we will not restore that confidence if we fail to act again. The only way we can restore that confidence is by acting. Skepticism is not a reason for inaction. For those who say, well, let's enforce our laws, I remind them that some of our laws are unenforceable. My conservative friends are the first to point out that the 1986 law is not an effective law. It is unenforceable. Until we change it, we are not going to be able to enforce the law. That is why it is time for us to return to the rule of law in America. By returning to the rule of law, we can restore that confidence that is so critical for the American people to have in their Government.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. SPECTER. Mr. President, we have heard from the objectors what the American people think. I am not sure they have standing to represent the American people. We heard the junior Senator from South Carolina speak as to his interpretation of what the American people think. But we heard the senior Senator from South Carolina stand in firm support of this legislation—the Senator representing South Carolina, as well as the other Senator from South Carolina.

We know as a matter of practice that the callers and the e-mailers are characteristically naysayers. You hear a lot more from people who object than you do from people who are in favor. We know that the majority of America is the silent majority. From my own soundings, what I hear on the train when I come back and forth from Pennsylvania, what I hear in the restaurants, on the streets, and in the fitness club is to proceed, try to find a way to improve a very serious situation in immigration.

No one of us is able to speak for the American people. We hear different voices at different times. I know one thing with relative certainty, and that is you cannot tell what the American people think simply by those who object and those who call. We do not run America in a representative democracy, in a republic, by public opinion polls. If we did, we would take the public opinion poll and we could dispense with all of the fat salaries that Members of Congress get. We could dispense with paying 535 people and take a public opinion poll and sign it into law.

I think the most erudite statement on this particular issue was uttered by

a distinguished British philosopher politician, named Edmund Burke, in a speech to the electorate of Bristol on November 3, 1774, when he made this famous statement:

Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Now, that is not to say in a representative democracy we ought to not consider the opinions of our constituents, but I think Edmund Burke was right more than 200 years ago when he talked about our duty in owing our constituents our best judgment.

What is our best judgment and how have we come to it? We have been working on immigration a long time, and we saw the failures of the 1986 legislation. Because the 1986 legislation failed doesn't mean we cannot correct the problem. Things are very different today than they were in 1986. For one thing, we now have a foolproof method of determining whether an individual is legal or illegal. So now we can hold employers responsible not to hire illegal immigrants. We can take away the magnet of work in this country for those who are not here legally.

We have lost sight I think, of the very fundamental purpose as to what we are trying to accomplish through legislation to reform immigration.

We are trying to secure our borders. This bill goes a long way to securing the borders with fencing, with automobile blocks, with more Border Patrol. The entire 2,000-mile plus of the border will be more secure. It can't be perfectly secured, and that is why we have employer verification which, as I say, is now foolproof. Then when we deal with the immigrants, we are trying to deal with the 12 million undocumented immigrants. Those who would like more—I said earlier that if I had my choice, I would agree with Senator MENENDEZ, that I would have more family unification. I would agree with Senator DODD that I would have more visas for parents. But this legislation is crafted by compromise, and that is the art of politics—the compromise. So it is the best bill that we can structure and come forward with.

If we do not legislate now, we will not legislate later this year when our calendar is crowded with Iraq and appropriations bills and patent reform, et cetera. We are then into 2008 and an election year for President and Congress, and it will be pushed over to 2009. Circumstances will not be better then, they will be worse.

We have a very frequent practice, as we all know, for Senators to vote in favor of cloture, and then to vote against the bill. That is an expression of policy judgment not to hold a piece of legislation to a 60-vote supermajority level. We do not have an issue of freedom of religion. We do not have an issue of freedom of speech. We have a public policy question where in good conscience Senators can say: I am opposed to the legislation, but I do not

think it ought to be held to a 60-vote supermajority.

If we do not invoke cloture, this bill is dead. A vote against cloture is a vote to kill the bill. A Senator may vote for cloture and then express himself in opposition to the bill by voting against the bill.

