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U.S. IMMIGRATION POLICY

Mr. BYRD. Madam President, the inscription on the base of the Statue of Liberty that has welcomed immigrants for generations can be found in the poem, "The New Colossus." by Emma Lazarus:

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles—from her casement
Glows world-wide welcome: her mild eyes command
The ar-idged harbor that twin cities frame.
"Keep ancient lands, your storted pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"

The United States has a proud history of welcoming immigrants fleeing religious persecution, political oppression, and economic hardship. My own forebear on my father's side came to these shores in 1657, settled on the banks of the Rappahannock River where all—with the exception of possibly one in this Chamber—are children of immigrants. Great-grandchildren, great-great-grandchildren, and great-great-grandchildren of immigrants. The magnificent promise of a better life that is inscribed in the base of the Statue of Liberty has deep roots in both the American mind and American law. George Washington captured that promise in his dictum two centuries ago that the United States should be "a country which may afford an asylum, if we are wise enough to pursue the paths which lead to virtue and happiness, to the oppressed and needy of the Earth."

I understand the American dream that has lured immigrants here for more than 200 years. I have a son-in-law who is an immigrant from Iran. He is a physicist. I have a grandson who is married to an immigrant from Korea. My own State of West Virginia has benefitted from the many contributions made by our foreign-born citizens. West Virginia's coal miner population is the early part of the 20th Century reads like a United Nations roster: British—English, Welsh, Scottish—Irish, Italian, Hungarian, Lithuanian, Swedish, Austrian, Russian, Greek, Syrian, Romanian, German, Polish, Slavic, and on and on.

In recent months, this administration has been working with its Mexican counterparts to craft a new immigration policy that would, among other things, legalize three to four million undocumented Mexican immigrants now working in the United States. According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 11 percent of the total U.S. population. That is about 30 million immigrants living in the United States—13 million to 14 million of whom arrived just in the last 10 years.

These numbers are quite extraordinary when we look at what happened to steel, what is happening to chemicals.

I will be with my colleague. I am opposed to fast track. I am for free trade but fair trade.

Next year will be my 50th year in Congress, and I see one administration after another, Republican and Democrat, go down this same fast track, and I am tired of it. I have been against it. I do not stand here today and propose we ought to deliberate on putting a duty on every toothbrush or every fiddle or fiddle string or every paint brush that comes into this country, but there are a few major questions that we should be allowed to debate and offer amendments on when that measure comes before the Senate. What's wrong with that? I wouldn't mind, half a dozen, six, three, but why should we go along with our eyes closed and continue the fast track of American jobs and American industries across the seas?

Getting our ducks in a row, we have become sitting ducks. These are the ducks that our forefathers gave us to put in a row. It does not say anything about fast track. It does not say anything about binding and gagging ourselves when it comes to trade legislation. It says the Congress shall have power to regulate commerce.

Let's exercise that power. Let's exercise our rights as Members of the Senate, elected by a free people. Count me, register me, make me a first lieutenant in the ranks. I am ready. I volunteer.

I thank the Senator for his contributions. I thank him very much for his leadership on this issue.

Is the Senate in a period for morning business?

The PRESIDING OFFICER (Ms. STABENOW). The Senator is correct.

Mr. BYRD. Are there any limitations?

The PRESIDING OFFICER. Each Senator is restricted to 15 minutes.

Mr. BYRD. I ask unanimous consent to speak for not to exceed 45 minutes.

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

Mr. BYRD. Madam President, I thank the Chair.

Mr. BYRD. Madam President, the inscription on the base of the Statue of Liberty that has welcomed immigrants for generations can be found in the poem, "The New Colossus," by Emma Lazarus: Here at our sea-washed, sunset gates shall stand
secondary school enrollment growth over the last 20 years. If we invite more immigrants into our public school system, we must consider the absorption capacity of our public education system. That means that we will have to spend billions of taxpayer dollars to expand our public education infrastructure. The current infrastructure is being strained to the hilt.

We also have a responsibility to ensure that these new citizens, at the very least, have access to the resources to become proficient in the English language. The Census Bureau recently reported that nearly one in five Americans does not speak English at home. Among Spanishspeakers, only half the adults described themselves as speaking English well, and only two-thirds of the school-age children in Spanish-speaking homes described themselves as speaking English very well. If we accept these potential citizens, we have an obligation to help ensure that they can assimilate themselves into our society.

Population growth will also continue to cause more and more land to be developed. Both past experience and common sense strongly suggest that population growth of this kind has important implications for the preservation of farm land, open space, and the overall quality of life throughout our country. A nation simply cannot add nearly 120 million people to its population without having to develop a great deal of undeveloped land.

There are also environmental concerns that must be considered. A growing nation requires increasing amounts of energy and greater recovery of natural resources, which results in larger output of pollution in our streams and greater accumulations of solid waste in our landfills.

