

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in family.

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

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—90

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brownback	Harkin	Salazar
Bunning	Hatch	Santorum
Burns	Hutchison	Sarbanes
Burr	Inouye	Schumer
Cantwell	Isakson	Sessions
Carper	Jeffords	Shelby
Chafee	Johnson	Smith
Chambless	Kennedy	Snowe
Clinton	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landriou	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Talent
Cornyn	Levin	Thomas
Craig	Lieberman	Thune
Crapo	Lincoln	Vitter
Dayton	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden

NAYS—8

Coburn	Graham	McCain
DeMint	Inhofe	Obama
Feingold	Kerry	

NOT VOTING—2

Byrd	Rockefeller
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The bill (S. 2349), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I take no contributions from special interest PACS or lobbyists. My office operates under a set of rules governing our interaction with lobbyists that is stricter than current law. Regardless of any legislation, I always hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

The past several months, however, have highlighted for congressional action on lobbying and ethics reform. Public concern has increased about

both illegal and unethical activities involving lobbyists. These include well-funded special interest groups that disguise their activities through the formation of coalitions, associations, and grassroots campaigns; improper campaign finance practices; lavish gifts to Members of Congress and their staffs apparently in violation of current congressional ethics rules; and earmarks slipped into legislation as favors for lobbyists without debate on proper consideration.

The actions of others have made it clear that our current regulations on lobbying are outdated and ineffective. That is why I supported S. 2349, the Legislative Transparency and Accountability Act of 2006. It is my hope that this legislation will move us toward restoring the public confidence in Congress by shining light on congressional processes and cracking down on lobbyist influence.

I realize that this bill falls short in certain areas. I was an original cosponsor of the Honest Leadership Act, which would have gone even further than the Senate-passed bill in reigning in inappropriate gifts, travel, and influence on Members of Congress. I supported amendments that would increase the transparency of Senate actions and voted against cloture to give other Senators a chance to offer amendments to strengthen the bill.

If the legislation passed by the Senate today had gone further in increasing accountability for Members of Congress, it would have gone further in restoring the public faith. However, I believe it is also our responsibility to balance far-reaching legislation with the time constraints before us. This bill is far from perfect but it is an important first step in putting an end to the "culture of corruption" that has become a part of Washington.

Serving in Congress is a great honor—one we must earn by always making the welfare of our constituents and the Nation our sole motivation. The current lobbying scandals show how far we have drifted from that ideal. But the reforms will do much to correct our course. And, as always, I will continue to hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

SECURING AMERICA'S BORDERS
ACT

Mr. FRIST. Mr. President, pursuant to the order of March 28, I ask that the

Senate now begin consideration of S. 2454. I further ask unanimous consent that the time until 8 p.m. be equally divided between the two leaders or their designees.

I further ask unanimous consent that when the Senate resumes consideration of the bill tomorrow, the time until 12 noon be equally divided in the same form for debate only, and that at noon the chairman be recognized in order to offer an amendment; provided further that there then be debate only until 5:30, with the time divided in a similar fashion.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

The PRESIDING OFFICER. Who yields time?

The majority leader.

Mr. FRIST. Mr. President, to clarify, we are now on what will be passionately discussed over the next several days, a very important piece of legislation that addresses the range of border security issues surrounding enforcement, interior enforcement, temporary worker programs—a debate which I know and expect will be civil and held with dignity, but what is a very difficult debate.

I will make a brief opening statement and then turn to the chairman and ranking member, but also I would like to make a statement shortly after they do.

Mr. President, this debate, when you boil it down to its essence, is about the American dream and the home that this country offers for so many hard-working people—a difficult debate, an important debate. But it is also an issue about what it means to be a nation, and every nation must keep its citizens safe and its borders secure.

That is why we are starting with the Securing America's Borders Act, a bill I introduced prior to the March recess. This bill acknowledges the overriding principle that we must protect our citizens by securing our borders. A nation that cannot secure its borders cannot secure its destiny or administer its laws.

The situation along our southern border now ranks as a serious national security challenge, second only to the war on terror. Every day we discover new facts that show how delay and inaction is making America less safe and less secure.

In January, officials discovered a massive tunnel stretching nearly a half mile from Tijuana to San Diego. We don't know how many more snuck in. We do know that mixed in with the families seeking a better life are drug dealers, human traffickers, terrorists, and common criminals who cross our border into this country every day.

But the danger is not only to America. It is danger to those who try to cross our borders as well. Unofficial data collected along the Arizona border shows that nearly 225 people died last year crossing that border. About 10 percent perished under circumstances that suggest foul play.

We all know the terrible stories of criminals who prey on vulnerable migrants, who charge outrageous prices to smuggle them across the border and then often abandon them at the moment trouble strikes. It is wrong. It is time for us to act. And over the next week and a half on this floor we will act.

The bill that I introduced includes a number of commonsense consensus measures that improve security along our physical border, crack down on human smugglers, simplify the process of deporting wrongdoers, and make it easier for employers to confirm their employees' legal status.

First and foremost, we need better enforcement and we need more manpower on the ground. Last year, the Senate led the charge to provide funding for 1,000 additional officers, more equipment, and more detention beds. That was a start but only a start.

My proposal adds nearly 15,000 more officers over the next few years in a sustained and focused effort to buttress the nearly 20,000 already deployed to work on border issues.

It also requires new investments in unmanned aerial vehicles, cameras, and sensors, and a comprehensive national border security strategy.

It establishes a long-term project of building a virtual barrier to cover every mile of our 1,951-mile border with Mexico.

This will both make America safer, and it will reduce the number of people endangering themselves trying to come into our country.

In addition to physically strengthening our border, the bill makes it easier for the Department of Homeland Security to catch people who violate our immigration laws.

It enhances the collection of biometric data about who enters the country. And it allows the department to set up additional border checkpoints. Moreover, the border security bill creates tough, new penalties for human smugglers and document forgers.

Under this bill, terrorists, dangerous gang members, and others with serious criminal connections face expedited removal from the United States.

But this bill doesn't just draw on the common sense of the American people for its provisions. It also looked to the 9/11 Commission Report for guidance. This Commission recommended that we consolidate border screening systems. The border security bill does just that.

It encourages the use of biometric data to keep track of who is coming

and going. Again, the border security bill does just that. It identified the need of State and local officials to work with Federal agencies to identify terrorist suspects. The border security bill does just that.

Securing the border and enforcing our laws are crucial first steps to making America safer. But much more remains to be done. And we will address these other issues over the next week and a half.

There are over 11 million people in this country illegally. Congress simply cannot turn a blind eye to this growing number. We need to act. Our Nation is founded on the rule of law by generations upon generations of immigrants. We should not have to choose between these founding principles. Instead, we need to honor both traditions.

In my view, neither the House bill nor the bill reported by the Judiciary Committee yet quite strikes that appropriate balance, and both need to be improved. I believe the House bill is incomplete because it fails to provide a comprehensive solution to our immigration situation, one that allows for necessary and helpful legal immigration and that welcomes those who play by the rules.

We should reward those who respect the rule of law, who made it here the right way, and who are trying to make it here the right way. I believe the committee bill by contrast goes too far in granting illegal immigrants with what most Americans will see as amnesty.

I disagree with this approach not just as a matter of principle but because granting amnesty now will only encourage future and further disrespect for the law. It will undermine our efforts to secure our homeland. There are better ways to address this issue.

Senator KYL and Senator CORNYN have a proposal. Senator SPECTER had a chairman's mark and a proposed compromise, and all of these approaches created a temporary worker program without a grant of amnesty. We need to find a legal way for employers to find the people they need to keep their businesses running and continue to grow the economy. Creating legal paths of immigration is a way to do this.

In the end, it is my hope we will have a bill which has both strong enforcement mechanisms with additional border and interior security and real employer accountability that addresses the humanitarian and economic challenges we now face without amnesty.

America has always been the place where one can come to live out a dream of improvement and renewal. But while we welcome those who refresh and restore our American spirit, we have always done so within a framework of the law. The full Senate should have a chance to discuss, to deliberate, to debate, and to decide how we balance

that rule of law with the situation as we find it. We are here to solve problems and not to stand by as problems get worse. Those problems are getting worse. We need to work together so that all 100 Senators have the opportunity to work within our rules to solve this problem.

The committee bill, while not perfect, makes real and significant progress in many areas. I believe it can be improved upon. It has formalized a new consensus in the Senate, one that did not exist a year ago, on aggressive provisions to protect our borders, including new detection technologies, significant new increases in Border Patrol agents, tough provisions on alien smuggling and, for the first time, a real employer verification enforcement title.

As is the right of the chairman, the Judiciary Committee product will be offered as an amendment to the Border Patrol security bill that has been introduced. Moreover, I expect a whole series of amendments which will attempt to tighten the amnesty and temporary worker provisions in the judicial bill. I intend to support those amendments.

I recognize we have important principled differences that will be expressed in the Senate with conviction and with passion over the next several days. I expect the debate to be contentious. I also expect it will be civil and it will be respectful. I invite all who have ideas to work with us. Together we can bring our best to bear on the problem of illegal immigration so America is safer and is more secure.

As I said when I introduced my bill, I want this coming debate to reflect our commitment to the rule of law and to our proud immigrant inheritance. We are a nation of immigrants. We have all benefited from America's uniquely inclusive ethos. But America is also a nation of laws. Our laws bind us and protect us. They transform us from seekers into citizens. They are the very foundation of our democracy.

I am glad many agree on the need to ensure our debate is in the best keeping of the Senate's tradition. We ought to be honest about the problems we face, face them directly, and be honest about the outcomes we seek, within a framework of conversation that does credit to the Senate and to the Nation. We will conduct this debate with respect and seriousness.

I look forward to a thorough discussion over the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senate has an opportunity to take what could be a historic stand on reforming our immigration system, where many problems exist, including border security, ports, people coming into our country whom we cannot identify, posing a potential security risk

from terrorists entering the United States. There are some 11 million undocumented aliens in the United States who are unwilling to step forward because of their concern of being prosecuted and deported. We have an economy which relies very heavily on immigrant labor.

We have now come to the point where legislation has been introduced which tackles these problems. The majority leader has said there will be passionate arguments. That is certainly true. Emotions run very high on these issues.

Some say we are a nation defined by the rule of law and that has been flagrantly violated by the 11 million people who have come to this country without conforming to the U.S. law. Many others who have come on visas have overstayed their leave. And, at the same time, we pride ourselves on being a compassionate nation. No one can deny that the United States of America is a nation built by immigrants. No one can deny that.

In my own personal situation, my own family is Exhibit A. My father came to this country in 1911 when he was 18 because the Czar wanted to send him to Siberia. He preferred Pennsylvania. So he came to the United States. My mother came at the age of 6 with her family and settled in St. Joe, MO. My brother and my two sisters and I have contributed to life in America. Our story is replicated by millions of people who have come from foreign shores and who have created a life for themselves, as the majority leader says, the American dream. And people still clamor to come to the United States because of the quality of life in this country, because of our democratic institutions, because of freedom of speech, because of educational opportunities and economic growth, and a chance to have a better livelihood and a superior way of life.

When the majority leader comments about the committee bill and says it is amnesty, I disagree with him head on. It is not amnesty. It is not amnesty because the lawbreakers are not being unconditionally forgiven for their transgressions. The lawbreakers, in order to move forward and stay in the United States and move toward a citizenship path, have to pay a fine. They have to pay their back taxes. They have to undergo a rigorous background examination. They have to work for 6 years. They have to earn the right to move toward a citizenship track.

If there is a better way to bring these 11 million people forward so that we can identify them, we are open to any suggestions which anyone may have. The Judiciary Committee has worked on this issue for months. We have had hearings. We have had analysis in the committee on markups. We faced the leader's requirement that the bill be finished before yesterday, before Tues-

day, or the Senate would proceed on the leader's bill as opposed to the committee bill.

