

I am also heartened that Mr. Ziglar questioned our nation's use of expedited removal and detention at his confirmation hearing. Later this week I will join with Senator BROWBACK and others to introduce the Refugee Protection Act, which would sharply limit the use of expedited removal and reduce the use of detention against asylum seekers. I think I can speak for Senator BROWBACK in saying we look forward to working with Mr. Ziglar to move this legislation.

The use of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer, calls the United States' commitment to refugees into serious question. Since Congress adopted expedited removal in 1996, we have had a system where we are removing people who arrive here either without proper documentation or with facially valid documentation that an INS officer simply suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before leaving—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have received reliable reports that valid asylum seekers have been denied admission to our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, as Archbishop Theodore McCarrick described in an op-ed in the July 22 Washington Post, a Kosovar Albanian was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. I believe we must address this issue in this Congress.

In addition to questioning expedited removal and detention, I hope that Mr. Ziglar will work with us to address some of the other serious due process concerns created by passage of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Through those laws, Congress expanded the pool of people who could be deported, denied those people the chance for due process before deportation, and made these changes retroactive, so that legal permanent residents who had committed offenses so minor that they did not even serve jail time suddenly faced removal from the United States. The Supreme Court has recently limited some of the retroactive effects of those laws, in *INS v. St. Cyr*, but we must do more to bring these laws into line with our historic commitment to immigration. Many of us have attempted throughout the last five years to undo the legisla-

tion we passed in 1996—it remains a high priority and I hope we can find areas of agreement with Mr. Ziglar and the Administration.

Mr. Ziglar did not present himself at his confirmation hearing as an expert on immigration and immigration law—he said frankly that he has much to learn. He did offer his expertise in management and promised to work hard to solve some of the problems the INS has faced over recent years. We in Congress want to be partners in this effort, and I hope that the excellent working relationship we have had with Mr. Ziglar over the years will continue in his new capacity.

James Ziglar is the President's choice to be the Commissioner of the Immigration and Naturalization Service, and I am happy to vote for his nomination. He has a distinguished background as a lawyer, investment banker, and government official. Furthermore, he was a distinguished Sergeant at Arms of the Senate, serving the needs of every Senator in a time of great partisanship. He worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and effective work.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I note that Jim Ziglar is on the floor. I want to be the first among all of our colleagues to congratulate him publicly.

(Applause, Senators rising.)

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

#### EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—Continued

Mr. HARKIN. Mr. President, we are still on the agriculture package. After having had this last vote, I think it is the wish of the Senate that we move ahead on this bill so we can go to conference.

Again, I remind Senators, as others have reminded them today, time is running short. We would like to finish this bill if at all possible today so that we can go to conference tomorrow, hopefully finish the conference tomorrow at some reasonable time, and come

back with the conference report either late tomorrow or early on Thursday so we can finish the conference report and get it to the President before we leave at the end of the week.

It is going to be touch and go because the checks have to get out in September. We will not be here in August. We will be on recess in August.

We do have to complete our work on the bill and get it to the President. This Senator is convinced that if we get this bill done today, we could probably finish conference tomorrow. I don't anticipate a long conference with the House. We would have to work out some disagreements on spending levels. I believe that could be done fairly expeditiously.

If any Senators have further amendments they would like to add, I hope we can reach some agreement on time limits. I hope there is not going to be any effort to string out the bill or to delay it. We just can't afford to delay this bill. We have to get it done, and we have to get to conference. We have to get the conference report back and get it to the President.

I am not saying Senators should not offer amendments. I am just saying if they offer amendments, let's do so right now. Let's have some reasonable time agreements, and then let's finish the bill so we can get to conference tomorrow.

I hope we can move ahead expeditiously and finish this bill yet today.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1191

Mr. SPECTER. Mr. President, I call up amendment No. 1191.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Ms. LANDRIEU, proposes an amendment numbered 1191.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

Mr. SPECTER. Mr. President, I am proposing this amendment on behalf of Senators LANDRIEU, COLLINS, SCHUMER, SNOWE, LEAHY, ALLEN, BIDEN, BOND, BREAUX, CARNAHAN, CARPER, CHAFEE, CLELAND, CLINTON, COCHRAN, DODD, EDWARDS, FRIST, GREGG, HELMS, HOLLINGS, JEFFORDS, KENNEDY, KERRY, LIEBERMAN, LINCOLN, MIKULSKI, MILLER, REED, ROCKEFELLER, SARBANES, SESSIONS, SHELBY, SMITH of New Hampshire, THOMPSON, THURMOND, TORRICELLI, and WARNER.

As the distinguished manager, the Senator from Iowa asked for a time agreement—if I might have the attention of the Senator from Iowa.