For those who did not hear an earlier statement I made, I repeat, we had the unusual situation on the Dorgan amendment where Senators did not vote their judgment on public policy but voted against their own judgment to kill the legislation.

We have a tally sheet, those of us who work in the Senate, showing how Senators voted. And on the Baucus amendment yesterday, we had the extraordinary situation of 23 vote changes. You can tell the vote change because there is a mark on one side, it is crossed off, and the mark then appears on the other side.

I suggest to my colleagues that we had more cynical maneuvering on the Baucus vote, which is characteristic of the maneuvering throughout the text of this legislation, and that what this body ought to do is take the famous words of President John F. Kennedy when he served in this body, to exercise a little courage, a profile in courage as opposed to what appears to be a profile in cynicism.

The essence of it is, Senators can vote for cloture not to kill the bill, and then vote against the bill and exercise their right to do that and still allow this bill to go forward where it may yet be improved.

Mr. President, I see my time is just about to expire. How much time remains?

The PRESIDING OFFICER. There is 20 seconds remaining.

Mr. SPECTER. I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, is immigration a problem? Of course, it is. But is immigration a problem that is limited to Texas, Arizona, California, the border States? No. Is immigration a problem only for big cities, such as San Antonio, New York, Chicago, L.A.? No. Immigration is a problem all over America.

As people know, I am from Searchlight, NV, a little town I was born in and the town where I lived. It is 60 miles southeast of Las Vegas in the southern tip of the State. Is immigration something people talk about in Searchlight? Of course, it is.

Take yesterday. I got back to my office, and there was a call from Tommy. I am not going to give his last name for fear somebody will look him up. Tommy called me—and I do have his last name—and he said: I have a friend here who is from Mexico, has been here quite a long time. What is this immigration bill you are working on going to do for him? Should I be in favor of it?

Yes, Tommy, you should be because your friend will no longer have to be

afraid of being arrested and deported. This bill will allow him to come out of the shadows.

The same day, yesterday, I received my mail from Searchlight. Somebody sends me my mail that comes addressed to me in Searchlight. A letter was addressed to me and said, among other things: You probably should go under the witness protection program because of your work on this immigration issue.

That is from Searchlight, NV. This doesn't take into consideration the letters and the calls my offices in Reno, Las Vegas, and here in Washington get filled with hate. I have, of course, turned the letter that I got from Searchlight over to the Capitol Police.

This situation is a problem not just in the border States and big cities, it is a problem all over America.

We are said to be the greatest deliberative body in the world. Shouldn't we do something positive regarding an issue that affects everybody in America, immigration? Some say it is the country's biggest problem. While that may be debatable, it is a significant problem, one of the top two or three problems facing us, and the problem is not going to go away. Is it right to wait until there is a new President? Should we wait until we get a new Congress? Of course not. Talk radio has had a field day, these generators of simplicity.

I want everyone to know, and I want the record spread, I do not believe anyone who is a Senator who votes against this motion to proceed is filled with prejudice, with hatred, with venom, as we get in our phone calls and our mail. I don't believe that. But I do believe we have an issue before us that we must resolve.

My family has been enriched by immigration. My father-in-law, Earl Gould, came to America from Russia when he was a little boy. When he came here his name was Israel Goldfarb. He assumed the name Earl Gould. When I met my wife, her name was Landra Gould.

I had the opportunity to talk with my father-in-law many times. Every one of his siblings who came to America had a different name. They all changed their name in this great melting pot.

My father-in-law died as a young man—he was 52 years old—from leukemia. I think of him often. My wife is an only child. I think of him often for the kindness that he showed me. This ring I wear he gave to me on his death bed. This watch that I wear he gave to me. When he was sick and knew he was going to die, he and my mother-in-law took a trip to the Middle East and brought me back this watch. They didn't have money to buy watches for me, but they bought a watch for me. I still wear the watch.

In this great melting pot we have called America, of which I am a part, my five children are eligible for Israeli citizenship because, with the Jewish

tradition, lineage is with the mother, not the father. My children proudly know this.