The Judiciary Committee prides itself on getting its work done. We got our work done. It was not easy, but we did it. In an unusual session, people returned early from the recess, came back on a Sunday. It doesn't happen around here, unfortunately. It should, but it doesn't. We ought to work more Mondays. We are going to work Friday of this week on this bill. We started at 10 o'clock on Monday morning and with a short recess break we worked through until past 6 o'clock in the afternoon. People who are watching C-SPAN may not be too interested in what a quorum is, but that is when 10 Senators are present out of 18. That is hard to do, especially when some Senators are in Iraq.

With the cooperation of the distinguished ranking member, Senator LEAHY, and the committee members generally, we were able to complete our task and complete and report out a bill on Monday of this week. That bill will be the replacement bill on behalf of the leader's bill.

While the leader is still on the floor, I say in his presence, his bill is up about noon tomorrow. The committee bill will be a replacement bill which will form the substance of the Senate deliberation.

I thank the committee members for their hard work. We have taken thoughtful, constructive legislation introduced by Senator MCCAIN and Senator KENNEDY, and thoughtful, construction legislation introduced by Senator KYL and Senator CORNYN, and suggestions made by other Senators, and have molded them into what we call a chairman's mark. That is the name for the amalgamated bill that was the basis for our consideration.

We have moved ahead. It was my hope that we might have structured accommodation, a compromise among the competing ideas. After debating it extensively on Monday afternoon, it was determined we could not accomplish that, but we are still working on it. We yet may be able to structure a bill which will have more of what Senator KYL and Senator CORNYN were looking for than the final committee product. But all of that remains to be seen.

However, we have produced a bill and the majority leader characterized it as "while not perfect, significant progress," and I would not disagree with the majority leader's characterization that it is not perfect. I have been here a while and I haven't seen a perfect bill yet. I hope to be here a while longer and I do not anticipate seeing a perfect bill. This bill, however much it is improved, is not going to be perfect, in any event.

We have provided for border security. We have what we call a virtual fence.

Unmanned drones will patrol the borders. There will be overhead satellite control. We have very vastly increased the number of border agents. We have provisions for employer verification, worked out with the cooperation of Senator GRASSLEY, who is not only a member of the Committee on the Judiciary but also chairman of the Committee on Finance. That is on a title which is yet to be added and will be added on the floor. We have a little jurisdictional issue, but we have worked out employer verification. Employer verification is a very major aspect of securing our borders.

We are going to have people come to the United States because of opportunity here, no matter what we do. We want to avoid the circumstance President Bush described in a Saturday address last week of having people come to the United States in 18-wheelers. What is an 18-wheeler? It is a big truck that has 18 wheels and people are stuffed into it. Many have died trying to come into this country in that way.

We have the realistic prospect of having an identification card, much like a credit card, which can go through an electronic process so that prospective employers will know whether the applicant for a job is here legally. If the employer hires the applicant knowing they are illegal, there will be tough employer sanctions to try to stop that practice.

As long as there is opportunity in this country, and without a guest worker program which will satisfy the needs of our economy, we are going to have people who will be determined to come here legally or illegally, any way they can get here.

We had a very important amendment offered by Senator FEINSTEIN, who had worked with Senator CRAIG, on agriculture. The statement was made by Senator CRAIG, and I believe it to be accurate, that agriculture in America would collapse—tough word—collapse without migrant labor. This committee bill includes a worker program which has been the cornerstone of what President Bush has urged.

I was pleased today to hear that Speaker DENNIS HASTERT commented he favors a guest worker program, which would be a significant addition to what the House of Representatives has passed, an enforcement program. That is the recognition that it is necessary for the American economy to have people come into this country to help us on the farms, in the hotels, in the restaurants, in so many lines of American work.

It is a good sign that when we function in conference under our bicameral system—the House has passed a bill; I am confident we will pass a bill in the Senate on immigration; and it is subject to modification and the will of the Senate—but with the recognition by the Speaker of a guest worker program, that is a very positive sign.

We have improved the situation with respect to visas for highly qualified people. William Gates was in Washington, lobbying—a pretty high-priced lobbyist—to come talk about the needs of Microsoft—a marvelous company, high tech, enormous advances for America—he wants more people with Ph.D.s and wants a larger quota of visas for those people to come in. We have accommodated that. And we have created more opportunities for people to come in who are students. If we can bring more brains to the United States, we are going to be anxious to do so.

I believe it is important to say, simultaneously, that we are making strenuous efforts to avoid bringing people into this country where there are Americans who can handle the jobs. If Americans can handle the jobs, we are not going to be bringing in other people. We will give those jobs to Americans first. And before employers may seek guest workers, under our legislation, there has to be a showing that the jobs could not be filled by Americans.

We have tackled, in the committee bill, the 11 million undocumented aliens, candidly, as best we could. We pride ourselves on being a nation of laws, and those who are here undocumented have come into the United States in violation of our laws. And now the question is, what do we do? We do not want to have a fugitive class in America. We do not want to have an underclass in America.

To contemplate, to even theorize about going out and taking 11 million people into custody is an impossibility. And if you took them into custody, they have to be detained before they have a deportation proceeding. Where will you detain them? Where are there detention facilities? Where are there beds? Where are there accommodations to keep them for deportation proceedings?

So if we have a realistic expectation that these undocumented aliens will have to come forward, there is going to have to be a program which will encourage them to come forward. We are not going to go out and arrest them and find them. And they have to know there is consideration for their plight, even though they are here without complying with U.S. law. And they do have to pay a fine. They do have to pay their back taxes. They do have to work for 6 years. And they have to undergo a background check. They have to comply with U.S. laws.

So it is not a free ticket. It is not amnesty. This word “amnesty” is a code word. It is a code word to try to smear good-faith legislation to deal with this problem. If you move away from the label, if you move away from the smear word and analyze what is going on, I think it is fairly stated that we do not have amnesty.

One line which we have not yet finished is the issue of judicial reform, ju-

dicial review. We need to have more in the way of immigration judges—better trained, better qualified—to handle the tough jobs which they have.

Then, we have an appellate line, the Board of Immigration Appeals, where the number has been cut from 23 to 11, and they are filing one-page opinions, which puts an enormous burden on judicial review in the circuit courts. Our bill will return that number to 23. We will call upon the Board of Immigration Appeals to write opinions so the circuit court will know what their reasons are, to take a burden from the circuit court of being required to start from ground zero to figure out what is going on in a case.

The chairman's mark has a provision that will consolidate appeals in the Federal circuit. We have had a good bit of objection to that from the Judicial Conference and from very prominent judges. Before moving ahead, we did not include that in the bill which we reported out of committee. Instead, we are going to have a hearing next Monday. We may even get in the habit in the Senate of working on Mondays. Who knows what may come from this bill?

We are going to bring in experts in the field. We are going to bring in the chief judge of the Federal circuit. We are going to bring in the chief judge of the Second Circuit, which has a very heavy burden. The chief judge of the Ninth Circuit is not available. We will have other representation from the Ninth Circuit to analyze that issue, to know more about the structure as to what we will be doing there.

But I believe we are off to a good start. I believe that when we replace Senator FRIST's bill with the committee bill, we will have a comprehensive reform package on the table. Then we will work the will of the Senate. We came close to striking a compromise, as I said, on Monday afternoon, and it was not successful. But it is going to be revisited. I think we may yet be able to take portions of the Kyl-Cornyn bill and integrate them into the committee bill, which relies very significantly on McCain-Kennedy, to present an even more balanced approach.

May I say, in conclusion, that we ask Senators to file their amendments. We have a difficult job. Instead of having 2 weeks, we are going to have, starting on Thursday—and Friday is always subject to some question as to how late in the day we can go, if at all—and then we have next week. And the temper of the Senate is to try to finish on Thursday when we look toward a recess, especially the Easter recess. I am being very pragmatic here as to what we are doing, but I would not be surprised if the leader was prepared to keep us in beyond Thursday night, beyond even Friday.

So I urge—and I know my distinguished colleague, Senator LEAHY,

joins me in this—Senators to come forward with their amendments and be prepared to debate them and to start to think about time limits and to be aware that we are going to hold the votes to 15 plus 5. We have many votes which are held into the 30- to 40-minute category, which cuts into the floor time to get this important work done.

And now, with another pat on the back to Senator LEAHY for his tireless efforts and support, and who had a lot of things he wanted to do in Vermont—it is hard to get Senator LEAHY out of Vermont any earlier than absolutely necessary—he was back here on Sunday, and he was there on Monday. And with the help of the committee—and we had pretty good attendance—we reported out a bill. I accept the leader's characterization: while not perfect, significant progress. Let's make some more progress, and let's get some real immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Pennsylvania for his kind words. I have told him privately, and I will say it publicly, he has acted as a chairman should. I have been here 31 years, now going on my 32nd year. I have seen great chairmen in both parties in this institution. I have seen others who were chairmen in both parties.

Senator SPECTER is in the mold of the great chairmen. He took a very difficult bill, by his own force of will—as he has with others—and kept us together, made sure we had discussions. We went across the political spectrum. We had people who feel very strongly, and rightly so, who had differing views—all distinguished Members of the Senate. He herded them together, kept us together, and kept us in, doing what has been a rarity: the type of Monday session he had to make it work.

I can assure colleagues, both Republicans and Democrats, we would not have this bill on the floor, in an ability where the Senate cannot only work its will but do a fine piece of legislation, were it not for Senator SPECTER. Senator SPECTER made it possible with his leadership.

Senator KENNEDY, on our side, has worked on these issues since before any of us presently on the floor were in the Senate. And with the work of Senators from both sides of the aisle, we have a bill that provides a realistic, a reasonable system for immigration.

We voted in a bipartisan majority. We have seen, over the years, the Judiciary Committee become more polarized. We have seen, in the past couple of years, more and more strongly bipartisan votes. In this case, it was a bipartisan majority with a vote of 12 to 6, with two-thirds of the members of the committee voting in favor of a bill

that protects America's borders, strengthens enforcement, and—and this is what is so important—remains true to American values.

The Judiciary Committee has confronted the challenging problem of how to fix our broken immigration system head on. It has sent to the Senate a good product. The committee met six times to debate a proposal offered by the chairman, meeting for long hours and considering dozens of amendments. The debate was substantive. It was civil. It was bipartisan. It was effective. And it was productive.

I might say, had it not been for superb staff on both sides of the aisle, this would not have been possible. I think of the members of my own staff. I would log on sometimes at midnight, when I would get home from other things, and their e-mails were pouring in from the work they had done. I would go back on the e-mails at 5 or 6 o'clock in the morning, and there were new ones. They were working around the clock.

We were given a deadline of March 27 by the Senate Republican leadership. I understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline and report a bill by Monday night. It was difficult. At times it was a Herculean task that seemed almost the task of Sisyphus. It seemed undoable and the deadline impossible, but under the steady leadership of the chairman, with the hard work and dedication of so many members of the committee—again, I compliment Senator KENNEDY of Massachusetts on our side who worked so hard on this—we worked through the long hours and numerous amendments and accomplished what seemed to be the impossible.

When I mention those two Senators, it is not to leave out other Senators. We had so many who brought up amendment after amendment, who worked hard on it, all trying to get a bipartisan bill.

The Judiciary Committee sent this resounding message, as I said, with a bill with a bipartisan vote of 12 to 6, with strong bipartisan support of every key amendment. These were not party-line amendments. These were bipartisan amendments. It is a bill that is strong on enforcement and in some ways stronger than the bill passed by the other body.

It includes a provision added by Senator FEINSTEIN, for example, to make tunneling under our borders a Federal crime. It is tough on employer enforcement. And it is tough on traffickers.

It is also comprehensive and balanced. It confronts the problem of 12 million undocumented immigrants who live in the shadows. It values work. It respects human dignity. And it includes guest worker provisions that have been supported by both business and labor. It includes a way to pay

finances and earn citizenship that has the support of religious and leading Hispanic organizations.