Our resources, as never before, are limited. For all the talk we have heard in recent months from the administration about liberalizing our immigration laws, the President has not made any suggestions—I haven’t heard them if he has made any—about how to pay for the additional infrastructure investments that will be required.

Just look around you. The infrastructure is being asked to bear far more than the traffic will bear. Look at our schools. Look at our hospitals. Look at our welfare programs.

Does the Administration want to increase taxes to support these newcomers? We have been cutting taxes. How much of our limited resources is available to us to provide for the additional infrastructure? What price are we willing to accept all of these new immigrants?

These are the questions that our immigration policy needs to address if we are to offer a higher standard of living and a better life to the immigrants that our nation accepts. Instead, the American public is witnessing an immigration debate unfold that threatens to move this nation’s immigration laws in exactly the wrong direction.

Today the President of Mexico, Vicente Fox, in addressing a joint session of Congress, said that the need is to regularize the flow of migrant workers between the United States and Mexico. The Bush Administration contends that we can regularize this migrant flow through a new “temporary worker” program. I assure you, that there is nothing new about “temporary worker” programs and the amnesty that usually accompany them. In fact, these kinds of proposals have become a frighteningly familiar routine in recent years that have contradicted our immigration laws and sent exactly the wrong message abroad.

In 1986, Congress granted an amnesty to 2.7 million illegal immigrants, based on the premise that we should send the right signal to avoid participation in illegal immigration when combined with a ban on the hiring of illegal immigrants by employers. I supported that proposal, although it later proved to be a false promise. Illegal immigration increased dramatically.

More recently, there have been efforts by Congress to pass the so-called 245(i) status adjustment, which would allow illegal workers—for a $1,000 fee—to waive the requirement that would force them to leave the country and effectively base them from reentering the United States for up to 10 years.

This kind of legislation, in particular, flies right in the face—right in the face of the Congress’ recent efforts to stop the flow of illegal immigrants. The section 245(i) provision nullifies those measures passed by the Congress that would punish immigrants who enter this country illegally.

Not only is this legislation unfair to every immigrant—both present and past—who wants to legally enter this country, but it sends the message abroad that as long as you can gather together enough money, you can circumvent our laws whenever they prove to be inconvenient.

State and local governments have not done much better at discouraging illegal immigration. Many States have passed laws that would punish immigrants who enter this country illegally.

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I hope that this rush to further relax our immigration laws is not just a competition for political advantage, but I fear that that is in fact the driving force behind it, and “voting for plucking” is driving the altruistic claims of both parties, I urge that we draw back and face the ugly possibility of unintended exploitation of foreign workers as the outcome of political jockeying in this country. We are not being honest with the new immigrant children and come even closer to falsehood when we politicians pretend that we can address these vast numbers of future immigrants in any sort of decent and humane way? Anyone even vaguely familiar with the health care system in this nation knows that it is inadequate to service our present population and becoming more inadequate each day. Go visit the hospitals in the area. How can we pretend that we can address even the most mundane health care needs of these new immigrants? We read about these needs in the newspapers—the Washington Post and the Washington Times. The stories are frequent in those newspapers about the health needs, about the poverty, and about education shortcomings. We are so stretched now that we cannot handle the present load. Our infrastructure just simply can’t handle it.

How can we pretend that our overcrowded, underachieving school system can possibly deal with thousands of new immigrant children and come even closer to preparing them to cope with the competitive job market in America today. We are not being intellectually honest. We are not being honest with the legal workers who are already in this country. We are not being honest with these people. We are not being honest with ourselves.

We can’t assure these children an adequate education, and that is the truth. Are we consigning these children to a sort of permanent underclass when we fail to give them basic tools with which they can achieve? The truth is, our infrastructure—both physical and human resource related—is 20 years behind, and falling further behind with each passing year.

From everything to inadequate roads and transportation, to a health care system that assists fewer and fewer people, to an education system that can no longer afford to meet the needs of our infants, to a system that assists fewer and fewer people, to an education system that can no longer afford to meet the needs of our infants, to a health care system in this nation knows that it inadequate to service our present population and becoming more inadequate each day. Go visit the hospitals in the area. How can we pretend that we can address even the most mundane health care needs of these new immigrants? We read about these needs in the newspapers—the Washington Post and the Washington Times. The stories are frequent in those newspapers about the health needs, about the poverty, and about education shortcomings. We are so stretched now that we cannot handle the present load. Our infrastructure just simply can’t handle it.

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migrant workers. Through labor camps, hobo jungles, and ruined farms westward to California, they faced a peculiar kind of torment—the torment and isolation of hardship and poverty amid plenty. Let us proceed with caution—I say this to my political colleagues in this body, in the other body, and in the executive branch, and in the State legislatures, in the counties, in the towns and communities, cities across this Nation—let us proceed with caution, lest we turn America’s sweet promise of a cornucopia to bitter grapes of wrath for us all, including our legal immigrants.