My family has been enriched as a result of immigration. I knew my grandmother. I talked with her lots of times. As a boy, I listened to her stories. I talked with her. I can still hear her voice—oh, we had a grand time. That is how she talked. She was born in Katherine's Cross, England, and came over here as a girl, married my grandfather, had eight children, all of them raised in Searchlight, NV.

Those are two examples of what immigration is all about, two examples of what it has done to HARRY REID.

My skin is real white. We have African Americans. The Presiding Officer is of African-American ancestry. In the back of the room—we don't even have to look at the back of the room—we have Hispanics. But my skin is American skin, just as the Presiding Officer, just as Senator SALAZAR.

What is immigration all about? A number of years ago, one of America's great journalists, James Fallows, wrote a book called "More Like Us." The thesis in this book was that everyone was saying we should be more like Japan.

Japan was at the zenith of its height and power, and we were in the doldrums economically. Everyone said we should be more like Japan.

James Fallows wrote this book, "More Like Us," and he said: No, we should be more like us, like America, and the No. 1 issue he talked about being different from Japan, our strength, is immigration. I testify that is true; that is the strength of this great country.

Today in America we have a problem with immigration. We have porous borders that need to be fixed. We are Senators, I repeat, Members of the greatest deliberative body in the history of the world. With the honor of our office comes enormous responsibility. We must resist the ever-present temptation to do what is expedient at the expense of what is right. When short-term gain diverges from long-term good, we must choose the good. This is our challenge today.

I ask every one of my colleagues, Democrats and Republicans, not to shrink from this issue, to support us moving forward on this legislation for the good of our country, the greatness of our country.

There are 100 of us. If each one of us were given a few days to draft an immigration bill. We probably could do a better job than what has been done with this bill, in our own minds. But some of the greatest legislative minds in this body have worked long and hard to come up with this bill. Perfect? No. Good? Yes.

I hope we can do the right thing and move this legislation forward. I am not here to tell my colleagues this legislation is the greatest thing that ever came along, but it is something that is badly needed, and we need to continue this process.

Mr. President, there is \$4.4 billion for border security. Is it going to help? Oh, it will help a lot. There are 370 miles of fencing, which we authorized and, of course, have done nothing about; 300 miles of vehicle barriers; 20,000 new Border Patrol agents; more than 100 ground-based radar and camera towers; and 31,500 detention beds.

Mr. SESSIONS. Mr. President, under the UC, I think we are well passed the time the leader had, and this side only received 10 minutes.

The PRESIDING OFFICER. The leader has the floor. The majority leader has the floor.

Mr. REID. Mr. President, I would say this, 31,500 detention beds. One of the problems we have—

Mr. SESSIONS. Mr. President, point of order. The unanimous consent gave the leader 12 minutes. It is now about 12 or 15. Does that override the leader's time?

Mr. REID. It is my understanding in the order—

The PRESIDING OFFICER. The Chair always allows some latitude to the two leaders. He is currently 1 minute over time.

Mr. REID. Mr. President, it is my understanding of the order of the presenters that Senator MCCONNELL and I had 10 minutes.

The PRESIDING OFFICER. That is true.

Mr. REID. Ten minutes was given to the distinguished Republican manager of the bill, and I now am using my leader's time that was not in the order.

I would also say to my friend from Alabama that I would never rudely interrupt him whenever he is giving a speech. I would never do that, and I wish he hadn't done that, but I will continue.

Mr. President, 31,500 new detention beds. In Las Vegas, when someone is picked up on an immigration violation, there is no place to put them. That is what this legislation does, actual money—not authorizing money but actual money. That is important.

It creates a mandatory employer verification system, which is so important, and a pathway to legalization for 12 million people, like my friend Tommy from Searchlight, NV. What do they do? They work, they pay taxes, they learn English, they stay out of trouble, and they pay fines and penalties. That is important.