These provisions are not amnesty. I spent enough years in law and enough years as a prosecutor. I know what amnesty is. These are not amnesty. Undocumented immigrants already in the country would not get to cut to the front of the line, but, in accordance with the committee's bipartisan plan, will need to pay fines, pay back taxes, work hard, and wait in line for green cards. They have to pass background checks and play by the rules. With fines and hard work and going to the back of the line, after 11 years, by following a regular path to legal status, the currently undocumented will join as full participants in American society. Following this plan, we could create an orderly system for immigration that is consistent with traditional American values and our history.

Opponents of a fair, comprehensive approach are quick to claim that anything but the most punitive provisions are amnesty. They are wrong. We had an amnesty bill. President Reagan signed an amnesty bill in 1986. This is not an amnesty bill. An editorial in the New York Times entitled "It Isn't Amnesty" makes the point that painting the word "deer" on a cow and taking it into the woods does not make that cow a deer. Frankly, in the State of Vermont, we deer hunters know the difference between a cow and a deer. We better. Our committee bill should not be falsely labeled. Our bill is more properly called what it is—a smart, tough bill.

The committee also voted to add several constructive and practical measures to the chairman's mark. We added a new version of the Agricultural Job Opportunities, Benefits, and Security Act, or AgJOBS, a bill I have long supported. I was joined in that bipartisan effort by Senator Larry Craig. AgJOBS will reform the H-2A visa program for temporary agricultural labor. This new version will help dairy farmers in Vermont and many other States to legally hire foreign workers. The bipartisan provision approved by the panel would make dairy workers able to work under visas for up to 3 years, with the opportunity to adjust to permanent residence and achieve their full potential to become eligible for higher paying occupations.

The American people are engaging with us in this debate. The Nation's newspapers reflect the public's growing interest in how these decisions will be settled. In my home State, the Burlington Free Press and the Rutland Daily Herald have offered thoughtful editorial observations about these issues. I commend these editorials to the attention of my colleagues, and I will at the end of my statement include them.

The committee also adopted an amendment to include the bipartisan

Development, Relief, and Education for Alien Minors Act, called the DREAM Act. This provision will allow immigrant students to attend college and become permanent residents if they follow the rules established in the act. It will free eligible students from the constant fear of deportation, while allowing them to work so they can afford to pay for college. By our bipartisan committee vote, we hope to extend Hispanic young people greater educational opportunities so they may realize the American dream and achieve their potential.

The committee agreed—wisely, I believe—to drop several controversial provisions. Early in the process, I led an effort to remove a provision directing the Department of Homeland Security to study building a barrier, a fence, a wall along our northern border with Canada.

If I might just for a moment, I live less than an hour's drive from Canada. I see people go back and forth across that border all the time, families who live on both sides. My wife is a first-generation American. She was born in Vermont literally a couple hundred yards from the Canadian border. Her parents were naturalized citizens coming from the Province of Quebec. When I come home and she is speaking French on the phone, I know she is talking with some of her relatives in Canada. But tens of thousands of families, probably far more than that, cross the northern border.

There are also businesses. We even have a store in Vermont where there is a line painted down the center of the store, a cash register on one side of the store with Canadian money and a cash register on the other side with U.S. money. Why? Because half the store is in Canada and half in the United States. With the proposal that was before us of this barrier, this fence, it was going to be Joe would get a passport and bring me that box of Rice Krispies from the other side of the store. I mean, it gets down to that. There are businesses up and down the same way. When this proposal faced the light of day, we understood it easily.

There were other controversial provisions that we wisely dropped, provisions that would have exposed those who provide humanitarian relief—medical care, shelter, counseling, and other basic services—to undocumented aliens to possible prosecution under felony alien smuggling provisions of the criminal law. If somebody is running a food bank or a shelter for battered children and women and they give aid, they help people, they feed the hungry, if you have an order of nuns who feed the hungry, under those circumstances, they faced a chance of being charged with a crime. For shame, for shame. Let's accept the beatitudes as something that should go across all faiths, across all laws. I thank so many in the

relief and religious communities for speaking out on this matter. Those criminal provisions should be focused on the smugglers. Under the committee bill, that is what we do—go after the real criminals, the smugglers, people who trade in human lives.

The committee also voted down a measure that would have criminalized mere presence in an undocumented status in the United States. Illegal status is currently a civil offense with very serious consequences, including deportation. But criminalizing that status was punitive and wrong. Let's be realistic. Are you going to go out and lock up over 10 million people? It would have led to further harsh consequences. It would have trapped people in permanent underclass status, unwilling to move into the mainstream of society.

These policies, which were included in the House-passed bill and supported there by congressional Republicans, understandably sparked nationwide protests. They were viewed as anti-immigrant and inconsistent with American values and history, American values that attracted my grandparents to come here from Italy to settle in Vermont or my great grandparents to come from Ireland and do the same.

The committee bill was tough on enforcement and very properly so tough on the smugglers. It is smarter and fairer.

Finally, I thank the chairman for setting aside provisions in the mark that would have consolidated all immigration appeals from around the Nation into the jurisdiction of the Federal circuit, the court of appeals for the Federal circuit. That is a court we have wisely set up in recent years in Washington because it has specialized jurisdiction. It was created to hear patent appeals and cases involving technical intellectual property issues, those issues which have so much to do with the economy of our country. It was not set up to hear immigration appeals. In fact, the Judicial Conference, chaired by now Chief Justice John Roberts and Federal judges from across the country, expressed serious concerns with these proposals. The chairman did the right thing when he agreed to hold a hearing and further consider what provisions will best correct the problems created by former Attorney General Ashcroft's ill-conceived actions with respect to these matters in cutting down the number of people who could handle such matters.

I ask everybody to look at the peaceful demonstrations around the country over the last week. I will pick just one—in Los Angeles, half a million people. I can't help but notice that. We have slightly over 600,000 people in my State. They had almost the population of my State in a peaceful demonstration in Los Angeles. They were calling on us, calling on the Congress, the U.S. Senate and our colleagues in the other

body, to recognize the human dignity of all. These aren't numbers. These aren't numbers. These are human beings. Do the right thing. We can do it in keeping with the longstanding American values. Let's not take the attitude that we are here, so no one else should be here. We are a nation of immigrants. We really are. In this case, if we are going to truly have the American dream, we also need a comprehensive solution to what has become a national problem. We need a fair, realistic, and reasonable system that includes both tough enforcement but immigration reform provisions. The bill reported by the Judiciary Committee is that bill.

This could be a pivotal moment in helping to achieve that goal. The Judiciary Committee's debate has produced a bill that I believe would make my grandparents proud. But I think it would make the ancestors of all of us proud. It is worthy of our support. We should stop and think for a moment in this body, this exclusive body—there are only 100 of us who get a chance at any given time to represent almost 290 million Americans—should we not do something that makes the country proud, makes those other 290 million Americans proud and makes us in this body proud?

I thank the many individuals and organizations who were so helpful to us during committee consideration of the bill. Included among those supporting this measure are many labor unions, the U.S. Chamber of Commerce and other business groups, leading Hispanic organizations such as the Mexican-American Legal Defense and Education Fund, the National Council of La Raza, many religious organizations, including the United States Conference of Catholic Bishops.

I ask unanimous consent that editorials from the Rutland Daily Herald, the Burlington Free Press, and the New York Times be printed in the RECORD.

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

[From the Rutland Daily Herald, Mar. 28, 2006]

ONE WORLD

Vermont's economy is sending a mixed message. Unemployment is low, and median family income is growing. But economic growth is imperiled by a shortage of workers, and the costs of housing and health care are becoming increasingly burdensome.

The labor shortage is having several effects in the economy. One of them is the appearance of large numbers of illegal immigrants to work on the state's dairy farms. The problem of illegal immigration will come before Congress this week, and it is a contentious and complex issue. The situation in Vermont is a microcosm.

It is often argued that workers from Mexico, legal or illegal, are essential to the economy because they are willing to do work that U.S. workers are unwilling to do. But as Paul Krugman notes in the column below, workers shy away from low-paying jobs be-

cause they are low-paying. If a farm worker earned as much as a school teacher, there would be more people willing to milk cows for a living. But farmers are in a bind. If they had to pay that much for farm labor, they would either have to raise the price of milk or they would have to absorb a cost that few could afford. The price of milk is out of their hands, and as long as illegal immigrants are available to hire, they play a role providing low-cost labor.

Thus, farmers who refuse to hire illegal immigrants find themselves at a competitive disadvantage, forced to pay higher wages for the same labor. That's why business interests are among the chief proponents of allowing guest workers into the country legally. Business reaps the benefit of low-cost labor.

The result is that there is an underclass of workers, legal or illegal, willing to work at wages below what is deemed by many to be livable in the United States. It is a consequence of our proximity to Mexico. Substandard wages in this country are desirable to many Mexicans who, even earning low wages, manage to send home money to support family members left behind. The economic inequities between Mexico and the United States cannot be abolished by passing a tough immigration law, and the result is downward pressure on wages for Americans.

That downward pressure exists in the industrial sector as well. Many old companies have departed over the past 40 years, replaced by a new brand of high-tech company or by service sector jobs that pay less than traditional factory jobs. Vermont has regained its footing after the industrial decline that hurt Springfield, Rutland and Bennington so badly, but continued industrial growth remains hampered by the labor shortage caused by an aging population.

On top of these pressures are the extra burdens of high housing and health care costs, which hit low- and middle-income workers the hardest. Market forces beyond Vermont are driving up those costs, and efforts in Montpelier by the Douglas administration and the Legislature to ease the burden of those costs are essential to future economic growth in the state.

Thus, it is impossible to talk about Vermont's economy without talking about the economy of the nation and the world. The influx of farm workers from Mexico makes that clear, but the rest of the economy, too, remains enmeshed with the broader, changing world.

[From the Burlington Free Press, Mar. 28, 2006]

IMMIGRATION BILL SHOULD HELP FARMERS

Vermont needs immigrant labor to help on dairy farms. There are currently more than 2,000 Mexicans filling relatively low-paying farm jobs that Vermonters won't accept. Without that immigrant work force, some dairy farms would go bankrupt.

That's a reality.

As the U.S. Senate focuses this week on immigration reform changes, Congress should recognize the needs of farms for this critical labor source. The Senate should create a program to allow hard-working immigrants to legally hold jobs in this country.

That might be structured much like the current program that allows immigrant labor—primarily from Jamaica—to work for less than a full year in Vermont picking apples.

The Senate Judiciary Committee on Monday passed a good version supported by Sen. Patrick Leahy, D-Vt., that suggests a three-year work program that can be renewed.

The changes cannot create a permanent "underclass," as some have suggested. Instead, it should be based on "common sense, decency and reality," said Vermont Agriculture Secretary Steve Kerr.

This is not a partisan issue. Vermont Sens. Jim Jeffords and Leahy support such a change. President Bush has also expressed a desire to enable immigrants to cross the border and fill job vacancies, and Sen. Larry Craig, R-Idaho, has sponsored an agricultural jobs package.

There is resistance, however, from some senators who worry about security threats linked to opening the borders in such a way, and those who don't want to reward immigrants who have broken the law to enter this country.

While it is important to tighten border security, this does not preclude taking responsible steps to allow carefully screened immigrants to hold jobs in Vermont that provide income for their families and help the state's struggling dairy industry.

"This is a deciding issue," Kerr told the Free Press on Monday, as the Senate Judiciary Committee in Washington began serious work on immigration legislation. "This is a litmus test."

Kerr said Vermont farmers would certainly prefer to hire local labor for these jobs. But, he said, it is virtually impossible to find people willing to take these low-paying, physically demanding jobs. The Mexican workers are paid roughly \$8 an hour, and the farmer provides many of the basics, including housing and heat.