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

The PRESIDING OFFICER (Mr. Nelson of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, I ask unanimous consent that I may proceed as in morning business for up to 10 minutes.

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

MISSILE DEFENSE

Mr. COCHRAN. Mr. President, I will take a few minutes to make some observations about some of the discussions I have read in recent days in various news articles and have heard from Senators who have commented on these articles relating to missile defense and the President’s efforts to discuss with Russia and other friends and allies around the world our intentions with the development of missile defenses to protect the security interests of the United States.

For some reason or other, in recent weeks there have been some misinterpretations made of comments that have appeared in news articles. Some have suggested that the administration, for example, is going to abandon the ABM Treaty or is developing plans and asking for funding in this year’s appropriations bills to conduct tests and do development projects for missile defense which would violate the provisions of the ABM Treaty.

It is clear from everything the President himself has said that he would like to replace the ABM Treaty, after full discussions with Russian officials, allies, and friends around the world, with a new strategic framework that more closely reflects the facts as they exist now in the relationship we have with Russia.

The ABM Treaty was written, as we know, in 1972. It was written in an atmosphere where the prevailing doctrine of national security was mutual assured destruction where we would actually have, as a matter of national policy, a plan to annihilate or destroy cities with innocent civilians in retaliation against a nuclear missile strike against the United States from the Soviet Union. And the mutual assured destruction doctrine was very troubling in and of itself, but it was the only thing we had. Deterrence was a way of life—and also a promise of a way of death in case someone decided to authorize a strike against the other. This was an agreement that was entered into at a time when each side seemed to be intent on building new and more sophisticated and more lethal weapons systems targeted to military targets in the other’s nation state.

But times have changed. The Soviet Union no longer exists. Even though the Clinton administration attempted to negotiate a successor agreement, it has never been submitted to the Senate for ratification. The succession agreement lists Russia, Belarus, and another nation state as the successor states to the Soviet Union. Think about that. I am sure the Senate would discuss that very carefully and probably at great length, and whether or not the Senate would advise and consent and permit the ratification of that treaty, to permit it to go into effect and have the force and effect of law, is problematic.

But that is just one indication of how times have changed. The Clinton administration continued to respect the ABM Treaty to the extent that it would not undertake testing of even theater missile defense systems if the Russians objected. And in the discussions with our representatives in Geneva and elsewhere, talking on these subjects, it became clear that this country was going to be inhibited in its testing of these advanced theater missile defense systems because of provisions of the ABM Treaty.

By now, it ought to be very clear that there are threats to our soldiers and sailors who are deployed around the world from these very theater missile offensive systems that we saw Iraq use in the desert war—in the war that we helped organize and wage against them to liberate Kuwait. Twenty-eight or twenty-nine members of a National Guard unit lost their lives in Iraq. In the chairman’s mind as a result of a Scud missile attack.

We cannot tolerate being inhibited and subject to the approval of another country to test and develop and deploy a system that would protect soldiers in war and sailors who are deployed around the world. We have already, as a matter of fact, developed follow-on systems to the Patriot system, which was the only thing we used to try to counter the Scud missile attacks. And we continue to upgrade this program in developing systems that will offer the kind of protection against those missile attacks in the future. The PAC-3 program, for example, has had a succession of successful tests, using the hit-to-kill technology of a defensive system.

There are other examples of theater missile defense programs. There is the Theater High Altitude Air Defense System—the acronym is THAAD. It sounds like my name is a system that offers protection against missile attack. But to hear some Senators and look at the authorization committee’s mark right now, you would think these theater systems were the same as the national missile defense system. We saw reports in the paper that the chairman had presented the Armed Services Committee with a committee print of a military authorization bill for the next fiscal year, and it cuts $1.3 billion out of missile defense. This is being described in the newspapers, and by Senators, too, as a reduction in the amount of money that would be authorized for national missile defense.

When you look at the exact dollar amounts in the bill—and it is not national missile defense—approximately $347 million is cut from the Navy theater-wide program in the chairman’s mark, along with $210 million for the THAAD program and $80 million from the airborne laser program. These are not long-range missile programs. These are not missile programs designed to counter intercontinental ballistic missile threats to our country; these are designed to protect men and women in the military service of the United States who are deployed all over the world right now. And they are now under threats from the same kind of missile weapons systems that were used by Iraq. Now they have been modernized, we hear from our intelligence sources, and are more accurate and more reliable and more lethal than they were in the desert war.

These programs should not be cut in the name of trying to restrict the President from using funds that the Congress appropriates for national missile defense. These are intermediate-range defensive systems, the testing and deployment of which were not intended to be covered by the ABM Treaty. And even though the Clinton administration was negotiating with the Russians our rights to test in developing these programs—to some degree at least—it is not an effort to restrict the President and the Department of Defense in their effort to fully explore the use of technologies that