AgJOBS. The DREAM Act. This legislation is important. It has come about as a result of a lot of hard work. For example, we have had 36 hearings, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, and 92 Senate floor amendments.

I know the vote for everyone here today is a difficult vote. For some of us, it may be the most difficult of our careers. There is no perfect answer to this problem of immigration, but there are two paths. One path is diversion and negativity, while the other embraces hope. One path embraces exclu-

sion, the other embraces the American dream. One path embraces the status quo, the other pragmatism. Democrats and Republicans alike, let us keep hope alive, let us keep the American dream alive, let us keep pragmatism alive and well here in the Senate.

I ask you to join on the path of hope, a courageous path, a path that President Bush, Leader MCCONNELL, and I have chosen, a bipartisan path to legislative hope. That is what this vote of cloture is all about. Voting for cloture on this imperfect bill will make our union a little more perfect.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank L. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1639, the bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 235 Leg.]

#### YEAS—46

Akaka	Gregg	McCain
Bennett	Hagel	Menendez
Biden	Inouye	Mikulski
Boxer	Kennedy	Murray
Cantwell	Kerry	Nelson (FL)
Cardin	Klobuchar	Obama
Carper	Kohl	Reed
Casey	Kyl	Reid
Clinton	Lautenberg	Salazar
Conrad	Leahy	Schumer
Craig	Levin	Snowe
Dodd	Lieberman	Specter
Durbin	Lincoln	Whitehouse
Feingold	Lott	Wyden
Feinstein	Lugar	
Graham	Martinez	

#### NAYS—53

Alexander	Baucus	Bond
Allard	Bayh	Brown
Barrasso	Bingaman	Brownback

Bunning	Ensign	Rockefeller
Burr	Enzi	Sanders
Byrd	Grassley	Sessions
Chambliss	Harkin	Shelby
Coburn	Hatch	Smith
Cochran	Hutchison	Stabenow
Coleman	Inhofe	Stevens
Collins	Isakson	Sununu
Corker	Landrieu	Tester
Cornyn	McCaskill	Thune
Crapo	McConnell	Vitter
DeMint	Murkowski	Voivovich
Dole	Nelson (NE)	Warner
Domenici	Pryor	Webb
Dorgan	Roberts	

## NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, the vote has been cast. As I told a number of my Republican friends, even though the vote is disheartening to me in many ways, I think as a result of this legislative work we have done in the last several months on this legislation, there have been friendships developed that were not there before, trust initiated that did not exist before. I say to my friends, Democrats and Republicans, this is a legislative issue. It will come back; it is only a question of when. We are only 6 months into this Congress. We have so much to do.

Hopefully, this lesson we have all learned will be one where we recognize we have to work more closely together. I hope we can do that. I say to all of you, thank you very much for your patience—the phone calls I have made; if I twisted arms, it was not very often. I so appreciate—I think I speak for all of us—being able to be part of this great Senate where we are able to participate in decisions such as this.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we go to a period of morning business with Senators permitted to speak for up to 10 minutes each, and Senator ROBERT C. BYRD be recognized to speak for double what everyone else is allowed to speak, 20 minutes.

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

The President pro tempore is recognized for 20 minutes.

The PRESIDING OFFICER. The President pro tempore is recognized for 20 minutes.

## GROWING OLDER

Mr. BYRD. Mr. President, I feel compelled to address head on, I mean head on, the news stories in recent weeks that have pointed out the shocking discovery, yes, shocking discovery, that I am growing older. Did you get that? Shocking discovery that I am growing older.

I find it no surprise, but then I have had some time to become accustomed

to the increasing distance between the year of my birth and the current date. I may not like it, but as Maurice Chevalier put it:

Old age is not so bad when you consider the alternative.

A recent Associated Press story ran in West Virginia's Charleston Daily Mail. The headline read: Dramatic change in signatures shows that age is catching up with Senator BYRD. The newspaper offered as proof the signatures on my Senate financial disclosure forms from last year and this year. It is true that this year's signature looks like I signed it in a moving car. Some days, the benign essential tremor that I have had for years now is worse than on other days, just as it is for the approximately 5 million other people in the United States who suffer from similar tremors. It is annoying, but it is hardly evidence that I am at death's door.