Creating a program that documents the arrival of those workers makes sense. Local law enforcement would know who is living in their communities, and the workers would have the security of moving freely off the farm and knowing they aren't at risk of automatic deportation.

Most importantly, farmers would have a reliable, hard-working group of people helping with the milking and other demanding farm tasks. For some, that might be the difference between staying in business or throwing in the towel.

[From the New York Times, Mar. 29, 2006]

IT ISN'T AMNESTY

Here's one way to kill a cow: take it into the woods in hunting season, paint the word "deer" on it and stand back.

Something like that is happening in the immigration debate in Washington. Attackers of a smart, tough Senate bill have smeared it with the most mealy-mouthed word in the immigration glossary—amnesty—in hopes of rendering it politically toxic. They claim that the bill would bestow an official federal blessing of forgiveness on an estimated 12 million people who are living here illegally, rewarding their brazen crimes and encouraging more of the same.

That isn't true. The bill, approved by the Senate Judiciary Committee in a 12-to-6 vote on Monday, is one the country should be proud of. Four Republicans, including the committee's chairman, Arlen Specter, joined eight Democrats in endorsing a balanced approach to immigration reform. The bill does not ignore security and border enforcement. It would nearly double the number of Border Patrol agents, add resources for detaining illegal immigrants and deporting them more quickly, and expand state and local enforcement of immigration laws. It would create a system to verify workers' identities and impose tougher punishments on employers who defied it.

But unlike the bill's counterpart in the House, which makes a virtue out of being

tough but not smart, the Specter bill would also take on the hard job of trying to sort out the immigrants who want to stay and follow the rules from those who don't. It would force them not into buses or jails but into line, where they could become lawful residents and—if they showed they deserved it—citizens. Instead of living off the books, they'd come into the system.

The path to citizenship laid out by the Specter bill wouldn't be easy. It would take 11 years, a clean record, a steady job, payment of a \$2,000 fine and back taxes, and knowledge of English and civics. That's not "amnesty," with its suggestion of getting something for nothing. But the false label has muddied the issue, playing to people's fear and indignation, and stoking the opportunism of Bill Frist, the Senate majority leader. Mr. Frist has his enforcement-heavy bill in the wings, threatening to make a disgraceful end run around the committee's work.

The alternatives to the Specter bill are senseless. The enforcement-only approach—building a 700-mile wall and engaging in a campaign of mass deportation and harassment to rip 12 million people from the national fabric—would be an impossible waste of time and resources. It would destroy families and weaken the economy. An alternative favored by many businesses—creating a temporary-worker underclass that would do our dirtiest jobs and then have to go home, with no new path to citizenship—is a recipe for indentured servitude.

It is a weak country that feels it cannot secure its borders and impose law and order on an unauthorized population at the same time. And it is a foolish, insecure country that does not seek to channel the energy of an industrious, self-motivated population to its own ends, but tries instead to wall out "those people."

It's time for President Bush, who talks a good game on immigration, to use every means to clarify the issue and to lead this country out of the "amnesty" semantic trap. He dislikes amnesty. Mr. Frist dislikes amnesty. We dislike amnesty, too.

The Specter bill isn't amnesty. It's a victory for thoughtfulness and reason.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from New Mexico.

Mr. DOMENICI. Before the distinguished Senator leaves the Senate floor, Mr. LEAHY, might I say that I was present while you spoke this afternoon. I was here when the distinguished chairman of the committee spoke. I commend both of you for the diligent and obviously hard work you put in on a very hard subject for the American people. I think we got off to a good start today. Your hearings set the right pace for Americans to begin to understand that immigration is a complicated issue but that it can be solved. I am much more optimistic than I was a couple of months ago that even with these timeframes which have been tough on you all, these mandates by our leader that you get things done by a time-certain, we have both been here long enough to know that maybe that is how you get it done.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from New Mexico. We have known each

other for over 30 years. I appreciate his words. I thank him.

Mr. DOMENICI. Mr. President, I am going to speak today very personally because I don't think very many people know, certainly looking here at my good, new friend occupying the chair from the State of Oklahoma, I am quite certain he doesn't know that this Senator was born by a mother who unknowingly was an illegal alien. She happened to be Italian. We are now talking more about Hispanics, although not exclusively. But today in the Senate Hart Building, the Senator from New Mexico had before him on the floor of his office, and in the chairs that we had, about 30 Navajo young men and women—10th, 11th and 12th graders—with a few adults, and about 5 or 6 students from a completely different part of the State of New Mexico. They were sitting on the floor asking me if I would talk to them about myself. "Who are you?" they asked.

I started off by telling them who I was. I gave a little bit of a lesson on the Constitution, and about there being only two Senators from each State, and how lucky we are, because we have just as many Senators as New York has. Of course, they knew that. I told them that might not seem fair, but the Constitution makes it fair because it is the document of fairness.

Then we proceeded to talk about how I got here. I told them the story of how I ran for office on a dare and got elected. Then I talked about some dates in our State's history. I said, in 1912, New Mexico became a State. Before that, in 1906, 2 boys arrived at Ellis Island with an uncle. One of these boys with the last name Domenici had a strange first name, Cherubino. People wondered what that was. In Italy, that was a nice name that meant "little angel." He was born the last child of that Domenici family because his mother died in childbirth, so they named him "little angel."

In 1906, Cherubino, who was my father, arrived at Ellis Island, having left a little town called Lucca, Italy. He arrives in Albuquerque, NM, I told these young Indian students. He went to work in a grocery store that, believe it or not, was named the Montezuma Mercantile Company, and it was owned by Italian immigrants. These Navajo young people were wondering in awe, what are you talking about? I said, well, that is the way America was then. They welcomed aliens. There were no illegal aliens. If you came from Europe during those times, they said, come, we want you. They didn't say you are automatically a citizen, but they said come. These two boys were brothers; my dad came with his brother. The reason why is something that should not take the Senate's time tonight, other than to say they planned to bring my father only, but he got scared to come without his brother, so

he cried and his brother said I will go, and then my dad said I will go, too. He said if you go, I will go. So his father played Solomon and sent them both. They went to France and got on a boat and arrived in Albuquerque in 1906.

We became a State in 1912. If my math is right, that is 6 years later. Guess what. By then, my father had bought the grocery store. He never went to school, but you see, he was still able to buy the grocery store. He was an alien. He worked hard and guess what happened. The war came along. Don't get too far ahead of yourself. It was the First World War. He got drafted as an alien. They put him in the Corps of Engineers. He told me one day: They wanted to promote me, but I told them I didn't want another bar because I spoke English too poorly and I was embarrassed to drill the boys. He was a little older than some of them, but he turned down the little button, or whatever you get, because he didn't want to sound like an Italian instead of an American, so he did not take the promotion.

But he still came home from the war a hero. And because of his service, he was made a U.S. citizen. Guess what. He went to see the best lawyer in Albuquerque, NM, before he married my wonderful mother. He said: If I marry her, because she has not finished her paperwork for citizenship, will she be a citizen? The lawyer said: Oh, yes, sure, she will be a citizen. Now, you see, that was wrong legal advice. So here my mother bears four children to a wonderful citizen whose grocery store is growing. She becomes kind of everybody's leader, the Parent-Teacher Association president, raising all the money for the Catholic school, and guess what. She is an illegal alien.

My mother hadn't been back to Italy since she was 3 years old. Remember, that is like some of our aliens in America. You know them, Senator MARTINEZ. They have been here 30 years, they have never been back to their home countries, they live in the same neighborhood, they have children and they marry Americans, just like my mother. One afternoon when I am about 9 or 10 years old, sitting in the backyard, guess who arrived? It was during the Second World War, 2 years before the end, or a year and a half. Who were we at war with? Italy. The immigration officers arrived in their big black cars. They pulled up to the house, and there was the Senator-to-be 45 years later—little PETE—with his sisters, and here they come. Of course, we think what happened was there was a flamboyant Italian man nearby that used to—excuse me—imbibe on weekends. They think he had a little too much imbibing and he was singing a song out the window of the third floor of a hotel, right on top of the grocery store, the Montezuma Grocery Store. Of course, singing Italian, he probably

excited some American who was a supercitizen, right? He was worried about these illegal aliens. So the immigration officers set about to see who among us were illegal aliens, and there she was, my mother, Alda Domenici. They decided she had to be arrested because she was an illegal alien. So, sure enough, they came to do that and a neighbor had to come over to take care of us kids. I was about 9 or 10. I was pretty frightened. I remember that we had a nice Zenith radio, a standup, and it had an aerial in it that would permit you to get music and pick up noise from overseas. The agents disconnected the radio so we could not communicate with the enemy. Then my father arrived at home. But guess who else arrived. That lawyer who advised my parents on my mother's immigration status came because my father called him up. That great lawyer, whose son was later Governor of New Mexico, got there to the house and said: What is the matter with you guys? This is no lady to be arrested. She has been living here since she was 3. Look at all her kids, and her husband has been running this business. And the agents said: We have these orders that she has to be arrested. To make it short, the lawyer answered: Why don't you arrest me, too.

So they had to arrest the lawyer, too. They took him to wherever they were going—to Federal court, I suppose, and they took my dad's gun. A couple hours later they put up the bond and she came home. I don't know when—probably about 6 months later—she filled out all the forms to become a U.S. citizen.

Why do I tell you this story? I want everybody to know that I am a Republican. I don't want anybody to think that in order to understand what it is like to have things happen to you like what happened to me, you have to be a Democrat or a Republican; you just have to live in this country during these times, when things like this happen. They happen and you know exactly how people feel. They are like everybody else.

We talk about this whole issue of illegal aliens as if we are talking about hooligans and people who are drug addicts. Of course, when you have something as intricate as the border, which is where economics come into confrontation—the economics of poverty come into confrontation with the desire of adults to get ahead; that comes into confrontation with those who want to make money by taking advantage of that desire and charging people and becoming human smugglers—the thieves of human bodies; and that comes into confrontation with lying to and cheating Federal agents. You have this whole panorama of what is going on along our borders. Then we keep waiting for it to get solved, while all the time, day by day, thousands upon

thousand of stories such as I have described are occurring.

There is no way to sit back, whether you are a competent, powerful radio announcer, newspaper article writer, editorial page writer, or local neighborhood noisemaker—there is no way you can properly capture the reality of what we have let happen to this country. I, for one, want it to be known that I think this problem is solvable. I believe we can tighten up our borders. I believe it will take time—I believe it is impossible to pass a law and 6 months later have a border that is as tight as a belt, as some people say. It is going to take a lot of equipment and manpower and a lot of machinery and technology to do that. It is also going to take the next 2 or 3 weeks in the Senate of human willpower built around a spirit that is American, that recognizes our country was built by people such as those I have described. And there happen to be not as many named Domenici as there were back then; more are named Martinez than Domenici today, and Salazar, and Chavez; and many of their first names are not like mine, which was Pietro, but they are Enrique and Carlos.

I think there is a willingness to work these issues of border security and immigration reform out. I want to suggest a couple of items. I believe the American people are going to understand before we are finished that we are going to do our very best to make the border such that it will not be penetrated every day by thousands of people who will be violating this new law we pass. I believe that is going to happen.

I do believe, however, one thing that has not been discussed enough is that we are going to have to get much more cooperation from Mexico to get that done, and I would like my friend Senator MARTINEZ, who is here, to talk about that when he makes his comments.

The Mexican government and our Government must enter into an agreement, an accord, when this bill is finished that they are going to jointly see that our border security provisions get enforced. I have a provision requiring that in a bill that I introduced called the WISH Act. It has provisions saying that before the bill comes into force as far as benefits to Mexico, the Presidents of the two countries must enter into an agreement regarding enforcing our drug laws, human smuggling laws, and immigration laws; and also where Mexico will encourage their residents who live here to come forward and be recognized under the law. And, fellow Americans, what we put on paper and make our law is going to have to be significantly enticing enough for these millions of undocumented workers, some of whom have been living here a long time, to risk putting up their hands and saying: I will exchange the

way I am living now for this new promise, this new proposal.

It better be good enough or they will continue living the way they are. So it has to have something in it that they want.

But it also has to say to the American people: We have this situation under control; it is not going to continue on after we pass this bill. And that gets back to the 10 million to 15 million undocumented workers who live here. We have called them all kinds of things. Let's just say the 10 million to 15 million aliens who live in the United States who are not citizens of the United States, some of whom came here totally illegally, some of whom came here under temporary permits—that group of human beings has to be addressed by this legislation in a humane way. They must be addressed in a way that recognizes that they are currently contributing significantly to the United States, that they probably are going to continue to contribute to our country, and that what we have in our minds about who they are and what they are is probably not what they really are. In our minds, we have pictures of them being leeches, people who are living off us instead of producing something we want or need.

I hope I get a chance to give another few comments later. I have some very valuable information about the economic contribution of these people. It is a very big contribution, in the billions of dollars in commerce coming from these people living in our country. There are billions of dollars in GDP contributions.

What kind of jobs are these people we are talking about currently doing? Some of us speak about them as if the only jobs they have are kind of trashy old jobs that nobody else wants. That is some misinformation, too. They are taking some menial jobs. We constantly say: Why don't we let them come here because they will take those jobs that nobody else wants? But they are also engaged in some very good jobs. There are carpenters and automobile mechanics in certain cities. They have moved their skills upward beyond that temporary permit they have, and they are in another category, but they can't move up into that new category under current law, to represent the new kind of lifestyle they live.

Also, about half of them have lived here a short period of time, and about half of them have lived here a long time. So I am just going to describe what maybe is the way we get the issue of undocumented workers solved. Let's consider drawing a line at those who have lived here longer than 5 years. It seems to me that this is an important consideration, an important issue to look at because if one lives here for several years, that person certainly has a different relationship with the com-

munity and probably a different relationship all the way around than somebody who just arrived last week or even somebody who works 3 months and goes home. If someone has lived here for 5 years and has been working and maybe is just like that lady I described, my mother, who is living with an American and has children and has been here 10 years but is not a citizen, we have to figure out how we are going to handle that.

I believe the President of the United States deserves enormous credit for sticking with this issue for a long time. People have said: Where is the plan? He was the only big voice in America for the last 3 or 4 years that has constantly said we have to do something about this problem, and it is not just buttoning up the border. He said we have to go beyond that and provide something for those who want to live and work here—we must give them a chance to live here under humane circumstances with the kind of grace and opportunity that is a privilege of living in America. I think he is still saying that.

I am hopeful that before we finish this debate, the solution is going to come from a White House-Senate-House melding of ideas along the lines of giving some special treatment to those who have lived here for a longer period of time—different and better treatment, easier access to the U.S., perhaps easier access to a higher level of status than what they had when they came here.

That is the essence of a proposal that I put in what I call the WISH bill. Workers who are here less than 5 years under my proposal can apply for and get a visa without leaving the United States. If they are unemployed for no more than 30 consecutive days, they get a renewal of that 3 year visa two more times. Then they have to leave America for at least three years. That proposal is for people who have been here less than 5 years.

One would say that is not so good. But what we are talking about is giving these people 9 full years to do their best to arrange things and have whatever successes they can make. So that is one approach to one portion of these people who are undocumented workers.

I suggest we split this group of people so that those who have been here for longer than 5 years—which they can prove that with workers' affidavits and the like—start by obtaining the same visa I just discussed, but after 5 years, they can apply for another visa or a change of status, except permanent residency, without leaving the United States. We would have no caps on the number of visas for these change-of-status grants.

It would appear to this Senator that this could be the beginnings of a compromise built around something that is understandable, realistic, and should

be given due consideration by this body.

Not having had the burden—or the luxury—of serving on the Judiciary Committee, I have told Senator KYL, who has worked very hard on this issue, that I am willing to work with him, and to the best of my staff's ability they will work with him, to see if we can't come up with some kind of a better approach than has been forthcoming heretofore.

I notice Senator KENNEDY is present. Senator MARTINEZ has asked if he could speak next, and he has been waiting for quite a while. I assume that is satisfactory.

In the absence of the Senator from Massachusetts, I spoke about the fact that frequently we get legislation done when we are told we must do it under a deadline. There is still a lot to do on this bill, but I can tell the Senator, there are a lot of people pulling for a solution and who want to be helpful.

This is, indeed, a true turning point in modern American domestic policy history. It is a big opportunity. We solve it or we have some of the worst problems confronting the American people that we can imagine. It has almost gone beyond the solvable, but not quite because we are pretty sanguine and willing to work.

Just as Senator KENNEDY and his family have their roots in Ireland, I had an opportunity to speak this afternoon about a very strange incident of how this Senator happened to be born to a woman who thought she was American but was not. So I lived in a family for quite a while with a father who became a citizen only because he served in the First World War. He married a woman who he was told would be an American if he married her. He was told that erroneously by a lawyer, and she was arrested during the Second World War—taken right out of our household. So I understand this whole idea of a household with a father who is American and a mother who is not, but they are living, working, and getting ahead and driving their business. I understand that they are just like every other family in America. There is nothing different. They have the same love, same hope, same will, and same aspirations as those of us who were born here have.

I am here to be helpful. I thank the Senate for listening, and I thank the Senator from Massachusetts for listening to me again the last 5 minutes. My wife is going to give me a note saying that my face is getting red, and it is time to sit down. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, first, I thank the Senator from New Mexico. I thank Senator KENNEDY for indulging me for a couple of moments. I know we are supposed to go back and forth, but I appreciate the opportunity to be

heard following Senator DOMENICI because I believe my comments are germane to the comments he made. I thank the Senator from Massachusetts for his courtesy. These will be very brief comments.

Mr. President, I say to Senator DOMENICI, I love hearing his story because it is the story of America. It is the fabric of America about which he spoke. I was so touched by the way he told it.

Obviously, as the only immigrant in the Senate, I think it is terribly appropriate that I speak at the outset of this very important national debate on this issue in the Senate.

I am reminded as we talk about these issues that there are so many interesting connections. When I came to the Senate as a Senator from the State of Florida, it was such an incredibly proud moment for me and, frankly, for many in the community from which I come—the Cuban-American community—since I was the very first Cuban American to have this distinction and this honor. I also am probably the first Florida Senator to ever serve in the U.S. Senate who was not born in America. But, Mr. President, the story of America is such that, as I started to look at that history, I found out that the very first Senator from Florida, when Florida became a State—I believe in 1854—was a fellow by the name of Yulee Levy who was actually born in the Middle East. He was a fellow who had come to America as an immigrant and who ended up representing the State of Florida as the very first of two Senators who came, and he, in fact, beat me by a good little margin as the first foreign-born Senator from the State of Florida. But that is the sort of history our country is made of.

This is such a timely and important debate. I am pleased that you would mention our President, who has been very steadfast and very strong on the issue of a comprehensive solution to our immigration problem. I love so much that you began this debate in such a loving way, in such a civil way, and in a way that allows us to think a little bigger and a little higher than the combat of the day and the rhetoric, frankly, which so often gets so heated, which so often gets so beyond the pale of what ought to be. I am proud of the Senate as the Senator begins this debate with such a note of civility.

I believe we recognize first and foremost that our immigration system is broken, that we have to fix it, we have to set about fixing it. The Senator is so right when he speaks about the fact that it is almost too late to fix and we have to act and we must act now. It is important, too, that we focus on a comprehensive solution.

It is obvious that we have to fix the border. All of us want to see the border be secured and protected, to be something other than what we have today.

The resources will be there, we will do it, and it will be a commitment that we make first and foremost for border security. I think all of us, no matter where we come from, appreciate the legality involved in border security, but in addition to that, we have to be careful of the rhetoric. I don't believe we should allow the loudest voices, not necessarily the best voices, to make a definition of what amnesty is and what amnesty should be. I believe we should look to solutions that are rooted in what America is about and our American values.

We cannot ignore the millions who already are here.

We have to give the border its importance, but we have to look beyond that to the fact that there are millions who have been living here and contributing to this Nation, and we look forward to an opportunity to figure a mechanism.

Senator DOMENICI has put forward a proposal—and there are many others on the table, obviously. The bill out of the Judiciary Committee makes an important contribution there. We need to find a way that we can come to grips with what to do with the millions of people who are living here and who are already here making a contribution.

The Latin community of America, the Hispanic community of America, has been galvanized by this issue like no other. This is a historic moment in our history, and it is a moment we have to treat with great care and great importance how we set the tone of this debate. I am hopeful that as we look to the future, we will come up with solutions. I am very hopeful that we can come together as a Senate. I am very hopeful that the Congress will come together, with the help of the President and others interested in this debate, to come up with solutions which will provide a way forward, which will provide a historic opportunity for the people of America to be one Nation, to be, as our model says, *e pluribus unum*—"For many, one"—because I do know that the immigrants who come to this Nation do not come to change America, they come to be changed by the miracle that is America.

I know that I, as an immigrant, was changed by America. When I came here, much like Senator DOMENICI's father, I did not speak the language. You learn the language. You make it your business to become an American. I did not understand this culture. I had no idea as a 15-year-old boy what the country was all about, but I made it my business so that I could make a contribution to it.

So I am hopeful that we can come together to find solutions to these issues. There is nothing easy about this problem, and I know people of good will will come together so we can move forward in a positive way, in an American way.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, for the last 15 minutes or so, we heard the stories that have true meaning in terms of the whole American experience. Senator DOMENICI talked about his parents and how they worked through the process of becoming proud Americans, and the good Senator from Florida told, as well, the story of an extraordinarily successful immigrant who came here and is now serving with great distinction, representing the people of Florida.

Last evening, just as the Senate was about to adjourn, Senator MCCAIN, who is the primary sponsor of this legislation, introduced me to a wonderful young American, Fabian Nunez, and Fabian Nunez is the speaker of the California Assembly. His father was a Bracero in the 1950s, and at the end of the Bracero Program, he went back to Mexico. He came back here—the boy did—with his mother, who had been a maid and was also undocumented. She had worked two jobs. And this young boy came back to the United States—as a young boy, had gone back to Mexico and came here at 8 years old. I also talked by telephone to the father, who is 83 years old, and he said how proud he is that his son is now the speaker of the California Legislature. That is the real story of America.

At other times, we have seen where Democrats and Republicans have come together and Presidents have come together with the Senate and the House and have taken action that has moved this Nation. That was certainly true during the civil rights legislation where we knocked down the walls of discrimination, of race and religion, and also of gender. We knocked down the walls of discrimination against the disabled with the Americans With Disabilities Act. We came together as well to pass the Medicare Act so that many of our elderly people would not live in poverty and also would be able to get the health care they needed. We came together to do that. We came together in terms of the higher education legislation, and today millions of young people are benefiting from that system. I certainly hope that we can, as we start this debate, come together as Americans to deal with this issue.

It is a new civil rights issue, but it is one that is going to continue to be an issue unless and until we address it. There are different approaches, and they have been outlined earlier today, and they will continue to be outlined tomorrow. But I think the stories we heard this evening are the clearest and most compelling evidence of what this country is when it is at its best and what it can be. It is in that spirit that Senator DOMENICI spoke and that Senator MARTINEZ spoke and that others have spoken, Democrats and Republicans. It is that spirit which we hope to capture when we address this issue and finally vote on the legislation that is before us.