Nor should it come as a surprise that I use canes to help me get around or that I am not always as fast as I once was. I am not aware of any requirement for physical dexterity in order to hold the office of U.S. Senator. The often grueling hours working in the Senate requires are tough on far junior Senators, and I am no longer one of the younger Senators.

But to worry in print that I have missed one vote this year? Really. Out of more than 18,000 votes in my career, to miss one vote or two votes every now and then is surely excusable. Even old people can be allowed a sick day or two now and then, can't they?

That is really the crux of the matter. In this Internet-savvy, media-infused culture, we have forgotten that people do get older, even, dare I say it, old. Television is full of pretty young people. The few white-haired heads that one sees on television are made up and glamorous. Off camera, though, most bear little resemblance to their TV persona.

In a culture of Botox, wrinkle cream, and hair dye, we cannot imagine that becoming older is a good thing, an experience to look forward to, a state worthy of respect. If I were 50 years old and used canes due to some injury or had a disease-related tremor, the newsletter stories would be about my carrying on despite my adversities. But my only adversity is age. Age.

In real life, the lucky ones among us do get old. We move down the steep slope, to the far right of the bell curve of age. The really lucky ones, and I almost count myself among them, get to be aged, into their nineties or even older, a distinction that I think is naturally paired with the wisdom borne of experience. We do get white hair, yes. And we do get wrinkles. And we move more slowly. We worry about falling down because we do not bounce up the way we used to.

Our brains are still sharp, but our tongues are slower. We have learned, sometimes the hard way, to think before we speak. I hope, however, that what we have to say is worth the wait.

Many good things are worth the wait. Grandma Moses did not take up painting until the age of 75. She painted some 1,600 paintings, 250 of which she painted after her 100th birthday. Michelangelo was still working on frescos and sculptures when he died at the age of 89.

Age is no barrier to accomplishment. When the spirit and the mind are willing, the creative juices continue to flow. I like to think that I still have a few things left on my to-do list. I also like to think that someday our rapidly aging society will get over its fear and its denial of aging. We had better get over it quickly because the demographics tell us our senior population is rapidly growing.

If my colleagues still show deference to me, as the news article reported, I hope it is due to my experience, my position as chairman of the Appropriations Committee, and my ability as a Senator. If they are patient with me as I turn the page, I hope that is an example of the Golden Rule; that they show patience with my minor adversities of age as they hope that someday others will show to them.

After all, the Senate is not exactly full of spring chickens. You better believe it. It is not supposed to be. The Senate was designed to give age and experience a chance to flourish, and the rules give slower speakers—the rules give slower speakers a chance to be heard.

Five percent of Senators date from the roaring 1920s. All of them served in World War II. The Senate will truly lose a great generation when they decide, if ever, if ever, to retire.

Almost a quarter of Senators date from the 1930s, including many seasoned committee chairmen and ranking members. I am sure my younger colleagues on the Appropriations Committee appreciate the opportunity to play a larger role as appropriations bills move through the Senate, as the recent articles reported.

As I have gotten older, I have learned to have great trust and great respect for my colleagues, many of whom I have worked with for many years. Why is that decried as a bad thing? Why should not these fine Senators, now in their fifties through their eighties, get to spread their wings while the old wise BYRD watches?

Abraham Lincoln once rightly observed:

In the end, it's not the years of your life that count. It's the life in your years.

My only adversity—my only adversity is age. It is not a bar to my usefulness as a Senator. I still look out for West Virginia. I still zealously guard the welfare of this Nation and its Constitution. I still work every day to move the business of this Nation forward, to end this reckless adventure in Iraq, and to protect, to preserve, and defend the Constitution of the United States against all those who would reshape it to suit partisan agenda. I will continue to do this work until this old