I look forward to having the chance to speak at greater length tomorrow. I spoke earlier today about the history of the whole migrant program and the steps that have been taken. There have been failures and some successes, but the challenging opportunities are the ones we face today. This is an issue which isn't going to go away. It is going to take the best that is in all of us. I am very hopeful that when the vote is finally cast, it will be for a meaningful, comprehensive program that will recognize the national security issues which are involved, will understand the economic issues involved, and finally, and perhaps most importantly, understand the issues of values which are involved. I will have more to say on that on the morrow.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, we are a Nation of immigrants. There are so many great stories of people who have come to this country and enriched our Nation and benefited their families and had great life experiences. There is no dispute about that. I don't think there is a single Member here who would deny that.

But there is a suggestion that those who do not support the Kennedy bill—or whatever you want to call the bill that came out of the Judiciary committee, of which I am a Member and the Presiding Officer is a Member—if you don't support that bill, you want to run everybody out of the country and you want to lock them up and prosecute them. If you don't support this bill, you have bias against them and you don't believe in immigration. You don't believe in the great freedoms of our country. Nothing could be further from the truth. That is not right.

What we are trying to do is to develop a system to deal with the immigration crisis that we have that is consistent with our values as Americans, that is consistent with the rule of law in this country, that treats people who do the right thing better than it treats people who do the wrong thing. That is what this debate is all about. We are trying to set policy for the future about the people who are allowed into our country, how many and under what circumstances. A Nation surely has a right to decide how many people it allows to come in. We are one of the most generous nations in the history of the world in allowing people to come here. But we have a right to decide how it should be done.

Under this bill, we have provisions that actually allow a virtually unlimited number of unskilled workers to come in, but limits the amount of skilled workers that come in. How weird is that?

This legislation came together in a most hasty way and violates a number

of principles. One thing I would mention, the Presiding Officer, Senator COBURN, has been involved in these discussions. I know he and I share a common view about it. I thought we all agreed we would not have amnesty. The President, as much as he believes in bringing people into this country, as much as he believes in allowing workers to come here who want to work, has said: No amnesty. Our Democratic colleagues have said: No amnesty. This morning I said: The truth is, this bill is amnesty. It is exactly like the 1986 bill, and everybody said that was amnesty. They didn't even dispute it.

I have the definition from "Black's Law Dictionary," the one law students use to get legal definitions, and it uses the 1986 bill as an example of "amnesty." Of course it was. And the bill that came out of the Judiciary Committee is the same thing.

I have to tell you, Senator SPECTER's bill that we started with in the Judiciary Committee was not amnesty. Senator FRIST's bill is not amnesty. But the bill that we came out with was. That is just a fact. I am going to go into some detail about that because Senator KENNEDY has said it is false for me to say this is amnesty. We are going to talk about it. Senator LEAHY said it is not amnesty. Why are they saying this now? I'll tell you what is going on.

They are over there talking with the President and they are trying to get a compromise. They are trying to come up with something so they can come back and say it is not amnesty. They will claim that they moved in this direction and now they want to pass it.

We are going to have to read this bill, and we are going to have to think about it because it is a major issue facing our country today. It really is. We need to do the right thing, and we can do the right thing. I am actually optimistic about our options and our capabilities of coming up with something that will work. But this bill is not it. It is absolutely not it.

I want to say a couple of things first. We are going to pass legislation dealing with the entry of people into our Nation. We are going to pass legislation, and I will favor properly drafted legislation that will increase the number of people who come to our country lawfully. We want to pass legislation that treats fairly and decently and humanely the 11 to 20 million people who are here illegally. But I hope and trust we won't pass amnesty which gives the full benefits of legal entry into our country to those who come illegally.

That is really what we are talking about, because what we learned in 1986 was that when you do that, before the ink is dry on the bill, other people come in illegally because they expect we will be right back here again in this Congress giving them amnesty again. So we need to reestablish the principle

of law. That is all I am saying. We can treat people in a good way. We will not have to remove all of these people from America. They would not have to be prosecuted and put in jail. How silly is that? That can't be done. Nobody is proposing that.

What we are working on is legislation that can bring law, bring principle, and bring integrity to our immigration system, and I believe it is within our grasp to do so. But I am not going to support the legislation that is before us now. It is just not good.

The question about amnesty and where we are arises from the nature of the provisions in the bill that passed the Judiciary Committee. I don't know what to call it. I guess it is the Kennedy-Specter bill. Senator SPECTER's bill, though, that he offered and we began with, did not do the unprincipled things that this compromised bill does.

Senator FRIST, the majority leader, has offered legislation that does not create a direct path to citizenship for the entire illegal alien population. His bill didn't do that. The original Specter bill did not create a new or direct path to citizenship for illegal aliens. Before the committee markup, the Specter bill would have given illegal aliens working in the United States a temporary work permit, renewable every 2 years as long as the individual was working.

We still don't have the language that passed out of the Judiciary Committee. I know Senator COBURN has been around Congress for some time, and he serves on the Judiciary Committee with me. We still don't have the language we voted on Monday. I don't know for sure exactly what it is, but we sure should not be passing a piece of legislation when we haven't even had a chance to read it.

But in the committee, a complete amnesty program was adopted for the illegal alien population and large, new permanent immigration programs were created for low-skilled workers. The committee bill, as reported, creates a direct pathway to citizenship for aliens who have broken our laws.

You will hear claims that this bill is earned adjustment, earned citizenship. Those are descriptions, but they are misnomers. This bill really is—in the sense that we have been talking about it for several years now as a part of an American dialog, in every sense of what people mean by amnesty—it is amnesty. If it is not amnesty, it is the same thing as amnesty. That is what it is.

There are four different amnesty provisions in the bill. These four amnesty programs are what you are voting for or against when you vote on the Judiciary Committee bill. Let me clearly describe to you the breathtaking enormity of the four programs that I believe clearly constitute amnesty in the Judiciary Committee bill.

Element No. 1, the committee bill takes every illegal alien in the United States who pays \$1,000 and was employed before January 7, 2004—whether full time, part time, seasonally or self-employed—and puts that person on a direct path to citizenship. The family of the illegal aliens, their spouse and children, would also be given amnesty, even if they are not already in the United States. They would now be able to come and come legally.

How will it be given out? How do you get on this direct path to citizenship? What is required of the person who seeks it? The truth is that other than illegal presence in the United States, very little is required.

We have been following very carefully the draft of the bill that we were provided and that we had as we voted on this legislation in Committee. The final passed version, however, is still being cobbled together, but I am confident that what I'm saying is accurate with regard to these issues.

All illegal aliens present in the United States before January of 2004, who have worked illegally here since then for any amount of time, will first be given an H-5B nonimmigrant status, good for 6 years. They are made legal for 6 years. Their spouses and children will be given the same status. After 6 years and another \$1,000 fine, the aliens and their families will get green cards if the alien has been "employed in the United States, either full time, part time, seasonally, or self-employed, or has met educational requirements."

The education requirement is as broad as being in a 1-year vocational work program at "an institution of higher education."

These requirements are very broad.

A self-employed person could be someone who worked 1 day a year, and there is no limit on that definition. A person who meets the work requirement through education has to prove that they had full-time attendance in as little as a 1-year educational program, not that they completed any educational program.

Additionally, the work requirement and education requirement for the green card are completely waived if the alien is under 21. After getting the green card, illegal aliens will be able to apply for citizenship like any other lawful permanent resident. They are put in the same status as the people who came here legally.

To satisfy the work requirement of being employed in the United States, either part time, seasonally, or self-employed, the bill states that an alien can conclusively establish his work history in the United States either by, one, presenting records maintained by one of the following: Social Security Administration, IRS or any Federal, State or local government agency or employer, a labor union, a day labor center, and "organizations that assist

workers in matters related to employment," or presenting two of the following: bank records, business records, sworn affidavits from nonrelatives or remittance records.

However, the documents listed that conclusively establish work history are not even really required.

Later on, the bill states that the burden of proof that the alien must meet to qualify is even lower than that. It says: "The alien has a burden of proving by a preponderance of the evidence that the alien has satisfied the requirements. An alien must meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference."

Reasonable inference? That is not a proof standard. It is a situation that allows everyone to qualify.

Why would we want to do that?

The bill then states: "It is the intent of the Congress that the work requirement be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien."

It is not that hard to prove you have worked. If you work for an employer, you can get the employer to provide a statement that you worked for them even if you don't have pay stubs. It is not that hard.

This basically obviates any requirement of proof and allows anybody to qualify.

I am just telling you that is what is in the bill. I wish it were not so. I am not making this up. I am reading to you what is in the bill.

The work standard is not a work standard at all. In fact, the bill basically says that Congress is telling the Department of Homeland Security to accept pretty much anything as proof of work.

This is an open invitation to fraud and will prevent Department of Homeland Security from vetting out fraudulent applications.

It is a perfect example of why our immigration laws are so messed up.

We have placed so many difficult obstacles in front of agencies that are required to enforce them that they have become utterly unenforceable.

We say that we have a work requirement, and then we say it can be seasonal, it can be part time, and it can be self-employed. Then we say just about any records you can produce, or that you conjure up will be sufficient. But if you do not have records and you have a reasonable inference that you worked, they must let you qualify.

Basically, that is what the Department of Homeland Security office is going to do. They are going to accept anybody's application. There is no way you could object to it. This standard appears to be a standard but is not one at all.

What about waiver of the work requirement? What if you have not worked since January of 2004 and did not work before then. Does this bill leave you out? Does it mean you can't be a citizen now? Can you qualify for this type of amnesty? The answer is still yes.

Even if you are an illegal alien who has never worked in the United States and cannot produce any evidence to reasonably infer that you have worked illegally in the United States, you and your family can get on the bill's direct path to citizenship. You get automatic amnesty, no requirement to prove work.

If you have full-time attendance at an institution of higher education—graduation is not required—full-time attendance at any secondary school, as defined by State law, or you are a minor under the age of 21, what does qualifying for amnesty get you?

The mere filing of an application for amnesty triggers the following things: Employment authorization for the alien, the alien's spouse and children, permission to travel abroad and return to the United States, protection from being detained, determined inadmissible or deportable or removed pending final adjudication of the alien's application for adjustment of status.

Only future conduct or a criminal conviction removes these protections.

Additionally, if you have already been ordered removed from the United States or if you are subject to mandatory detention for a criminal conviction, the Department of Homeland Security has to give you the opportunity to show you are eligible for amnesty before you can be removed.

This will simply freeze the entire detention and removal operation of the Department of Homeland Security.

If you are legally here in January of 2004 because you got a work visa before you came to the United States, you will not get the benefit of this amnesty.

Repeat that: If you are legally here because you got a valid work visa or permit before January of 2004, you do not get the benefit of this amnesty. This amnesty benefits you only if you came here illegally.

So we are only giving you a direct path to citizenship if you first broke our laws. If you came here the right way and did not break the law, you are out of luck. No new path to citizenship for you.

They say this is a guest worker program.

The second major part of Specter-Kennedy substitute amendment—that was an amendment that was substituted for the original Specter bill in the past—is a new program for bringing low-skilled workers into the United States, in addition to illegal aliens already doing these jobs. The program puts them on a direct path to citizenship. It is a new program.

The new program would bring 400,000 low-skilled workers per year into the United States on a 3-year work visa. This visa is renewable for 3 years. It is essentially a guaranteed entry for 6 years to work in the United States.

This 400,000-per-year cap is supposed to be limited, they say to 400,000. This is several times what the cap is today. I am mistaken—several times this 400,000 is how many will be allowed to come in under an illegal system. But the cap that purports to be is completely artificial. If the cap is reached and actually 400,000 come in that year and an additional 80,000 visas can be given out that year, the cap will go up automatically the next year as much as 20 percent. By the sixth year this program will immigrate 2.4 million new low-skilled workers, at a minimum, into the United States.

On day one, when the worker arrives in the United States, the employer can sponsor the alien for a green card. It gives them legal permanent status. Normally the employers or family members sponsor the alien before they have the right to permanent entry and a green card. But this is a major change. The person can sponsor himself and make his own application. So after 4 years of work, the new immigrants can self-petition for a green card and then be eligible for citizenship.

Normal grounds for inadmissibility, except for the most serious crimes on national security grounds, can be waived for a fee of \$1,500. All legal permanent residents are eligible for citizenship after 5 years. All legal permanent residents, green card holders, after 5 years, are eligible for citizenship. If they have not been convicted of a felony, if they have basic English skills, they can become a citizen automatically. People all over this country and all over the world are waiting and hoping to be able to be selected to be able to come to the United States following the laws and rules.

To be eligible to come to the United States under this low-skilled immigrant worker category, the alien is merely required to pay a \$500 application fee, undergo a medical examination, and show they are capable of performing the labor or services required, and have evidence of employment from “employers, employer associations or labor representatives.” Those are probably some of the people who have been leading these protests the last few days.

Under the bill language, you can qualify for this new program and come to the United States as a low-skilled immigrant even if you were in removal proceedings and signed a voluntary departure agreement but never left, or you were already removed from the United States and illegally reentered. If you had been removed and illegally reentered, you are eligible.

One might ask, why does this program cover these people? I thought the

program was for people who wanted to come to the United States to work in the future, not for those who are already here. This provision is specifically designed to make sure that illegal aliens who are not covered by the bill’s amnesty provisions because they did not work in the United States prior to January of 2004, or because they were not legally present in the United States on that day, are not left without a direct path to citizenship also.

This bill covers everybody. It should be called “no illegal alien left behind.” I am not exaggerating. It is fixed so that if they are not covered under this “magic” date, January 7, 2004, they are covered under the new exemptions of the 400,000 people per year.

Element three, the Dream Act. That was brought up several times. It never moved in the Senate. But boom, in 2 minutes, Senator DURBIN offered the Dream Act and we voted on it in committee Monday afternoon as an amendment to the bill. It took him less than 2 minutes to get it in the bill as an amendment.

The Dream Act does two things. It grants amnesty to an unlimited number of illegal alien minors who graduate from a high school and enroll in college or the military for at least 2 years, or who perform hours of volunteer work, or who can show “compelling circumstances for the inability to do any of those three,” and, two, eliminates United States Code section 1623 which I will describe below, thus allowing all illegal aliens enrolled in college to receive in-State tuition rates.

This means that while American citizens from Tennessee, Georgia, South Carolina, Massachusetts, have to pay out-of-state tuition rates if they send their kids to the University of Virginia or the University of Alabama, people who have illegally immigrated into this country do not.

How much sense does that make, to have people here illegally and they have more benefits than those who are here legally? Instead, they receive educational benefits paid by the taxpayers of Virginia and Alabama for in-State residents. I do not mean to suggest in any way there are not good kids out there. We need to figure out a way to accommodate them and work with those who have come here illegally. Maybe they came here a long time ago. Maybe they came here illegally as a junior or senior in high school. They came across the border and now they want to be on a direct path to citizenship.

I am not saying we should not wrestle with how to treat them in a generous way, but should we give them more rights than we give to American citizens? When you do too much of this and you work at it too hard, pretty soon you end up with a mockery of law, an unprincipled bill that cannot be defended, and we are in the situation of

wondering why would you want to bother to try to come into the country legally. Why not come illegally?

So the Dream Act establishes a seamless process to take illegal aliens directly from illegal status to conditional permanent resident status, to legal permanent resident status, to citizenship.

First, the illegal aliens who came here before age 16 and have been here for 5 years will be given conditional permanent residence through cancellation of removal if they have been admitted to college or have a GED or a high school diploma. So if you get your high school diploma or get yourself into college somewhere, whether you are passing or not, then you qualify for cancellation of removal.

Step two, after 6 years, the alien will then be eligible to apply for a green card if they have attended 2 years of higher education, served 2 years in the military, performed 910 hours of community service for an organization that receives funds under the Combined Federal Campaign, or prove an extreme and unusual hardship, and you have good moral character and do not have a deportable offense. It is a guaranteed step forward if you do not do something wrong and get yourself convicted of a felony.

After 5 years, those green card holders can apply for citizenship and cannot be denied if they meet the basic standards of English and have no criminal history. Current law provides “that an alien who is not physically present in the United States shall not be eligible on the basis of residence within a State or a political subdivision for any postsecondary educational benefit unless a citizen or national of the United States is eligible for such benefit in no less amount, duration and scope, without regard to whether the citizen or national is such a resident.”

That is basically the law we passed several years ago, I think before I came to Congress. It said if you are here illegally, you do not get in-State tuition.

We are going to reverse that. Congress just passed it 8 or 10 years ago. The DREAM Act would eliminate this provision and allow illegal alien college and university students to be eligible for in-State tuition without affording out-of-State students the same opportunity. Thus, the University of Alabama could offer in-State tuition to illegal alien students while requiring citizens residing in Mississippi to pay a much higher tuition rate. In fact, that is being done probably in violation of law in some areas right now.

Allowing all the illegal aliens enrolled in college to receive in-State tuition rates means that while American citizens from the 49 other States have to pay out-of-State tuition rates to send their kids to the University of Alabama or Virginia, people who have illegally immigrated into this country

might not. Out-of-State tuition rates range from 2 to 3½ times what in-State tuition rates are. It has always struck me that one of the things you do to encourage people to come here legally and abide by the law, is not give benefits to those who come illegally. It is one thing not to prosecute them; it is one thing not to take them out of the country; but to give them benefits that people who do the right thing get? We should not do that. It is bad policy.

So what about loans in the DREAM Act? I think this is still in the bill. We have not had a chance to see all of language. This was in the DREAM Act originally. I do not know if it is still in there under the Judiciary bill, but I assume it is. Under title IV of the Higher Education Act of 1965, as amended, legal permanent residents and certain other eligible noncitizens receive Federal student financial aid, including Pell grants and Stafford student loans. That is part of the 1965 act.

The committee bill will add illegal students, illegal alien volunteers, and illegal alien military members to the list of people eligible, by changing their immigration status to that of a legal permanent resident. This change in status would make them eligible for Federal financial aid. Pell grants and Stafford loans currently comprise 85 percent of postsecondary student aid available to citizens and eligible noncitizens. In fiscal year 2002, 8.8 percent of the individuals receiving Pell grants were eligible noncitizens over 380,000 people.

We want to help people and be generous. But if you are in an illegal status, I do not see why there is an obligation to give the same extra benefits that you do to those who are lawfully here.

Pell grants. The Federal Pell Grant Program is the single largest source of grant aid for postsecondary education funded by the Federal Government. There is already a current fiscal year Pell grant shortfall of over \$2.5 billion. We have done a lot of different things to try to get money as high as we can get it this year. The fiscal year 2003 estimated program costs are approximately \$12.5 billion. The annual appropriations is \$11.4 billion. Now we want to open up Pell grants to illegal aliens?

Although Pell grants are a discretionary program, the cost of increasing the number of eligible recipients in an award year is considered direct spending, when the appropriations and maximum grant award for that year are already set in law and a payment schedule is published. Thus, we could be facing a budget point of order with this bill. In other words, since in a number of these instances the right to have a Pell grant for qualifying persons is an entitlement, making more people eligible for this entitlement could subject this bill to a budget point of order.

The Congressional Budget Office estimates that 58,500 additional Pell grants

would have been given within 1 year if last year's DREAM Act had passed, with an average grant being \$2,420. How many people do not get a dime who try to send their kids to college, out of State maybe, people who have worked hard all their life, middle-class Americans? They do not get a dime. But somebody who is here illegally gets \$2,400? I do not think that is fair. I do not think that is being insensitive to legitimate interests of people who want to come to America, who want to participate in the American dream, or is inhumane in any way.

What about Stafford loans? The Congressional Budget Office estimated under last year's DREAM Act—the one that was offered last year but did not pass—65,000 would enroll during the first year and meet all other criteria. Because 1 in 10 students borrow student loans, the student loan costs would increase by \$22 million per year over the 2003-to-2012 period.

While we were going about our business in committee, the AgJOBS bill was offered as an amendment. Well, we had a big fight on the AgJOBS bill last year. It was offered on the floor of the Senate. Senator SAXBY CHAMBLISS of Georgia, chairman of the Agriculture Committee, opposed the bill, offered a number of important amendments that I thought made it far more sane, far more appropriate, and the bill did not pass, after a great deal of debate.

Well, in about 15 minutes, in the committee, Senator FEINSTEIN offered the AgJOBS bill to the Specter bill, the committee bill. It was a 106-page amendment. It put 1.5 million illegal alien agriculture workers on a direct path to citizenship—just like that.

How does it do it? After the Feinstein amendment, 1.5 million illegal alien workers who pay a \$500 fine and demonstrate they worked in agriculture for 150 workdays in the last 2 years will be given blue cards and will be allowed to stay in the United States. Because a workday is defined as 1 hour of work per day, an alien who worked in agriculture for only 150 hours—there are 168 hours in a week—over 2 years will qualify. So if you work 150 hours over 2 years, you qualify.

Spouses and children of illegal alien agriculture workers also get legal status and work permits, and they are not limited to working in agriculture either.

The blue card holder is eligible for a green card in two ways: after 3 years of 150 additional workdays—1 hour per day is all that is required—per year or after 5 years of 100 additional workdays per year.

Then, what about citizenship? For these who come here illegally, and they work 150 hours, what happens as to their citizenship? Even though they came here illegally, are they put on the path to citizenship? Yes. All legal permanent residents become eligible for citizenship after 5 years.

On May 18, 2004, the Washington Times published a column by Frank Gaffney, president of the Center for Security Policy, titled "Stealth Amnesty" dealing with the AgJOBS bill when it came up back in 2004. The article correctly summarized the AgJOBS bill when it said this:

By the legislation's own terms, an illegal alien will be turned into "an alien lawfully admitted for temporary residence," provided they had managed to work unlawfully in an agricultural job in the United States. . . . Once so transformed, they can stay in the U.S. indefinitely while applying for permanent resident status. From there, it is a matter of time before they can become citizens.

If any were needed, [the AgJOBS bill] offers a further incentive to illegals: Your family can stay, as well. Alternatively, if they are not with you, you can bring them in, too—cutting in line ahead of others who made the mistake of abiding by, rather than ignoring, our laws.

What about the safe harbor provisions? Under the AgJOBS bill, which was added to this committee proposal without much debate, an illegal alien is und deportable as soon as the amnesty paperwork is merely filed. So if you file your amnesty paperwork and you are otherwise deportable, it automatically stops. No adjudication of the application is necessary to kick start the legal status of the illegal alien.

Once an alien receives a temporary work visa, it never expires unless the worker is otherwise deemed deportable or applies for permanent residence and is denied. There is nothing temporary about a single temporary work visa lasting indefinitely. It is not temporary. The alien's blue card status can only be revoked if the alien is determined to be deportable, the blue card was acquired through fraud, the alien is convicted of a felony, three or more misdemeanors, or an offense which involves serious bodily injury or damage to more than \$500 of property.

What about all the legal stuff that gets involved with this? How do you prove all this stuff? The AgJOBS amendment even goes so far as to provide free legal counsel to illegal aliens who want to receive this amnesty. The AgJOBS amendment specifically states that recipients of "funds under the Legal Services Corporation Act" shall not be prevented "from providing legal assistance directly related to an application for adjustment of status under this section."

Not only will the AgJOBS bill give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bill of those 1 million illegal aliens.

We are going to work on something here. We are going to pass some legislation—if not this year, soon—that will work through all these difficult human issues and treat people in a fair and just way. Nobody is proposing that we do not. I mean that. There is a consensus in this Congress that it is time

for us to fix this problem, to deal with the 11 million people here illegally, to allow more people to come legally, and to shut down the border and stop people from coming illegally. But this legislation does not do that.

People say: I want to vote for something. I want to fix it.

Don't vote for this bill. It will not fix it. Not only does it give amnesty to 1.5 million illegals, it would have the American taxpayer pay the legal bills of the 1 million illegal aliens.

What about the H2A farm workers? The sponsors of the AgJOBS bill will have you believe that farmers want the AgJOBS bill. They say: This is for agriculture. It has to be done. If you don't do this, the country is going to collapse. Maybe that is the case in the District of Columbia where the national groups get to write the letters and speak for their farmers and come in and tell us what farmers want, regardless of what the individual farmers have to say. One of those people talked to me about it.

I said: That may be your opinion, Mr. Farm Leader, but if you took a poll of the farmers I know in my home State or the Presiding Officer knows in his home State, I will bet you 80 percent of them would agree with me that this is not a principled way to do business. This is not the right way to do business. We are not here to serve agribusiness. We are here to promote the national interests of the United States, to create an immigration system consistent with our generous values, and a legal system that will work, not to reward those who violate the law but provide the benefits to those who follow the law.

Last year when we debated this bill, I received an open letter from the Southern Farmers Coalition. The letter is signed by a list of organizations and individuals who participate in the H2A program. The letter says: Overwhelmingly, the majority of H2A program users in this country—the list of signatories is expansive, including the North Carolina Growers Association, the MidAtlantic Solution, Georgia Peach Council, Ag Works, the Georgia Fruit and Vegetable Growers Association, the Virginia Agricultural Growers Association, the Vidalia Onion Business Council—I like Vidalia onions—and the Kentucky-Tennessee Growers Association. They all signed this letter. The cover page of the letter, contrary to what some national agricultural experts say, says this:

Farmers in the southern United States are opposed to S. 1645—

the same bill being offered as an amendment today, as part of this bill—introduced by TED KENNEDY and LARRY CRAIG. It is an amnesty for illegal farm workers. It does not reform the H2A program. Please oppose this legislation.

These are the farmers who are supposed to be helped by it. That is what

they say about it: "Please oppose this legislation."

The text of the letter, which asked me to stand up and fight against this legislation, states:

Ag JOBS is nothing more than a veiled amnesty.

I am reading this letter from the farmers themselves.

Ag JOBS is nothing more than a veiled amnesty. While everyone, it seems, agrees that the H2A program desperately needs reform, this legislation does not fix the two most onerous problems with the program—the adverse effect wage rate and the overwhelming litigation brought by legal services groups against the farmers using the H2A program.

That is what the farmers told us. The letter goes on to say:

The Craig-Kennedy-Berman reform package provides a private right of action provision that goes far beyond legitimate worker protections and expands legal services attorneys ability to sue growers in several critical areas. These lawyers, who have harassed program users with meritless lawsuits for years, will continue to attack small farmers under the new statute. Supporters of the Craig-Berman legislation have endorsed this alleged reform, believing, in a misguided fashion, that it will bring stability to the agricultural labor market. It will not. It will create greater instability. As the illegal farm workers earn amnesty, they will abandon their farm jobs for work in other industries. Many of the attached signatories have been actively involved in negotiations surrounding this legislation. The following groups have broken ranks with the American Farm Bureau, the National Council of Agricultural Employers, the Agricultural Coalition for Immigration Reform, and the American Nursery and Landscape Association to oppose the legislation because those groups have decided an amnesty is more important than legitimate H2A reform. You are likely to hear that the majority of agriculture supports this bill. The industry, in fact, is split. History has demonstrated that the amnesty granted under the Immigration Reform and Control Act of 1986 was a dismal failure for agriculture employers. Farm workers abandoned agricultural employment shortly after gaining amnesty and secured jobs in other industries.

Of course, they did. So why should we pass this Judiciary bill, what I guess we can call the Specter-Kennedy package?

Who supports the amendment? I know who supports the amendment. The national lobbying groups are really out of touch with the desires of the American people and the desires of farmers and the desires of those who want to see a good and decent system created.

I don't believe I am out of touch on this issue. I believe I know what average American citizens and farmers want. They want real immigration reform that guarantees the laws we pass will be enforced and that people who do not honor our immigration laws will be punished, not rewarded with worker visas and green cards. So I strongly oppose the Specter-Kennedy bill that came out of committee, and I hope my colleagues will join in that.

Now, earlier, Senator LEAHY said that the 1986 bill Congress passed was amnesty. He said it was amnesty, and he admitted it was. "Blacks Law Dictionary" says that the 1986 bill was amnesty. It is the very definition of amnesty.

By the way, when we passed that bill, it was supposed to fix the immigration problem. As I explained and talked about this morning, that is a very important concept. So the deal in 1986 was that we were going to give amnesty to 1 million people who we thought were here illegally. We now think there are 11 million here illegally. We are going to give amnesty to those, and we are going to create a legal system that encourages people to come legally and we won't have this problem again. Those who were dubious about it said: No, this amnesty would encourage more people to come illegally, but the pro-amnesty crowd won out and they passed the legislation and it became law.

Well, what happened immediately afterward? It wasn't 1 million people who showed up to claim amnesty; it was 3 million—three times as many. I don't know how many will show up this time. Will it be 11 million or 33 million? Probably not 33 million, but I would not be surprised at all, based on our history, if we would have a good many more show up and claim amnesty.

Six years after the bill passed, the Congress, in a very unusual action, voted to form a commission to review the legislation to see if it worked. The commission, a bipartisan professional commission, did a study and said it was a failure. It did not work, did not do what it was supposed to do.

Well, the Citizenship and Immigration Services tried to say that 1986 was not amnesty. But everybody has agreed it was. CIS later explained what the 1986 bill did. I would like to go over it with you because this current bill does the very same things. It is just not disputable. So if we have any understanding of what an amnesty program is, we have the 1986 act to give us a guide. It says:

The legalization program was not amnesty, but a targeted program that balanced the offer of legalization with stringent requirements.

This is how they defended this problem.

Legalization of applicants had to: prove to INS adjudicators that they had resided in the U.S. since January 1, 1982—

I went over with you how this bill said you had to be here since January 2004. If you came after 2004, you could still get in. That is a real stringent standard. You had to prove you resided there before that day—
pay a \$185 fee—

We upped it to \$1,000—
for principal applicants, \$50 for each child, with a \$420 family cap; accept ineligibility

for most public benefits for 5 years after application—

We don't even do that in this bill. It says you could not go on welfare for at least 5 years. We did that in 1986. That is not in this bill today—

and complete an 18-month period of temporary residency. After that, and only after successfully completing an English language and civics requirement within a year-long one-time window—

Which is a very low-grade test for the most part—

and the payment of an \$80 fee per applicant (with a \$240 family cap) they were eligible to apply for permanent residency. In exchange, the applicant would be authorized to work, travel, and after becoming a permanent resident, petition for the immigration of certain family members.

They could bring family members in from out of the country to join them. Then, of course, once you become a permanent resident, it is a matter of 5 years to become a citizen, if you have not been convicted of a felony and you can speak English. I don't want to be demagogic and say this is amnesty, amnesty, amnesty, and vote against the bill. I am saying that everybody agreed that 1986 was amnesty, and it did not work.

Everybody I hear publicly talking about this bill says it is not amnesty. Senator KENNEDY, I think, used the word "lie" after I said it was amnesty this morning. I think I have demonstrated that it is precisely the same scheme that was used in 1986, which we proved didn't work. If that is not amnesty, what is? Senator LEAHY defended the bill and said it is not amnesty. President Bush said he doesn't believe in amnesty. All he believes in is immigration, and he wants us to do better and be as generous as we can possibly be. But he doesn't believe in amnesty.

Scott McClellan, yesterday at the press briefing he does for the President, said that the President believes that a direct path to citizenship is amnesty, and he opposes that.

This bill provides a direct path to citizenship for people who came to this country illegally. That is just the fact. If we want to have people say it is not so, we will keep talking about it every day this week. That is all I am saying. I wish it weren't so. It is not necessary that we do that. We can provide a humane and decent way to give people full opportunities to live and progress in our society without giving the people who come here illegally benefits over those who wait in line and come legally. That is what it is all about.

So I will just say that, in this rush to move a bill through and to prove that we care, we have not thought it through. We spent 5 days in markup in the Judiciary Committee, and about 4 of those days we really spent some time dealing with enforcement and border issues. We talked about them in some depth. We went over the wording

of the statutes with some care. We debated single words. Senator DURBIN, who is here, is a great lawyer. He made some points, being the skilled lawyer he is. We changed words and did all kinds of things.

But when we got to the last day, Monday, they offered an AgJOBS bill, with over 100 pages, in about 15 minutes, and it passed. We still had not seen the draft of it. During the debate in our committee on how to handle the 11 million people in a decent, fair, and just way, to not remove them or make them all leave this country in a permanent way or to abuse them or prosecute them, but how to handle this in a logical, sane way—we spent almost no time on it.

I urged the committee to stay with the enforcement matters like the House did. Let's start hearings immediately and get the best minds in America. Let's find out who these 11 million people are, their desires and wishes; what would be a good and principled way to deal with them; who we should let into our country in the future; what standards should we use; should we have unlimited numbers come in for low-wage jobs and have limits on the high-wage people? Is that logical, what we want to do?

How many more people do we want to allow into our country legally? This bill will allow every year, annually, at least 400,000, and that number can increase every year, forever.

I wish to make one more point, and this is where the American people have to watch this Congress. If we pass this amnesty legislation, if we pass the legislation that makes all these status changes and makes them into law and they become law, that becomes a permanent decision of this U.S. Congress.

But what about the promises that we are going to have enforcement? I offered an amendment in committee that was accepted to add 10,000 detention beds. That probably is not nearly enough, but it would make a big difference. That was accepted. I offered an amendment to increase the number of Border Patrol agents. It probably is not a large enough number, but it would ramp it up faster than the plan was, and that was accepted.

Then it hit me. I have been in the Senate long enough, and I should have been more alert. This is an authorizing committee. The Judiciary Committee is an authorizing committee. We know what happened in 1986. They granted amnesty, they gave everybody amnesty, and they promised in the future they were going to fund an enforcement mechanism, but they didn't do it. It was the bait and switch.

So what did we get? We got an authorization to step up enforcement on our borders, but we didn't get the money to do it. We don't have it yet. Who is to say we won't have a slow-down in the economy next year, and

they will cut the money, we will never get the enforcement, and we will still have large numbers coming into the country illegally. That is a big concern to us.

We need to tie this issue down so that we know and the American people can have confidence that the enforcement mechanisms will work and will be funded. That is why the House took the approach they did.

I again say it is not true that those of us who oppose this bill oppose immigration. It is not true. We actually, at least as far as I am concerned, need to increase the numbers that come here legally. It is not true that we want to prosecute people.

What is true is that it is important for our Nation to create a humane, fair, and just way to deal with the people who are here illegally and to make positive and thoughtful decisions about how we want to handle immigration in the future. I do not believe this bill does that job. It is not something I can support. I hope the Senate will not support it. We will see a number of amendments that can make it better. I hope our Senate colleagues will study the legislation and inform themselves of the great issues at stake so we can fix it.

I yield the floor.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO CASPAR WEINBERGER

Mr. HAGEL. Madam President, yesterday America lost one of the pre-eminent public servants of our time when former Secretary of Defense Caspar Weinberger passed away at the age of 88.

An inventory of Cap Weinberger's service to our country is a tribute to his patriotism. He served in the Army in World War II. He oversaw the State of California's finances for Governor Ronald Reagan. That was during the 1960s. He served under Presidents Nixon and Ford as Chairman of the Federal Trade Commission, Director of the Office of Management and Budget, and as Secretary of the Department of Health, Education, and Welfare. He again served Ronald Reagan as our country's 15th Secretary of Defense, from 1981 to 1987.

Cap Weinberger understood America and he understood the American military. As Secretary of Defense during the tipping point of the Cold War, he led an unprecedented rebuilding of an American military that had been demoralized and devastated by Vietnam.